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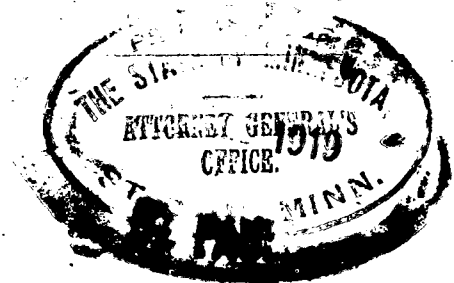
# GENERAL STATUTES

OF THE

# STATE OF MINNESOTA.

PREPARED BY THE COMMISSIONERS APPOINTED TO REVISE  
THE STATUTES OF THE STATE, BY ACT OF THE  
LEGISLATURE, PASSED FEBRUARY 17, 1863.

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1865.

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2 sons residing in this state, and of suitable age and capacity  
 3 to receive instruction, shall be received and instructed in  
 4 said institution, free of charge. 1864—p. 131, Sect. 10. c 71.

1 SECT. 26. Within ten days preceding the meeting of  
 2 each regular session of the legislature, the said board shall  
 3 furnish to the governor a printed report of the action of the  
 4 board, and an estimation of the expenses of the institution  
 5 in all of its departments together with a statement of the  
 6 receipts and disbursements of funds, and during the first  
 7 week of the session of the legislature, at least ten copies of  
 8 said report shall be delivered to each member thereof. The  
 9 said report shall show: C. S. P. 337, Sect. 56. c 23

10 *First.*—The names of the president and directors, secre-  
 11 tary and treasurer, and of the president and teachers em-  
 12 ployed, with the compensation allowed to each.

13 *Second.*—The names, ages and residences of the pupils,  
 14 and the dates of their reception into the institution.

15 *Third.*—The names, ages and residences of deaf mutes  
 16 ascertained to be in the state, who have not attended the  
 17 school.

18 *Fourth.*—The names and residences of all other persons  
 19 in the service of the institution, and their business and com-  
 20 pensation.

21 *Fifth.*—The statement of the accounts of the corporation,  
 22 showing the amounts of money received and dates thereof,  
 23 and its disbursements.

24 *Sixth.*—Such a report from the president of the insti-  
 25 tution, as is usually made from such institutions of other  
 26 states.

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## CHAPTER XXXVI.

### EDUCATION.

#### TITLE I.

##### COMMON SCHOOLS.

1 SECTION 1. Every sub-district now organized, or that  
 2 has been set off as a sub-district, but not organized, in any  
 3 county of this state, and each district hereafter organized  
 4 under the provisions of this title, is hereby declared to be a  
 5 school district and body corporate by the name and style  
 6 of school district number        in the county of       , and  
 7 by such name may contract and be contracted with, sue and 1862—p. 18, Sect. 1. c 1

8 be sued in any of the courts of this state having competent  
9 jurisdiction.

c | 1862—p. 18, Sect. 2.

1 SECT. 2. Every such district shall hold in the corporate  
2 name of the district, the title of all lands and other proper-  
3 ty now held, or which may hereafter be acquired for school  
4 district purposes in such district.

1862—p. 18, Sect. 3.

1 SECT. 3. When the title to lands or other property held  
2 for school purposes is in doubt, or is vested in other parties  
3 than those prescribed in the preceding section, the trustees  
4 of the district in which such property is situated shall pro-  
5 cure the title to such lands or other property to be vested  
6 as provided therein.

1862—p. 18, Sect. 4.

1 SECT. 4. The several districts in each county shall be  
2 numbered by the county auditor in regular order from num-  
3 ber one upwards, and their description and boundaries shall  
4 be clearly given and well defined, a record of which, and of  
5 all the alterations made from time to time, shall be made in  
6 the office of the county auditor.

1862—p. 18, Sect. 5.

1 SECT. 5. The county commissioners of the several coun-  
2 ties of the state may create new school districts, change the  
3 boundaries of districts, or unite two or more districts, when-  
4 ever a petition signed by a majority of the legal voters of  
5 the territory to be affected thereby, is presented to them  
6 requesting such organization or change. But in creating  
7 school districts, the county commissioners shall confine each  
8 district to its own town, as far as practicable, *Provided*,  
9 That any five or more voters residing in the district who  
10 may feel aggrieved by the alteration, change or organization  
11 of their district, may apply to the county commissioners for  
12 a re-hearing at the succeeding session thereafter, by post-  
13 ing a notice of such application in three conspicuous places  
14 in the district, at least ten days before said session, on due  
15 proof of which the commissioners shall then consider the  
16 complaint, and make such order in the premises as justice  
17 requires, *Provided further*, That when the district so to be  
18 formed or altered consists of territory in two or more coun-  
19 ties, the aforesaid petition shall be presented to the com-  
20 missioners of said counties, who shall cause the order for  
21 the formation or alteration of such district, to be filed in  
22 the office of the county auditors of their respective counties,  
23 and said auditors shall deliver a copy of such order to the  
24 clerk of the district. When a tax is voted by such district,  
25 the clerk shall transmit to the county auditor of each of the  
26 counties a statement of the amount so voted. The said au-  
27 ditors shall thereupon transmit each to the other an abstract  
28 of the assessment in that part of the district in their respec-

29 tive counties, and shall levy the amount required in pro-  
 30 portion to the amount of property in that part of the dis-  
 31 trict situated in their respective counties. The money ari-  
 32 sing from such assessment, shall be drawn by the district  
 33 treasurer from the county treasurer of each county in which  
 34 the district is situated. The number of scholars in each  
 35 fraction of the district shall be returned to the auditor of  
 36 that county in which said portion of the district is situated,  
 37 and all moneys apportioned shall be drawn by the dis-  
 38 trict in the same manner as when the district is in one  
 39 county.

1 SECT. 6. School districts shall be created and changed  
 2 by an order in writing, setting forth the bounds thereof, 1862—p. 19, Sect. 6.  
 3 and signed by the county auditor. Such order shall be re- Amended. C /  
 4 corded in the office of the county auditor, and a certified  
 5 copy of such order delivered to the clerks of the several dis-  
 6 tricts affected, upon application to the county auditor.

1 SECT. 7. The officers of each district shall consist of a  
 2 director, treasurer and clerk, who shall be elected on the 1862—p. 20, Sect. 7.  
 3 last Saturday of March in each year, and shall hold their of-  
 4 fices until their successors are elected and qualified; but  
 5 when a new district is formed under the provisions of this  
 6 title, a meeting for organization may be called by a notice  
 7 signed by three freeholders or householders residing within  
 8 the limits thereof, said notices to be posted in five conspic-  
 9 uous places in the district, ten days before such meeting is  
 10 called, and the meeting so called shall have the same powers  
 11 as annual meetings.

1 SECT. 8. All persons elected as district officers under 1862—p. 20, Sect. 8.  
 2 this title, shall within ten days after notice thereof by the  
 3 clerk, file their acceptance of the same in the office of the  
 4 district clerk.

1 SECT. 9. Every person duly elected to and accepting 1862—p. 20, Sect. 9.  
 2 the office of director, treasurer or clerk of any school dis- Amended.  
 3 trict, who shall neglect or refuse to enter upon the duties of  
 4 his office and serve therein faithfully, shall forfeit the sum of  
 5 ten dollars to the use of said district, which may be collect-  
 6 ed by action before any justice of the peace in the county,  
 7 to be prosecuted by the director of the district, or by any  
 8 legal voter therein.

1 SECT. 10. The director, treasurer and clerk of each dis- 1862—p. 20, Sect. 10.  
 2 trict, shall constitute a board of trustees, and in that capac-  
 3 ity have the general charge of the interests of schools and  
 4 school houses in their district; shall lease or purchase in  
 5 the corporate name of the district, a site for a school house,

6 designated by a majority of the legal voters of the district;  
7 shall build, hire or purchase a suitable school house out of  
8 funds provided for that purpose; and when directed by a  
9 majority of qualified voters at any legal meeting of the dis-  
10 trict, may sell or exchange any such site or school house.

c)

1862—p. 20, Sect. 11.

1 SECT. 11. Each member of the board of trustees shall  
2 visit the school at least once in each term and give such ad-  
3 vice to the teachers as may be for the benefit of the school,  
4 and said trustees shall submit to the legal voters of their  
5 district at their annual meeting an estimate of the expenses  
6 of the district for the coming year, including in their esti-  
7 mate a school for at least three months, and all things neces-  
8 sary for such school.

1862—p. 21, Sect. 12.

1 SECT. 12. The board of trustees shall hire for and in the  
2 name of the district, such teachers as have procured a certifi-  
3 cate of qualification; and make a contract with such teacher,  
4 specifying the wages per month and time employed, as agreed  
5 upon by the parties, and file such contract in the office of  
6 the clerk.

1862—p. 21, Sect. 13.

1 SECT. 13. The director shall provide fuel for the schools  
2 of the district, if the district makes no provision for fuel  
3 at their annual meeting; shall furnish all things necessary  
4 for the school house during the time a school shall be kept  
5 therein; appear for and in behalf of his district in all ac-  
6 tions brought by or against his district, whenever no other  
7 direction is given by a lawful meeting of the legal voters  
8 thereof; *provided*, that if the district has a library, the  
9 board of trustees may appoint a librarian, and make all  
10 needful rules for its circulation, preservation and increase.

1862—p. 21, Sect. 14.

1 SECT. 14. The treasurer of each district shall receive  
2 and pay out all moneys apportioned to or belonging to his  
3 district, and keep an accurate account of the common school  
4 fund and of the district fund raised by tax.

1862—p. 21, Sect. 15.

1 SECT. 15. The treasurer of each district shall execute a  
2 bond to the district in double the amount of money, as near  
3 as can be ascertained, which will come into his hands as  
4 treasurer, during the year, with sufficient surety to be ap-  
5 proved by the director and the clerk, conditioned for the  
6 faithful discharge of his duties. Such bond shall be filed  
7 with the clerk of the district, and in case of any breach of  
8 any condition thereof, the director shall cause an action to  
9 be commenced thereon, in the name of the district, and the  
10 money when collected shall be applied to the use of the  
11 district. The treasurer failing to give a bond as provided  
12 herein, or for any other cause being unable to attend to his

13 duty, the director and the clerk of the district shall pro-  
 14 ceed to appoint another treasurer, who shall give bond as  
 15 required herein: *provided*, that in case of any vacancy in  
 16 the board of trustees, the vacant office shall be filled by the  
 17 remaining trustees.

1   SECT. 16. The treasurer shall present at each annual  
 2 meeting, a report in writing signed by him, and containing  
 3 a statement of all moneys received by him during the year 1862-p. 22, Sect. 16. c /  
 4 preceding, and of all his disbursements, exhibiting vouch-  
 5 ers therefor; also the amount of taxes assessed upon the  
 6 taxable property of the district during the year, the pur-  
 7 poses for which they were assessed, the amount assessed  
 8 for each purpose, which report shall be recorded by the  
 9 clerk; and if it appears that there is any balance in the  
 10 hands of the treasurer, he shall immediately pay over such  
 11 amount to his successor in office. The director and clerk  
 12 shall examine said report, and if correct they shall indorse  
 13 the same.

1   SECT. 17. The clerk shall record the proceedings of  
 2 the district meetings and of the board of trustees in a book  
 3 provided for that purpose by the district; he shall enter 1862-p. 22, Sect. 17.  
 4 therein all copies of his reports made to the county auditor  
 5 or state superintendent; keep and preserve all records,  
 6 books and papers belonging to his office, and deliver the  
 7 same to his successor in office; he shall act as the clerk of  
 8 the district in all of its meetings, or if absent, record the  
 9 minutes of the clerk *pro tem.*, and keep an account of all  
 10 expenses of the school and school house, and of outbuild-  
 11 ings, fences, wood, stoves, and all the conveniences of the  
 12 school room, such as maps, charts, black-boards and school  
 13 libraries.

1   SECT. 18. The clerk shall give at least ten days notice  
 2 of each annual or special meeting, by posting up three no- 1862-p. 22, Sect. 18.  
 3 tices thereof in conspicuous places in the district. Every  
 4 notice for a special meeting shall set forth all the objects  
 5 for which such meeting is called. Special meetings may  
 6 be called on the order of the board of trustees, or by the re-  
 7 quest of five or more freeholders or householders of the dis-  
 8 trict; *Provided*, That at any annual meeting the legal  
 9 voters present may act upon any matter properly before  
 10 them, except the raising of money for building or purchas-  
 11 ing a school house, or fixing the site thereof, without its  
 12 being particularly set forth in the notice.

1   SECT. 19. The clerk between the first and fifteenth days  
 2 of October of each year, shall make and transmit to the  
 3 county auditor, a report in writing, showing:

c1  
1862—p. 22, Sect. 19.

4 *First.*—The names of all persons, male and female, re-  
5 spectively, residing in the district on the last day of Sep-  
6 tember preceding the date of his report, between the ages  
7 of five and twenty-one years.

8 *Second.*—The number of those who have attended the  
9 school during the year.

10 *Third.*—The length of time a school has been taught by  
11 a qualified teacher and the wages paid him in the district.

12 *Fourth.*—The amount of money received from the coun-  
13 ty treasurer from the money apportioned by the county au-  
14 ditor.

15 *Fifth.*—The amount received from tax voted to be raised  
16 by the district; the purpose for which it was raised: the  
17 manner in which said sums have been expended; the con-  
18 dition of school house and grounds; the kind of books used  
19 and such other facts as the state superintendent may require,  
20 which report shall be verified by his oath.

1862—p. 23, Sect. 20.

1 SECT. 20. The clerk shall draw orders on the treasurer  
2 of the district for the payment of the teacher, or for any  
3 lawful purpose, and when such orders are attested by the  
4 director, they shall be paid by the treasurer. Such order  
5 shall state the service or consideration for which it is  
6 drawn, and the person rendering such service. The clerk  
7 shall procure from the county auditor and furnish each  
8 teacher a register for his school, which register shall be de-  
9 posited by the teacher with the clerk at the end of each  
10 term, and before any money shall be paid or order drawn  
11 for services as teacher.

1864—p. 23, Sect. 21.

1 SECT. 21. The clerk of the district shall furnish to the  
2 county auditor on or before the 15th of September in each  
3 year an attested copy of his record, stating the amount of  
4 money voted to be raised by the district for school purposes  
5 at any annual or special meeting.

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1864—p. 21, Sect. 1.

1 SECT. 22. And it is hereby made the duty of the county  
2 auditor to file the copy of said record, and levy the  
3 amount specified therein upon the real and personal pro-  
4 perty of the district, and to enter upon his assessment roll  
5 for the year, in a separate column, the tax levied thereon.  
6 *Provided,* That the county auditor, in extending such tax,  
7 shall not be required to use as a rate per cent. any fraction-  
8 al part of a mill other than a half mill. And the county  
9 auditor shall report to the state superintendent, in a tabu-  
10 lar form, an abstract of the reports of the clerks of the sev-  
11 eral districts in his county, and any failure to make due re-  
12 turns shall be deemed a misdemeanor, and he shall forfeit  
13 for every such omission the sum of fifty dollars, to be de-  
14 ducted from his salary by the county commissioners. Said

15 report shall be made between the first and fifteenth of No-  
16 vember, in each year, and stating :

17 *First.*—The number of districts in his county.

18 *Second.*—The districts which have made report to him.

19 *Third.*—The length of time a school has been taught in each  
20 district by an authorized teacher.

21 *Fourth.*—The amount of money received from each  
22 source for the use of schools.

23 *Fifth.*—The amount disbursed to each district and the  
24 amount on hand.

25 *Sixth.*—The number of persons in each district between  
26 the ages of five and twenty-one years, distinguishing be-  
27 tween the males and females, and the number that have at-  
28 tended school during the year.

29 *Seventh.*—The amount of money raised in the district  
30 and paid for teachers' wages in addition to the public money  
31 paid therefor ; the amount of money raised for purchasing  
32 school sites, for building, hiring, purchasing, repairing, in-  
33 suring and ornamenting school houses and grounds, since  
34 the date of his last report.

35 *Eighth.*—The number of private schools, high schools,  
36 colleges and universities in his county, their condition and  
37 resources, and the number of teachers and pupils therein.  
38 He shall also receive from the state superintendent and  
39 forward to the several clerks of school districts such blanks,  
40 reports and circulars as are forwarded to him for that pur-  
41 pose.

1 SECT. 23. Any failure on the part of a clerk of a school  
2 district to make report to the county auditor, as provided 1862—p. 24, Sect. 23.  
3 herein, shall be punishable by a fine not to exceed fifty dol-  
4 lars, for the use of the district. c /

1 SECT. 24. The county auditor on the last Wednesday  
2 of March and on the last Wednesday of October of each  
3 year, shall make apportionment of the money in the county 1862—p. 24, Sect. 24.  
4 treasury for the support of schools, among the several  
5 school districts in the county, which apportionment shall be  
6 in proportion to the number of persons in the district be-  
7 tween the ages of five and twenty-one years, as shown by  
8 the reports of the several districts, and he shall transmit to  
9 the clerk of each district a copy of the apportionment of said  
10 district.

1 SECT. 25. The county treasurer shall pay over upon the  
2 order of the county auditor to the treasurer of any school  
3 district any money in his hands belonging to such school  
4 district, by any apportionment, or by collection of any de- 1862—p. 25, Sect. 25.  
5 linquent taxes, or other money belonging to said district, Amended.  
6 but the county treasurer shall pay no school moneys to any



7 district treasurer until such district treasurer has filed in  
8 the office of the county auditor notice from the clerk of his  
9 district, countersigned by the director thereof, that such  
10 district treasurer has filed in the office of the district clerk  
11 his official oath and bond, as provided in section fifteen  
12 aforesaid.

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1863—p. 26, Sect. 26;  
1864—p. 24, Sect. 1;  
1865—p. 47, Sect. 1,  
combined &  
amended.

1 SECT. 26. The legal voters when lawfully assembled,  
2 not less than five being present, shall have power, by a ma-  
3 jority of the votes of those present—

4 *First.*—To appoint a moderator.

5 *Second.*—To adjourn from time to time.

6 *Third.*—To elect a director, clerk and treasurer, and  
7 when necessary, to choose a clerk *pro tem.* in the absence  
8 of the clerk of the district.

9 *Fourth.*—To designate a site for a school house.

10 *Fifth.*—To vote an amount of money to be raised by a  
11 tax on the taxable property of the district, sufficient with  
12 the apportionment of the common school fund, to support  
13 a school the length of time voted by the district; to pur-  
14 chase or lease a site for a school house and to build, hire or  
15 purchase such school house when the same is necessary; to  
16 keep in repair and provide the same with the necessary fur-  
17 niture and appendages; to procure fuel, and to purchase or  
18 increase a library and school apparatus. But no school dis-  
19 trict shall in any one year levy a tax exceeding eight mills  
20 on the dollar, for the purpose of building a school house, or  
21 leasing or procuring a site for a school house; *Provided,*  
22 That any district, in which the above rate will not produce  
23 the sum of six hundred dollars, may raise by tax a sum not  
24 exceeding six hundred dollars.

25 *Sixth.*—To repeal or modify their proceedings from time  
26 to time. But the board of trustees have power to levy a  
27 tax sufficient to support a school three months in the year  
28 without a vote of the district, and the legal voters may vote  
29 to have a school any length of time more than three months.

30 *Provided,* The legal voters of any school district containing  
31 less than ten voters, when lawfully assembled, not less than  
32 three being present, have power, by a majority of the votes  
33 of those present, to do, and perform all the acts mentioned  
34 in the several sub-divisions of this section, except that such  
35 meeting shall not vote a tax to exceed in amount, more  
36 than one hundred dollars in any one year.

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1862—p. 26, Sect. 27.

1 SECT. 27. All taxes raised by virtue of this title, shall  
2 be levied and collected in like manner, and by the same per-  
3 sons, as county taxes are levied and collected.

1 SECT. 28. The county commissioners shall at their an-  
2 nual meeting in September, of each year, or at any other

3 time in case of a vacancy, appoint one man in each of the  
 4 commissioner districts of the county, whose duty it shall be <sup>1861-p. 22, Sect. 26</sup> c 2  
 5 to visit the schools in his commissioner district, and to ex-  
 6 amine persons applying to them for a certificate and license  
 7 to teach in the schools of the commissioner district: *Pro-*  
 8 *vided*, That the county commissioners in any county may  
 9 appoint one person for the said county whose duty it shall  
 10 be to examine the teachers and to visit the schools in the  
 11 county.

1 SECT. 29. Each examiner named in the preceding sec-  
 2 tion shall attend at his office, or at his residence on the two  
 3 last Saturdays of April and October in each year, for the  
 4 purpose of examination of teachers. To such persons who <sup>1861-p. 22, Sect. 3.</sup> c 2  
 5 appear upon examination to be well qualified to teach read-  
 6 ing, writing, English grammar, including orthography,  
 7 arithmetic, geography and history, and can give satisfactory  
 8 evidence of good moral character, such examiner shall grant  
 9 his certificate and license to teach. Such certificate shall  
 10 be granted according to the forms and rules furnished by  
 11 the superintendent of public instruction to such examiner.  
 12 Said examiner shall visit each of the schools in his district  
 13 at least once in each term, and report to the county audi-  
 14 tor the number of schools taught in his district during the  
 15 year, the number of teachers employed, the number of  
 16 teachers examined by him, and the number teaching with-  
 17 out any certificate or license, and such other information as  
 18 may show the condition of the schools in his commissioner  
 19 district or county, and an abstract of such report shall be  
 20 sent by the county auditor to the state superintendent.

1 SECT. 30. Such examiner may cite to re-examination  
 2 any person holding a license, and under contract to teach  
 3 any common school in his commissioner district, and being <sup>1862-p. 27, Sect. 30.</sup> c /  
 4 satisfied upon such re-examination or otherwise, that such  
 5 person is not of good moral character, or has not sufficient  
 6 learning or ability to teach a common school, he may re-  
 7 voke such license, and from the time the notice of such re-  
 8 vocation is filed in the office of the district clerk, the teach-  
 9 er's contract shall become void, and his wages cease; but  
 10 the wages of the teacher for the time he has actually taught,  
 11 and at the contract price shall be paid as agreed.

1 SECT. 31. The county examiner shall be paid out of the  
 2 county treasury at the rate of two dollars per day for each  
 3 day actually employed in performing the duties required in <sup>1864-p. 23, Sect. 31.</sup> c 2  
 4 section twenty-nine of this title. But in counties where the  
 5 county commissioners appoint one examiner, they may fix  
 6 his compensation by resolution of the board. *Provided*;  
 7 That all persons asking a certificate and license to teach

8 may be examined at any time upon payment of fifty  
9 cents.

c/ 1862—p. 27, Sect. 32.

1 SECT. 32. No person shall be admitted to teach in any  
2 of the schools of this state supported in whole or in part by  
3 public funds, until he has passed an examination before the dis-  
4 trict examiner and received a certificate of good moral char-  
5 acter and sufficient ability to teach such branches as may be  
6 taught in common schools.

c/ 1864—p. 25, Sect. 1.  
Amended.

1 SECT. 33. Every teacher shall procure a register for his  
2 school from the clerk of the district, keep a daily record of  
3 attendance and of such other matters as may be required in  
4 such register, and receive all persons sent to him between  
5 the ages of five and twenty-one years; but older persons  
6 may attend school under any arrangement with the board of  
7 trustees; *Provided*, That the board of trustees shall have  
8 sole power to determine who shall attend school from other  
9 districts, and the terms on which they may attend; and no  
10 person shall have any right to attend school out of his dis-  
11 trict, unless in accordance with an arrangement with the  
12 board of trustees of the district where he proposes to attend  
13 school, who may at their discretion admit scholars from an  
14 adjoining district; *Provided further*, That the board of  
15 trustees may expel any scholar from school for insubordina-  
16 tion, immorality or infectious disease. But if any child of  
17 suitable age is denied admission, or any scholar expelled  
18 without sufficient cause, or on account of color, social posi-  
19 tion, or nationality, the board of trustees by whose direction  
20 the offense was committed, shall forfeit and pay a fine of fifty  
21 dollars for each offense.

c/ 1862—p. 27, Sect. 34.

1 SECT. 34. Any teacher who has complied with the pro-  
2 visions of this title, shall be paid out of the first moneys in  
3 the treasury, and no subsequent claim shall supercede his;  
4 and no money in any district treasury shall be applied to  
5 any purpose whatever, other than the payment of teachers,  
6 so long as there is any such claim against it.

1862—p. 27, Sect. 35.

1 SECT. 35. For the purpose of maintaining common  
2 schools, the commissioners of each county shall levy an an-  
3 nual tax of one-fifth of one per cent. on the amount of the  
4 assessment made by the assessor for the same year, which  
5 tax so levied shall be extended upon the assessment rolls of  
6 the year, by the county auditor, in a separate column, and  
7 this shall be collected in the same manner and by the same  
8 person as other county taxes are collected, except that the  
9 school tax shall be collected in gold or silver, or United  
10 States treasury notes, and the money so collected shall be  
11 paid into the county treasury for the support of common

12 schools, to be apportioned as provided in this title. As a  
 13 further provision for the support of schools, there shall be  
 14 set apart by the county treasurer of each county, the pro-  
 15 ceeds of all fines for the breach of any penal law in this state  
 16 not otherwise appropriated by law. And the county audi-  
 17 tor shall open an account with each district in his county,  
 18 and keep an accurate account of all moneys received by or  
 19 due to each of said districts, and all such matters as are  
 20 necessary to show the condition of accounts between each of  
 21 said districts and the county treasury; and for this purpose  
 22 he shall examine any or all of the books in the office of the  
 23 county treasury.

1 SECT. 36. All lands now held or which may be acquired  
 2 by school districts for common school purposes, shall be 1862—p. 23, Sect. 36. c /  
 3 exempt from all taxes and assessments while held according  
 4 to the provisions of this title.

1 SECT. 37. Nothing herein in changing the title, condi-  
 2 tion or relation of existing school district property shall af- 1862—p. 23, Sect. 37.  
 3 fect or prejudice any right of such district to enforce by  
 4 law against the proper parties thereto, any contract, right,  
 5 obligation or cause of action now existing, or prejudice any  
 6 right of any party who holds any contract, obligation, right,  
 7 or cause of action, or lien upon any such district or the  
 8 property thereof: *provided*, that if any differences of opin-  
 9 ion arise among the officers of the district, towns or coun-  
 10 ties, who are empowered to carry out the provisions of this  
 11 title relative to the legal construction of the same, the at-  
 12 torney general, on the written application of the county  
 13 auditor, submitting such questions of doubt or difference,  
 14 shall give his legal opinion in writing to such auditor, on  
 15 the points thus submitted; and his opinion thus given,  
 16 shall be binding until annulled by the judgment or decree  
 17 of a court of competent jurisdiction.

1 SECT. 38. The superintendent of public instruction shall,  
 2 from time to time, as he deems expedient, cause to be pub- 1863—p. 45, Sect. 1. c /  
 3 lished, the decisions of the attorney general upon the Amended.  
 4 school laws, and the rules and regulations of his depart-  
 5 ment, and distribute the same.

1 SECT. 39. Each of the incorporated towns and cities in  
 2 this state, having by their several charters a common school 1862—p. 29, Sect. 38. c /  
 3 system, which shall, by some proper officer thereof, make  
 4 to the auditor of their proper county, a report of the nu-  
 5 meration of scholars and other matter by this title made  
 6 necessary to be reported, the same as is required of school  
 7 districts, shall be entitled to an apportionment of public  
 8 moneys, to be apportioned and drawn substantially as pro-

9 vided herein, or as provided by their special acts of incor-  
 10 poration; *Provided*, That the special school systems of  
 11 S. Paul, Winona, Minneapolis and such other cities or  
 12 towns as have their educational interests provided for by a  
 13 special act, shall not be effected by the provisions of this  
 14 title, except as herein specially provided.

c/ 1862—p. 23, Sect. 33  
 Amended.

1 SECT. 40. The secretary of state shall be *ex officio* su-  
 2 perintendent of public instruction, and shall perform all the  
 3 duties of said office without any compensation whatever  
 4 therefor.

1862—p. 20, Sect. 40.

1 SECT. 41. The state superintendent shall prepare and  
 2 submit to the legislature, in each year, a report containing:  
 3 *First*.—An abstract for the common school reports re-  
 4 ceived by him from the several county auditors, showing  
 5 the number of organized school districts in the state, the  
 6 number of schools taught, the enumeration of persons be-  
 7 tween the ages of five and twenty-one years, distinguishing  
 8 between male and female, and the whole number taught in  
 9 the district schools.

10 *Second*.—A statement of the condition of common schools  
 11 and of all other institutions of learning in the state that may  
 12 report to him.

13 *Third*.—The amount of school moneys collected and ex-  
 14 pended each year from all sources, specifying the amounts  
 15 from each source respectively.

16 *Fourth*.—All matters relating to his office, the common  
 17 schools of the state, and the school fund, the number and  
 18 character of teachers, and whatsoever he may deem it expe-  
 19 dient to communicate.

1862—p. 30, Sect. 41.

1 SECT. 42. He shall prepare his report by the fifth day  
 2 of December in each year, and prepare and forward to each  
 3 county auditor all blanks necessary for carrying into effect  
 4 the provisions of this law.

1862—p. 30, Sect. 42.

1 SECT. 43. He shall prepare and distribute proper school  
 2 registers for teachers, and forms necessary for the returns  
 3 of county auditors and district clerks, which he is authoriz-  
 4 ed to procure from the state printer.

1862—p. 23, Sect. 5.

1 SECT. 44. The state superintendent shall make an ap-  
 2 portionment of the available current school funds in the  
 3 state treasury, among the several counties of this state,  
 4 on the first Monday of February and the first Monday  
 5 of August in each year, in proportion to the number  
 6 of scholars between the ages of five and twenty-one years  
 7 residing therein on the first day of October, previous,  
 8 and transmit a statement thereof to the county auditor of  
 9 each county.

## TITLE II.

## COUNTY SUPERINTENDENTS.

1 SECT. 45. Such counties as elect so to do, through their  
 2 county commissioners, may at any regular or special meet- <sup>1864-p. 17, Sect. 1.</sup> c /  
 3 ing of said commissioners, adopt and act in accordance with  
 4 the following provisions in lieu of section twenty-eight  
 5 aforesaid.

1 SECT. 46. The county commissioners of such counties  
 2 as thus elect, shall, at their annual meeting in September, <sup>1864-p. 18, Sect. 2.</sup>  
 3 or at any other time in case of vacancy, appoint a fitting  
 4 person of high moral character and literary and scientific at-  
 5 tainments, county superintendent of schools. Said officer  
 6 shall enter upon the duties of his office on the first day of  
 7 January succeeding his appointment, and hold the same for  
 8 one year, and until his successor is elected and qualified ;  
 9 *Provided*, That at any regular or special meeting of the county  
 10 commissioners, at which it is decided to adopt this provi-  
 11 sion, a county superintendent of schools shall be appointed  
 12 as above specified, who shall enter immediately upon the  
 13 discharge of the duties of his office and continue therein un-  
 14 til his successor is appointed and qualified as above pre-  
 15 scribed. Said officer, before entering upon the discharge of  
 16 his duties as aforesaid, shall take and subscribe the custo-  
 17 mary oath of office, and deposit the same with the county  
 18 auditor.

1 SECT. 47. The county auditors of such counties as con-  
 2 form to the above provisions, shall immediately transmit an  
 3 attested copy of the resolutions of the board adopting the  
 4 same, to the state superintendent, together with name of <sup>1864-p. 18, Sect. 3.</sup>  
 5 the officer appointed in pursuance thereof.

1 SECT. 48 Such county superintendent so appointed, may  
 2 be removed from office by the board of county commission- <sup>1864-p. 18, Sect. 4.</sup>  
 3 ers upon satisfactory proof of incompetency or wilful neg-  
 4 lect of duty ; *provided*, that no such removal shall be valid,  
 5 unless the person so removed has had at least thirty days'  
 6 notice of the charges brought against him, and opportunity  
 7 to be heard in his own defense.

1 SECT. 49. The county superintendent of schools shall  
 2 examine and license teachers, and annul certificates on <sup>1864-p. 18, Sect. 5.</sup>  
 3 proper cause shown ; visit and inspect the schools of his  
 4 county at least once in each term, and give such advice to  
 5 the teacher as may be requisite and necessary ; he shall orga-  
 6 nize and conduct at least one institute for the instruction of  
 7 teachers in each year, if he deems the same necessary ; en-

8 courage teachers' associations; introduce to the notice of  
 9 teachers and the people, the best modes of instruction, the  
 10 most improved plans of building and ventilating school  
 11 houses, and ornamenting and adapting school grounds for  
 12 the cultivation of the taste and the healthful exercise of the  
 13 children; stimulate school officers to the prompt and prop-  
 14 er discharge of their duty; receive the reports of the sever-  
 15 al district clerks, and transmit an abstract of the same to  
 16 the state superintendent, adding thereto a report of the  
 17 condition and prospects of the schools under his charge, to-  
 18 gether with such other information and suggestions as he  
 19 deems it expedient to communicate.

c/ 1864—p. 19, Sect. 6.  
 1 SECT. 50. The county superintendent of schools shall  
 2 hold, in and for each commissioner district in his county, at  
 3 least two meetings in each year, for the examination and  
 4 licensing of teachers, of which meetings at least thirty days  
 5 written notice shall be given to each school district clerk in  
 6 the commissioner district for which the meeting is to be  
 7 held, and by him posted in some conspicuous place in his  
 8 district. Such notice shall contain the names of the towns  
 9 embraced in the commissioner district, and the time, place  
 10 and objects of the proposed meeting. The examinations of  
 11 teachers thus held shall be public, and be conducted by  
 12 written and oral questions and answers. They shall be uni-  
 13 form for the county in which they are held, and no certifi-  
 14 cate of qualification shall be given except in accordance with  
 15 the provisions of law respecting teachers' certificates. *Pro-*  
 16 *vided,* That any teacher may be examined by the county  
 17 superintendent at his office, at any time other than as above  
 18 specified, on proper proof offered that such teacher was un-  
 19 able to be present at the public examinations above pro-  
 20 vided for, and on payment of the sum of fifty cents for such  
 21 service.

1864—p. 19, Sect. 7.  
 1 SECT. 51. The county superintendent shall examine any  
 2 person proposing to teach a common school in the county,  
 3 in orthography, reading in English, penmanship, arithmetic,  
 4 English grammar, modern geography, and the history of  
 5 the United States; and if he is satisfied that such per-  
 6 son is of good moral character, and qualified to teach  
 7 all of the aforesaid branches, he shall give such per-  
 8 son a certificate, the grade of which shall be determin-  
 9 ed by the relative merit of the examination sustained.  
 10 County superintendents are authorized to issue three grades  
 11 of teachers' certificates, viz; first grade, valid in the  
 12 county for two years. Second grade, valid in the county for  
 13 one year. Third grade, valid in a given district only, for  
 14 six months. The county superintendent may renew such  
 15 certificate at its expiration by endorsement thereon, and he

16 may revoke the same for gross immorality, incompetency  
 17 or other adequate cause. Each county superintendent shall  
 18 also keep a careful record, in a book provided for the pur-  
 19 pose, of all the candidates to whom he issues certificates,  
 20 noting the date of examination, the name, sex and age of  
 21 each candidate, and the grade of the certificate granted, a  
 22 transcript of which record shall be included in the annual  
 23 report to the state superintendent.

1 SECT. 52. In such counties as elect to adopt the county  
 2 superintendency as above prescribed, that part of section 1862—p. 20, Sect. 8. c /  
 3 twenty-two aforesaid, which relates to the reports of county  
 4 auditors to the state superintendent, shall apply to the county  
 5 superintendent, which latter officer shall make the reports  
 6 therein prescribed; and the county auditor shall deliver to  
 7 the county superintendent, for this purpose, the reports of  
 8 district clerks made to him, and such other information as  
 9 shall aid him in the discharge of this duty. The county su-  
 10 perintendent shall also receive from the state superintend-  
 11 ent and forward to the several clerks of districts, such  
 12 blanks, reports and circulars, as shall be forwarded to him  
 13 for that purpose, and shall be guided generally in the dis-  
 14 charge of his duty by the rules laid down by the state su-  
 15 perintendent.

1 SECT. 53. The compensation of the county superintend-  
 2 ent of schools shall be fixed by the county board of commis- 1862—p. 20, Sect. 9.  
 3 sioners, and paid in the same manner as the salaries of other  
 4 county officers are paid.

### TITLE III.

#### INDEPENDENT SCHOOL DISTRICTS.

1 SECT. 54. Any city, town, village, township, school  
 2 district, or sub-school district, now or hereafter organized, 1865—p. 37, Sect. 1. c / 13  
 3 may be organized into and established as an independent  
 4 school district, in the manner and with the powers herein-  
 5 after specified: *provided*, that this title shall not apply to  
 6 any township, school district, or sub-school district, con-  
 7 taining less than five hundred inhabitants, unless said school  
 8 district consists in whole or in part of an incorporated city,  
 9 town or village: *provided further*, that the provisions of  
 10 this title shall not apply to any city, town or village, or  
 11 any part thereof, which is now governed as to schools by  
 12 any special law.

1 SECT. 55. In order to such organization, written notices



c 13  
1865—p. 33, Sect. 2.

2 shall be posted up in three of the most public places in the  
3 contemplated district, signed by at least six resident free-  
4 holders of the same, requesting the qualified electors in said  
5 district to assemble upon a day, and at some suitable place  
6 in said district, to be named in said notices, then and there  
7 to vote, by ballot, for or against the adoption of this title,  
8 which notices shall be so posted up at least ten days next  
9 prior to said meeting.

1865—p. 33, Sect. 3.

1 SECT. 56. The electors assembled at said time and place  
2 shall proceed to appoint a chairman, assistant chairman and  
3 clerk, who shall be judges of said election. The electors in  
4 favor of the adoption of this title for said district, shall write  
5 upon their ballots "school law," and those opposed thereto  
6 "no school law," the adoption or rejection of this title to be  
7 determined by a majority of votes to be cast in manner afore-  
8 said.

1865—p. 33, Sect. 4.

1 SECT. 57. In case a majority of votes are cast for said  
2 law, the electors of said district shall assemble at the place  
3 last aforesaid, within twenty days thereafter, of which at  
4 least ten days previous notice shall be given by said chair-  
5 man and clerk, in the manner aforesaid, and shall then and  
6 there choose, by ballot, six directors, of the public schools  
7 of said district, two of whom shall serve for one year, two  
8 for two years, and two for three years, the time that each  
9 shall serve to be designated on the ballots, and annually  
10 thereafter, on the last Saturday of March, there shall be cho-  
11 sen, in the same manner, two directors, each of whom shall  
12 serve for three years, and until their successors are elected  
13 and qualified. The persons so elected shall, within five  
14 days after their election, file in the office of the clerk of said  
15 district, their several oaths as required by law.

1865—p. 33, Sect. 5.

1 SECT. 58. Said directors and their successors in office  
2 shall be a body corporate, by the name of "the board of ed-  
3 ucation of \_\_\_\_\_," (the name of the city, town, village or  
4 township,) and as such and by such name shall have per-  
5 petual succession, and shall receive all moneys and other  
6 property belonging or accruing to said district, or to said  
7 city, town, village or township, or any part of the same for  
8 the use or benefit of the public schools therein, and succeed  
9 to all the rights and be subject to liabilities of the same; and  
10 the said board shall be capable of contracting and being con-  
11 tracted with, suing and being sued, and shall also be capa-  
12 ble of receiving any gift, grant, bequest or devise made for  
13 the use of the public schools in said city, town, village,  
14 township or district, and all moneys accruing to said city,  
15 town, village, township or district, under any law of this  
16 state for the use of the public schools therein, shall be paid  
17 over to the treasurer of said board of education.

1 SECT. 59. Said board shall, within ten days after their  
 2 election as aforesaid, and annually thereafter on the first  
 3 Monday in April, meet and organize by choosing from their <sup>1865-p. 39, Sect. 6.</sup>  
 4 number a president, clerk and treasurer, who shall hold  
 5 their offices, as such, for one year, and until their success-  
 6 ors are elected and qualified. The board of education may  
 7 also elect, by ballot, a school superintendent, who shall  
 8 hold his office during the pleasure of the board; who shall  
 9 receive such compensation as may be fixed by the board.  
 10 The superintendent shall be, ex-officio, member of the board  
 11 of education, but not entitled to a vote therein. The board  
 12 may, for satisfactory reasons, remove any member or offi-  
 13 cer of the board, and fill the vacancy. *Provided*, That no  
 14 member shall be removed except by a concurrent vote of at  
 15 least four members of the board, and at a meeting of which  
 16 he was duly notified.

2 / 3

1 SECT. 60. No member of said board shall receive any  
 2 compensation for his services, except the clerk and treas- <sup>1865-p. 40, Sect. 7.</sup>  
 3 urer, whose compensation shall be fixed by the board.

1 SECT. 61. Four members of said board constitute a <sup>1865-p. 40, Sect. 8.</sup>  
 2 quorum for the transaction of business, at any regular or  
 3 special meeting.

1 SECT. 62. In case of vacancy, the board of education  
 2 have power to fill the same appointment, until the next an- <sup>1865-p. 40, Sect. 9.</sup>  
 3 nual district election, when the electors of said district  
 4 may choose a suitable person to fill the remainder of such  
 5 term. *Provided*, The clerk of said board shall give notice  
 6 of such vacancy, as required in other cases.

1 SECT. 63. The superintendent shall visit the schools of  
 2 the district and report their condition to the board, as often <sup>1865-p. 40, Sect. 10.</sup>  
 3 as the board prescribe; he shall superintend the grading of  
 4 the schools and examinations for promotion, and shall per-  
 5 form such other duties as the board prescribe.

1 SECT. 64. The president and clerk shall file in the office  
 2 of the clerk of the district, their written acceptance of office  
 3 as such. The president shall preside at all meetings of the <sup>1865-p. 40, Sect. 11.</sup>  
 4 board and district, (except, that a president *pro tempore*  
 5 may be chosen in his absence), shall sign all orders drawn  
 6 upon the treasurer for moneys voted to be paid by said  
 7 board, and perform such other duties as the board prescribe.

1 SECT. 65. The clerk shall act as clerk of the district as  
 2 well as of the board, (except that in his absence a clerk <sup>1865-p. 40, Sect. 12.</sup>  
 3 *pro tempore* may be chosen), shall keep a record of the proceed-  
 4 ings of all district meetings as well as of the meetings of the

5 board, and of all reports made by him to the county audi-  
6 tor, and shall keep an account of the expenses of said dis-  
7 trict, and a correct and full list of the property of said dis-  
8 trict; shall furnish to the county auditor on or before the  
9 first day of September in each year, an attested copy of his  
10 record, stating the amount of money voted to be raised by  
11 the district for school purposes at any annual or special  
12 meeting, or by the board of education; he shall give due  
13 notice of all meetings of the district, shall, upon the order  
14 of the board, draw and sign orders upon the treasurer of the  
15 district for the payment of money, stating in every such  
16 order the consideration for which it was drawn, and the  
17 name of the person rendering such consideration, and the  
18 particular fund upon which it is drawn, and shall take a re-  
19 ceipt for every such order from the person to whom the  
20 same is delivered, and preserve the same; he shall keep all  
21 records, books and papers belonging to his office, and de-  
22 liver the same to his successor. He shall, between the first  
23 and fifteenth days of October, in each year, make and trans-  
24 mit to the county auditor, a report in writing, showing:

25 *First.*—The names of all persons, male and female, re-  
26 spectively residing in the district on the first day of Sep-  
27 tember preceding the date of his report, between the ages  
28 five and twenty-one years.

29 *Second.*—The number of those who have attended the  
30 schools during the year.

31 *Third.*—The length of time schools have been taught by  
32 qualified teachers, and the wages paid them by the district.

33 *Fourth.*—The amount of money received from the coun-  
34 ty treasurer from the money apportioned by the county  
35 auditor.

36 *Fifth.*—The amount of money received from taxes voted  
37 to be raised by the district: the purposes for which they  
38 were raised; the manner in which said amount has been ex-  
39 pended; the condition of school houses and grounds; the  
40 kind of books used, and such other facts as the state super-  
41 intendent may require; which report shall be verified by  
42 oath before some competent person. Any failure on the  
43 part of said clerk to make report to the county auditor as  
44 provided herein, is a misdemeanor, punishable by a fine  
45 not exceeding five hundred dollars, for the use of the  
46 district. Said clerk shall furnish to each teacher, before  
47 the commencement of any school, and as often thereafter as  
48 may be deemed necessary a school register. Said clerk  
49 shall perform such other duties as are designated by said  
50 board.

c 13

1865—p. 42, Sect. 13.

1 SECT. 66. The records of said board, signed by the  
2 president, or a transcript thereof, or any part thereof and all  
3 papers belonging to the office, or a transcript thereof, cer-

4 tified by the clerk, shall be *prima facie* evidence of the  
5 facts therein stated, and all records, books and papers be-  
6 longing to said board, shall be subject to the inspection of  
7 any legal voter of said district.

1 SECT. 67. The treasurer, before entering upon the du-  
2 ties of his office, shall execute a bond to the board of edu-  
3 cation in double the amount of money, as near as can be  
4 ascertained, which will come into his hands, as treasurer,  
5 during the year, with not less than two sureties, to be ap-  
6 proved by said board, and conditioned for the faithful dis-  
7 charge of his duties as treasurer. Such bond shall be filed <sup>1865 p. 42, Sect. 1</sup> 4  
8 with the clerk of the board, and in case of any breach of the  
9 condition thereof, the board shall cause an action to be com-  
10 menced thereon in the name of the board of education, and  
11 the money recovered shall be applied to the use of the dis-  
12 trict. Said board may require said treasurer to give addi-  
13 tional security from time to time. Said treasurer shall re-  
14 ceive, and upon the order of the board, signed by the clerk  
15 and president, pay out all moneys belonging to the district,  
16 paying each order only out of the particular fund upon  
17 which it is drawn, and shall keep an accurate, detailed and  
18 separate account of each fund coming into his hands, in a  
19 book or books provided for that purpose. Said treasurer  
20 shall, within the three days preceding the last Saturday in  
21 March in each year, file with the clerk of the board, a re-  
22 port in writing, signed by him, and containing a statement  
23 of all the moneys received by him, during the year preced-  
24 ing, and of all his disbursements. Said report shall be ex-  
25 amined by the board (before which the treasurer shall ex-  
26 hibit his vouchers) before the annual meeting of the district,  
27 and be approved or disapproved by resolution entered upon  
28 the records of said board. Said treasurer shall make such  
29 reports of the business of his office as may be called for by  
30 the board at any time. He shall keep all records, books  
31 and papers belonging to his office, and deliver the same to  
32 his successor in office, on demand. He shall pay over to  
33 his successor in office, upon demand, after such successor  
34 has given bonds as hereinbefore required, all money in his  
35 hands belonging to said district, and perform such other  
36 duties as may be ordered by the board.

1 SECT. 68. Said board may hold stated meetings at such  
2 times and places in said district as they may appoint. <sup>1865—p. 43, Sect. 15.</sup>  
3 Special meetings thereof may be called by the president, or  
4 by any two members, on giving one day's notice of the  
5 time and place of the same, and said board, by resolution,  
6 shall direct the payment of all moneys that shall come into  
7 the hands of the treasurer, and no money shall be paid out  
8 of the treasury except in pursuance of such resolution, and

9 on the written order of the clerk, countersigned by the  
10 president.

c13  
1865—p. 48, Sect. 16.

1 SECT. 69. Whenever said board deems it necessary to  
2 purchase or erect a school house, or school houses for said  
3 district, or to purchase sites for the same, they shall call a  
4 meeting of the legal voters of the district, by giving ten  
5 days' notice of the time and place, and object of said meet-  
6 ing, in some newspaper printed, and in general circulation  
7 in said district, if any, and if there is no such newspaper,  
8 then by posting up written or printed notices thereof in five  
9 or more of the most public places in said district, and said  
10 meeting may determine by a majority vote upon the erec-  
11 tion of a school house or school houses, and the purchase of  
12 a site or sites therefor, and the amount of money to be  
13 raised for the purposes aforesaid, and the time or times  
14 when the same shall be paid, which moneys so voted, shall  
15 be thereupon certified by the board of education by its  
16 chairman and secretary, to the auditor of the county, and  
17 shall be assessed in said district, collected and paid over to  
18 the treasurer of said district: *provided*, that no tax shall  
19 be levied in any one year, exceeding eight mills on the dol-  
20 lar, for the purpose of building a school house or school  
21 houses, or procuring sites therefor.

1865—p. 43, Sect. 17.

1 SECT. 70. The board of education shall have power,  
2 and it shall be their duty—  
3 *First.*—To establish and organize such grades of schools,  
4 alter and discontinue the same, in said district, as they  
5 deem expedient.  
6 *Second.*—To provide necessary rooms or buildings for  
7 school houses, and grounds about the same.  
8 *Third.*—When authorized by a vote of the district, to  
9 purchase or erect one or more school houses, and purchase  
10 sites for the same.  
11 *Fourth.*—To purchase, sell and exchange school appa-  
12 ratus furniture, stoves and other appendages for school  
13 houses, and to furnish fuel for the same.  
14 *Fifth.*—To take care of the property of the district, and  
15 procure insurance, and make ordinary repairs upon the  
16 same, or any part thereof, when deemed expedient.  
17 *Sixth.*—To contract with, employ and pay teachers, who  
18 have received certificates as provided herein, and to dis-  
19 charge the same.  
20 *Seventh.*—To defray the necessary expenses of the board,  
21 pay the compensation of the clerk, treasurer and superin-  
22 tendent, and for such printing, record books, stationery  
23 and other incidental matters as may be deemed proper.  
24 *Eighth.*—To superintend and manage in all respects the  
25 schools of said district, and from time to time to adopt,

26 alter, modify and repeal rules for their organization, gov-  
 27 ernment and instruction, for the keeping of registers, for  
 28 the reception of pupils, resident and non-resident within  
 29 the district, their suspension, expulsion and transfer from one  
 30 school to another, to prescribe text books, and a course of  
 31 study for the schools, and to visit each of the schools in  
 32 said district not less than once in every three months.

33 *Ninth.*—To make rules and regulations respecting the  
 34 protection, care and safe keeping of the property of the  
 35 district, and prescribe penalties for the breach thereof, to  
 36 be recovered as penalties in other cases, before a justice of  
 37 peace, and to change and repeal the same.

38 *Tenth.*—To make, change and repeal rules relating to  
 39 the organization, government and business of said board,  
 40 and the duties of its officers.

41 *Eleventh.*—To provide for the prompt payment, at ma-  
 42 turity, of the principal and interest of any indebtedness of  
 43 the district, by voting, from time to time, taxes upon the  
 44 taxable property of said district, sufficient to meet the same,  
 45 making allowance for delinquency in paying any part of  
 46 such taxes.

47 *Twelfth.*—To furnish to the board of examiners, the nec-  
 48 essary blanks for all such grades of such certificates as said  
 49 board of education may at any time order, which certificates  
 50 shall severally contain the branches fixed for the several  
 51 grades of certificates.

1 SECT. 71. Said board of education shall keep said  
 2 schools in operation not less than sixteen nor more than  
 3 forty-four weeks in each year, determine the amount of the  
 4 annual tax to be raised for the purposes aforesaid, including  
 5 all the necessary expenses of said schools, except for the  
 6 erection of school houses and the purchase of sites; and on  
 7 or before the first day of September of each year, make  
 8 known the amount of such tax to the auditor of the county  
 9 in which said district is situate, which tax shall be assessed  
 10 in said district, collected and paid over to the treasurer of  
 11 said district, and said board shall keep an accurate account  
 12 of their proceedings, and of their receipts and disburse-  
 13 ments for school purposes, and at the annual meeting for  
 14 choosing directors in said districts, make report of such re-  
 15 cepts, and the sources from which the same were derived,  
 16 and of said disbursements, and the objects to which the  
 17 same were applied; and they shall also make report at  
 18 the same time of such other matter relating to said  
 19 schools, as they may deem the interest of the same to re-  
 20 quire.

1865—p. 45, Sect. 18. c13

1 SECT. 72. Admission to said schools shall be gratuitous  
 2 to the children, wards and apprentices of all actual  
 46

1865—p. 45, Sect. 19.

3 residents in said district, who may be entitled to the  
4 privileges of the public schools, under the general laws of  
5 this state.

c13  
1865—p. 45, Sect. 20.

1    SECT. 73. Said board of education, within twenty days  
2 after their election, shall appoint three competent persons,  
3 citizens of said district, to serve as school examiners of the  
4 public schools therein, one to serve one year, one for two  
5 years, and one for three years from the time of their ap-  
6 pointment, and until their successors are appointed, and an-  
7 nually thereafter said board shall appoint one examiner to  
8 serve for three years, and until his successor is appointed  
9 and qualified; and said board shall fill all vacancies that  
10 may occur from death, removal or otherwise. Said exam-  
11 iners, or any two of them, shall examine any persons that  
12 may apply for that purpose with the intention of becoming  
13 teachers in any of the schools of said district, and if they  
14 find the applicant, in their opinion, qualified to teach in any  
15 of said schools, and to govern the same, and of good moral  
16 character, they shall give said applicant a certificate made  
17 out on such blanks as may be provided by the board of ed-  
18 ucation, naming the branches in which the holder of said  
19 certificate was found qualified to teach, setting opposite  
20 each branch the degree of attainment, on a scale of which  
21 five shall be the maximum; and no person shall be permit-  
22 ted to teach in said schools without such certificate—and  
23 said examiners may, in all cases, when two of their number  
24 concur, have power to annul such certificate, and when so  
25 annulled and reported to the board of education, the per-  
26 son holding the same shall be discharged as a teacher of  
27 said schools; said examiner shall also separately or other-  
28 wise, together with said board of education, or any of them,  
29 or such person as they may appoint, or invite, visit said  
30 schools as often as once in every three months, and observe  
31 the discipline, mode of teaching, progress of pupils, and  
32 other such matters as they may deem of interest, and make  
33 such suggestions and report thereupon to said board as they  
34 think proper, which report may be published at the  
35 discretion of said board, together with their annual re-  
36 port.

1865—p. 45, Sect. 21.

1    SECT. 74. All taxes raised by virtue of this title,  
2 shall be levied and collected in the same manner,  
3 and by the same officers as county taxes are levied and col-  
4 lected.

1865—p. 46, Sect. 22.

1    SECT. 75. Upon the adoption of this title in the  
2 manner herein provided, by any city, town, village,  
3 township, district or sub-district, all laws now in force  
4 therein, inconsistent herewith, are hereby repealed.

1 SECT. 76. This title shall not be repealed or affected  
 2 by any subsequent act, unless specially mentioned therein. 1835—p. 46, Sect. 23. c13

## TITLE IV.

## ACTIONS BY OR AGAINST TRUSTEES.

1 SECT. 77. The trustees of any school district organized  
 2 in accordance with the provisions of this chapter, may prose-  
 3 cute actions in their official capacity in the following cases : C. S. p. 616, Sect. 13.  
 Amended. c69  
 4 *First.*—On a contract made with them in their official ca-  
 5 pacity ; or,  
 6 *Second.*—To enforce a liability, or a duty enjoined by  
 7 law in favor of such officers, or the district ; or,  
 8 *Third.*—To recover a penalty or forfeiture given to such  
 9 officers or district ; or,  
 10 *Fourth.*—To recover damages for an injury to their offi-  
 11 cial rights or property.

1 SECT. 78. An action may be brought against them in  
 2 their official capacity, either upon a contract made by such  
 3 officers in their official capacity, and within the scope of C. S. p. 616, Sect. 15.  
 Amended.  
 4 their authority, or for an injury to the rights of the plaintiff,  
 5 arising from some act or omission of such officers, or of the  
 6 district. The actions authorized by this title, may be C. S. p. 616, Sect. 16.  
 7 brought by or against said trustees, upon a cause of action  
 8 which accrued during the term of their predecessors, as  
 9 well as during their own term of office, and when brought  
 10 may be continued by or against the successors in office, of  
 11 the parties whose names may for that purpose be substitut-  
 12 ed in the action.

1 SECT. 79. In legal proceedings against the trustees in their  
 2 official capacity all process and papers may be served on New.  
 3 any one of them, and the party served shall notify the  
 4 others of the fact of such service.

1 SECT. 80. When a judgment is recovered against any  
 2 trustees in an action prosecuted by or against them in their 1865—p. 36, Sect. 3.  
 Amended. c11  
 3 name of office, no execution shall issue on such judgment,  
 4 but the same, if for the recovery of money, shall, unless  
 5 reversed or stayed on appeal, be paid by the treasurer  
 6 upon demand, and the delivery to him of the certified copy  
 7 of the docket of the judgment if there is sufficient money of  
 8 such district in his hands not otherwise appropriated. If  
 9 he fails to do so, he shall be personally liable for the amount  
 10 unless the collection thereof is afterwards stayed upon ap-  
 11 peal.



c 11

1865—p. 35, Sect. 1.  
Amended.

1 SECT. 81. If such judgment is not satisfied or proceed-  
2 ings thereon stayed by appeal or otherwise, before the next  
3 annual meeting of said school district, a certified copy of the  
4 docket of the judgment may be presented to said district at  
5 its annual meeting.

c 11

1865—p. 36, Sect. 2.  
Amended.

1 SECT. 82. The trustees of the district shall thereupon  
2 cause the amount due on the judgment, with interest from  
3 the date of its recovery to be added, to the tax of said dis-  
4 trict, and the same shall be certified to the county auditor  
5 and collected as other district taxes are collected.

Now.

1 SECT. 83. If such judgment is not paid within thirty  
2 days after the time fixed by law for the county treasurer to  
3 pay over the money in his hands, levied for the purpose of  
4 paying such judgment next after the rendition thereof, exe-  
5 cution may be issued on such judgment but only the property  
6 belonging to said district, shall be liable thereon.

CHAPTER XXXVII.

STATE NORMAL SCHOOL.

c. s. p. 353, Sect. 30.  
Amended.

1 SECTION 1. There is established at Winona, in this  
2 state, an institution to educate and prepare teachers for  
3 teaching in the common schools of this state, called "The  
4 State Normal School."

c. s. p. 354, Sects. 33  
& 34 combined &  
amended.

substantive and

1 SECT. 2. The governor shall appoint six electors, one  
2 from each judicial district, who shall constitute the state  
3 normal board of instruction. Those appointed from the  
4 even numbered judicial districts, shall hold their offices for  
5 the term of four years, and those appointed from the odd  
6 numbered judicial districts shall hold their office for the  
7 term of two years. The normal board shall elect one of  
8 their number president, who shall continue in office for two  
9 years and until his successor is chosen, and they shall ap-  
10 point some suitable person as treasurer, who shall hold his  
11 office for one year, but may be removed at any time at the  
12 pleasure of the board. The treasurer, before entering upon  
13 the duties of his office, shall give bond to the state in the  
14 penal sum of five thousand dollars, faithfully to execute  
15 the trust and discharge the duties of his office. The state  
16 superintendent of public instruction shall be *ex officio* a  
17 member of the normal board, and shall be secretary of the  
18 same.

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