

GENERAL STATUTES
OF THE
STATE OF MINNESOTA

36

IN FORCE

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VOL. 2.

SUPPLEMENT, 1879-1888,

WITH

ANNOTATIONS AND GENERAL INDEX TO BOTH VOLUMES.

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CHAPTER 36.

EDUCATION.*

ORGANIZATION OF SCHOOL-DISTRICTS.

***§ 9. Commissioners—Appointment—Notice of meeting—Service.**

At the time and place named in such order, the court or judge, after satisfactory proof of the service of such order, and of the necessity of the taking and appropriating such lands, shall appoint three disinterested persons, residents of such county, as commissioners, who shall have power to appraise the value of all lands mentioned in such petition, and the damages for the taking and use of the same. Said commissioners, before entering upon the duties of their office, shall severally take and subscribe an oath that they will faithfully perform their duty as such commissioners, without partiality, and to the best of their knowledge and ability, which oath shall be filed in the office of the clerk of such court. Said commissioners shall give notice to all persons named in such petition of the time when they will meet upon the lands described in such petition, to appraise the value of the same, and the damages which may accrue by the taking and use thereof. Such notice shall be served in the same manner provided in section eight of this act, except that the same shall be made at least five days before the time designated for such meeting. (1874, c. 74, *subc.* 1, § 9, *as amended* 1881, c. 41, § 1.)

***§ 12. Formation, alteration, and union of school-districts.**

The board of county commissioners of the several counties in this state may form new school-districts, alter the boundaries of districts, or unite districts, upon a petition of a majority of the freeholders who are legal voters, residing in each district to be affected thereby: *provided*, that before final action on such petition by said board, the same shall be submitted to the county superintendent of schools of such county, who shall speedily report the same to said board, with his opinion in writing as to the propriety of granting such petition. (*Id.* § 12, *as amended* 1878, c. 48, § 1, *and* 1879, c. 28, § 1.)

See *Jenness v. School-Dist.*, 12 Minn. 448, (Gil. 337.)

***§ 12a. Establishment of schools in unorganized counties.**

The county commissioners of counties to which unorganized counties are attached shall have power to establish common schools in such unorganized counties in the manner prescribed in section number twelve of chapter number thirty-six, General Statutes, relating to the establishment of common schools. (1883, c. 117, § 1.)

***§ 12b. Same—County superintendents.**

The school superintendents of such organized counties shall have jurisdiction over the schools of unorganized counties attached to their respective counties. (*Id.* § 2.)

***§ 12c. Same—Status of schools.**

Schools established under this act shall be on the same footing in all respects with schools in organized counties. (*Id.* § 3.)

*Insurance of state property, see *ante*, c. 35, *§ 67 *et seq.*

Commission to professors of military science in colleges and seminaries, see *post*, c. 37, †§ 6c.

†“An act to authorize the establishment of common schools in unorganized counties.” Approved March 1, 1883.

***§ 12d. Formation of new districts.**

Whenever, in any school-district of this state, there are fifteen or more children of school age, whose parents or guardians are legal voters of said district, and reside more than two miles from any school-house in said district, upon a petition signed by a majority of such parents or guardians, presented to the board of county commissioners of the county in which such district is situated, and setting forth therein that by reason of swamps, marshes, or other natural impediments it is impracticable to locate a site for or build a school-house near to the center of the district, the said board of county commissioners shall act upon said petition, and shall have the power to form a new school-district out of the territory of the district aforesaid, in such manner as in the judgment of the board seems most practicable to answer the educational needs of the petitioners and others similarly situated. (1887, c. 124, § 1.)*

***§ 13. Women—Right to vote.**

The office of county superintendent of schools is an "office pertaining solely to the management of schools," within the meaning of art. 7, § 8, of the state constitution. § 8, referred to, takes the matter of allowing women to vote for, or hold school offices, out from under the provisions of the preceding sections of art. 7, and leaves it entirely within the control of the legislature, subject only to the restrictions contained in § 8 itself. Under this section the legislature has authority to make women eligible to a school office without giving them the right to vote at an election for such officer. State v. Gorton, 33 Minn. 345, 23 N. W. Rep. 529. Under this section women are eligible to the office of county superintendent of schools. Id.

***§ 15. Change of district boundaries—Petition, notice, and service.**

Upon the presentation of any petition respecting changes in the boundaries of school-districts, the county commissioners shall appoint a time and place for a hearing upon it, and shall post one notice thereof, setting forth the substance of the petition, and the time and place of such hearing, in some public place in each district to be affected by the proposed change, and cause to be served a copy thereof upon the clerk of each district to be affected, at least ten days before the time appointed for such hearing. The posting of such notice shall be verified by the affidavit of the person posting the same, which said affidavit shall state the time and place of posting, and the serving of said copy of notice upon the clerk of each district shall be verified by the certificate of the county auditor. (1877, c. 74, subc. 1, § 15, as amended 1881, c. 14, § 1.)

***§ 16. Same—Hearing and order—District in more than one county—Rehearing—Setting off of one petitioner—Who may petition.**

At the time and place so appointed for such hearing, the commissioners, having publicly read the petition, shall proceed to consider the same, with anything which may be said by interested persons for or against granting the prayer of the petitioners. At the conclusion of such hearing, which may be adjourned from time to time, they shall cause to be entered upon the records of such board their decision, which shall be in the form of an order particularly describing the districts affected thereby, signed by the chairman, and attested by the auditor, who shall, if the action of the commissioners be affirmative, cause a copy thereof to be filed with or addressed by mail to the clerk of each district affected: *provided*, that when the territory of the district or districts to be affected by such formation, alteration, or consolidation consists of parts of two or more counties, the petition shall be in duplicate or more, as the case may be, and one presented to the commissioners of each of such

*"An act to provide for the formation of new school-districts." Approved March 5, 1887. § 2 repeals all inconsistent acts and parts of acts.

counties, who shall severally proceed to hear the petition in the manner directed; that to effect the formation, alteration, or consolidation in such petitions desired shall require the concurrent action of the commissioners of each of such counties. The determination of such commissioners in each county shall be entered upon their records in the several counties by the several county auditors, who shall file the copies thereof with the clerks of the districts affected thereby in their respective counties, in the manner directed, and also with the county auditors in each of the counties petitioned: *provided, second*, that if any five or more voters, who are freeholders residing in the district, and who may feel aggrieved by the alteration or organization of their district, shall make and file with the county auditor a written application to the county commissioners for a rehearing of any matter in relation to school-districts upon which they have entered their order not more than twenty days prior to such filing, said auditor shall present the same at their next session thereafter to said commissioners, who shall thereupon cause notice of a rehearing of such matter to be served upon the clerks of the affected districts, and posted as provided in case of petition; and at the time and place stated in such notice, or at any subsequent time to which the same may be adjourned, they shall hear such grievance, and make such order in the premises as they may think justice requires: *provided, third*, that upon a petition of any legal voter to said commissioners, stating that it is the desire of the petitioner to be set off from the district in which he then is, to some district adjoining the same, which petition shall show that the petitioner is a resident of and a freeholder in the district from which he desires to be set off, and that his land is adjoining the district to which he wishes to become attached, and also the reason for the same, which petition shall be verified by the oath of the petitioner to the effect that the statements therein contained are true to the best of his knowledge and belief, the said commissioners, having given notice as provided in case of petitions signed by more than one person, may change the boundaries of the district in which said petitioner resides, so as to set him off to some other district adjoining the same, whenever it shall seem to them just and proper so to do: *provided, fourth*, that petitions and remonstrances respecting the formation of school-districts and changes in their boundaries may be signed by women, who are freeholders in the district and are entitled to vote in its school meetings: *and provided, further*, that all persons actually residents in the district upon said lands, which they hold under homestead or pre-emption, or under contract with the state of Minnesota, shall be deemed freeholders within the meaning of this act. (1877, c. 74, *subc.* 1, § 16, *as amended* 1879, c. 43, § 1; 1881, c. 41, § 2; 1885, c. 121.)

***§ 17. Area of districts—Non-residents—Nominal districts—Restriction on change of boundaries.**

Any school-district hereafter organized or altered may contain the entire township in which it is situated, or a tract of land six miles square in different townships; and persons not residents of such district, and to whom the school in such district is easier of access than the school in any other district, may, upon application to the county commissioners of the county in which such district is located, be admitted to all the benefits of such school, upon such terms as the said commissioners may deem proper: *provided, first*, that nothing in this act shall be so construed as to authorize any person who may receive any of the benefits or privileges of this act, to vote at any school-district meeting of the school-district within which he may receive such benefits or privileges, but of which he is not a member: *provided, second*, that in organized counties containing nominal school-districts, in which schools have not been held for two years, or territory not embraced in any school-district, the county commissioners shall attach such nominal school-districts, and all

such territory, to adjoining districts having schools. Such territory shall be distributed to districts in the most equitable manner possible, and with regard to the convenience of any residents upon the same. In case a common-school district becomes extinct, or has heretofore become extinct, in consequence of having all its territory attached to other districts, any funds in the county treasury, or in the hands of the treasurer of such extinct district, after the payment of all debts of such district properly and legally payable out of such funds, shall be distributed by the county auditor to the districts to which its territory has been annexed, in proportion to the valuation of the real property so annexed to each *provided, third*, that county commissioners shall make no changes in the boundaries of existing school-districts, unless upon recommendation of county superintendents of schools, that shall leave any old district, or constitute any new district, with less than thirty-five residents between five and twenty-one years of age, except under the condition of the third proviso of section sixteen, chapter one, of this act. (1877, c. 74, *subc.* 1, § 17, *as amended* 1881, c. 51, § 1.)

See note to § 94, *infra*.

MANAGEMENT OF SCHOOL-DISTRICTS.

*§ 19. Powers of district meetings.

The legal voters of school-districts, when lawfully assembled, not less than five being present, shall have power, by a majority of votes of those present—

First. To appoint a moderator.

Second. To adjourn from time to time.

Third. To elect a director, clerk, and treasurer, which elections must be by ballot; and, when necessary, to choose a clerk *pro tem*.

Fourth. To designate a site for a school-house: *provided*, that the site of a school-house shall not be changed after having been designated, unless at least a majority of the legal voters in the district, and two-thirds of those present and voting, vote in favor of such change, except that whenever a majority of the legal voters of any school-district voting thereon shall determine to build a new school-house, or to remove a school-house already built in such district, and the school-house site therein shall be more than one-quarter of a mile from the center of the district, then a majority of the legal voters of such district voting thereon may change the site to a more central location.

Fifth. To vote an amount of money to be raised by a tax on the taxable property of the district sufficient to meet the conditions on which apportionments from state school funds are made to districts, and to raise such additional amounts as the district may determine; to purchase or lease a site for a school-house, and to build, hire, or purchase such school-house, when the same is necessary; to keep in repair and provide the same with the necessary furniture and appendages; to procure fuel, and to purchase or increase a library and school apparatus; to appoint a librarian, and to make all rules necessary for the usefulness, preservation, and increase of the library.

Sixth. To repeal or modify their proceedings from time to time, in accordance with the powers conferred by this act: *provided, first*, no school-district shall in any one year levy a tax exceeding eight mills on the dollar for the purpose of building a school-house, or leasing or procuring a site for a school-house; but any district in which the above rate will not produce the sum of six hundred dollars may raise by a tax that sum in any year, if the rate does not exceed twenty-five mills on the dollar on all taxable property of the district: *provided, second*, that the legal voters of any school-district containing less than ten voters, when lawfully assembled, not less than five being present, shall have power, by a majority of votes of those present, to do and perform all the acts mentioned in the several subdivisions of this section, except

that such meeting shall not vote a tax to exceed in amount two hundred dollars in any one year. (1877, c. 74, *subc.* 2, § 1, *as amended* 1887, c. 35.)

The powers of a school-district are the same at a special as at an annual meeting. *Sanborn v. School-Dist.* No. 10, 12 Minn. 17, (Gil. 1.) A school-district may, at a district meeting, make a promise that will take a debt of the district out of the operation of the statute of limitations. Id

***§ 20. District officers—Term of office—New districts.**

The officers of each common-school district shall be a director, a treasurer, and a clerk, who shall be elected by a ballot at the annual meeting, which shall be held on the third Saturday in July of each year, at seven o'clock P. M., unless a different hour shall have been fixed by a vote at the last preceding annual meeting. And the term of office of any common-school district officer that should expire in September, A. D. one thousand eight hundred and eighty-five, shall expire on the last day of July, one thousand eight hundred and eighty-five; and the term of office of any common-school district officer that should expire in September, one thousand eight hundred and eighty-six, shall expire on the last day of July, A. D. one thousand eight hundred and eighty-six; and the term of office of any common-school district officer that should expire in September, A. D. one thousand eight hundred and eighty-seven, shall expire on the last day of July, A. D. one thousand eight hundred and eighty-seven. The clerk shall, within three days after the meeting, notify such persons of their elections, and they shall enter upon their term of office on the first day of August in each year, and continue in office until their successors are elected and qualified, under the following order of the boards elected at the annual meeting in October, A. D. one thousand eight hundred and seventy-two: The director shall hold his office one year, the treasurer two years, and the clerk three years, and thereafter one trustee shall be elected annually. But when a new district is formed, a meeting for organization may be called by a notice stating the object of such meeting, signed by three freeholders or householders residing within the limits thereof, and posted in five conspicuous places in the district ten days before the time fixed for holding such meeting; and such meeting, so called, shall have the same power as annual meetings: *provided*, that the board of trustees elected at such meeting shall hold their respective offices until the next annual meeting; and of the officers elected by any district at the first annual meeting after the organization the director shall hold his office for one year, the treasurer two years, and the clerk three years: *provided, second*, if an annual meeting is not held, or if for any reason a trustee is not elected to an office the term of which expires at the regular annual meeting of that year, the incumbent of such office shall hold over until its next annual meeting in the following year, and until his successor is duly elected at a regular annual meeting. (1877, c. 74, *subc.* 2, § 2, *as amended* 1881, c. 41, § 6; 1885, c. 57, § 1.)

***§ 22. Officers—Qualifying—Vacancies.**

See *Board of Education of Sauk Centre v. Moore*, 17 Minn. 412, (Gil. 391.)

***§ 23. Board of trustees—Constitution and power—Contracts.**

The director, treasurer, and clerk of each common-school district shall constitute a board of trustees; and any two of such board may make any contract or perform any act which the board, as such, is authorized to make or perform, except as provided in section thirty-one, as amended March 6, 1879. But no contract shall be made or authorized without due notice to all the members of the board of a meeting of the trustees called for the transaction of such business. The board of trustees shall have the general charge of the interests of schools and school-houses in their district; shall lease or purchase in the corporate name of the district a site for a school-house designated by the legal

voters of the district; shall build, hire, or purchase a suitable school-house with the funds provided for that purpose, and, when directed by the legal voters of the district, at any legal meeting of the same, may sell or exchange any such site or school-house. (1877, c. 74, *subc.* 2, § 5, *as amended* 1879, c. 17, § 1, *and* 1881, c. 41, § 3.)

Director or trustee may not be a party to a contract with the district. *Currie v. School-Dist.*, 35 Minn. 163, 27 N. W. Rep. 922. In order to bind the district, contracts must be made or ratified by at least a majority of the board, after notice and opportunity to all the trustees to participate in the transaction. *Id.*

***§ 23a. School-house—Use for worship, etc.**

That the trustees of any common-school district may, when petitioned therefor by a majority of the legal voters of said district, permit and authorize the school-house in their district to be used for purposes of divine worship, Sabbath-schools, and such other purposes as in their judgment will not interfere with the use of the school-house for school purposes. (1881, c. 127, § 1.*)

***§ 23b. Same—Bond.**

Before authorizing or permitting the use of the said school-house for any of the purposes named in the foregoing section, the trustees may take from some responsible party a bond in the penal sum of one hundred dollars, conditioned for the proper use of said school-house, the payment of all rent, and the repair of all damages that may be occasioned during their use of the same. (*Id.* § 2.)

***§ 23c. Same—Rent.**

The said trustees shall charge and collect from the person or persons obtaining the use of the school-house, as provided in section one of this act, such reasonable compensation as in their judgment shall be proper. Said moneys to be paid to the treasurer of said school-district for school purposes. (*Id.* § 3.)

***§ 23d. Same—Independent districts, etc.**

That chapter one hundred and twenty-seven, General Laws A. D. one thousand eight hundred and eighty-one, an act in relation to the use of school-houses in common-school districts, shall apply to all independent, special, or free school-districts also. (1881, *Ex. Sess.*, 35, § 1.)

***§ 24. Estimate of expenses—Taxes.**

From the allegation that a regular meeting of a school-district was held, at which a certain vote was had, it will be presumed that the meeting was valid. *Soule v. The-lander*, 31 Minn. 227, 17 N. W. Rep. 373. See note to § 86, *infra*.

***§ 26. Orders and bonds.**

The trustees or board of education of any school-district in this state, whether such district be organized by or under any special law of this state, or otherwise, are hereby authorized and fully empowered to issue the orders or the bonds of their respective districts, with coupons, in such amounts and at such periods as they may be directed by a vote of two-thirds of the legal voters present, and voting at any legal called meeting of the same; said orders or bonds to be payable in such amounts and at such times, not exceeding fifteen years, as the legal voters thereof at such meeting shall determine, with interest not to exceed seven per cent. per annum, which orders or bonds and coupons shall be signed by the directors, and countersigned by the clerk of said district, or by the president of the board of education and the clerk of the board of education: *provided*, that nothing herein contained shall be construed to authorize the issuing of such orders or bonds, unless two-thirds of

* "An act in relation to the use of school-houses in the common-school districts." Approved February 17, 1881. § 4 repeals all inconsistent acts and parts of acts.

all the legal voters present and voting shall vote in favor thereof, at any annual or special meeting of the legal voters of said school-district.* (1877, c. 74, *subc.* 2, § 8, *as amended* 1881, c. 41, § 4; 1885, c. 80; 1887, c. 21.)

***§ 27. Same—Vote—Use of bonds.**

It shall be lawful for the legal voters of any such school-district, at any such meeting, to vote upon the question of issuing its orders or bonds, but no such bonds shall be issued or negotiated under authority of this act by any board of trustees or board of education for less than par value, nor shall such bonds or the proceeds thereof be used or appropriated for any purpose other than the purchase of a site for, and in the erection, completing, and furnishing of, a school-house in and for the district issuing such bonds, or in payment of the indebtedness incurred by the erection [of] and furnishing of a school-house already constructed in and for such school-district, or for refunding such school-district's indebtedness. (1877, c. 74, *subc.* 2, § 9, *as amended* 1879, c. 14, § 1; 1887, c. 21, § 2.)

***§ 31. Teachers—Contracts—Register—Fuel.**

The board of trustees, at a meeting called for that purpose, shall hire, for and in the name of the district, such teachers only as have certificates of qualification, and make written contracts with such teachers, specifying the wages per month and time employed, as agreed upon by the parties, and file such contracts in the office of the clerk, (but no contract shall be made with any teacher who is related by blood or marriage to any member of the school board, without the concurrence of all the members of the board of trustees, by vote duly entered on the clerk's record of proceedings;) *provided*, that the term "month," wherever it occurs in any section of this act, shall be construed to mean four weeks of five days each. The trustees shall provide fuel for the schools of the district, if the voters of the district make no provision for fuel at their annual meeting; shall furnish all things necessary for the school-house during the time a school shall be taught therein, which shall be at least three months in each school year, and such further time as the district by vote may direct. Every teacher shall procure a register for his school from the clerk of the district, keep a daily record of attendance, and of such other matters as may be required, in such register, and receive all persons sent to him, between the ages of five and twenty-one years, residing in the district, and such other persons as may attend school under any arrangement with the board of trustees. (1877, c. 74, *subc.* 2, § 13, *as amended* 1879, c. 17, § 2.)

A contract by school-district trustees, to hire as a teacher one who has not procured the required certificate of qualification, is void. *Jeness v. School-Dist. No. 31*, 13 Minn. 448, (Gil. 337.)

See *School-Dist. v. Thelander*, 31 Minn. 333, 17 N. W. Rep. 866.

***§ 31a. Contract with teacher—"School month"—Holidays.**

In every contract between any teacher and board of trustees or board of education, a school month shall be construed and taken to be twenty days, or four weeks of five school days each; and no teacher shall be required to teach school on Christmas day; the first day of January; the Fourth of July; Memorial day, or the day appointed by the president of the United States or the governor of the state as a day of Thanksgiving; and no deduction from the teacher's time or wages shall be made by reason of the fact that a school-day happens to be one of the days referred to in this section, and any contract made in violation of this section shall have no force or effect as against the teacher. (1887, c. 122, § 1.)

*As to legalization of bonds of independent school-districts, see *post*, *§ 115c.

†"An act defining school holidays." Approved March 5, 1887.

***§ 31b. Holidays—Absence of scholar.**

In reckoning attendance the standing of no scholar shall be affected by reason of non-attendance upon any of the days named in section one of this act whenever they occur within the school term the same as if school had been held and all had been present. (1887, c. 122, § 2.)

***§ 32. Scholars—Adult and non-resident—Admission, suspension, expulsion — Visitation — Language in schools.**

The board of education and board of trustees shall have sole power to admit the attendance of persons over the age of twenty-one years, or non-residents of their districts, upon payment of such rates of tuition as may be determined by the board; and each member of the board shall visit the school at least once in each term, and give such advice to the teacher as may be for the benefit of the school: *provided, first*, that in the schools of common-school districts the books used, and all instruction given, shall be in the English language; but teachers able to speak any other language that is the vernacular of any pupil, may use that language to aid in teaching the meaning of English words, and may also give instruction in such language, not to exceed one hour in each day; but no such instruction shall be given unless the trustees of such district have expressed themselves unanimously in favor thereof: *provided, second*, that admission to any school organized under the provisions of this act, or any special school law of this state, sustained in whole or in part by state school funds, shall be gratuitous to the children of all actual residents in the district wherein such school is taught, between the ages of five and twenty-one years, and to all other persons between the same ages who may be in good faith living in said district: *provided, third*, that boards of trustees and boards of education may suspend or expel pupils for insubordination, immorality, or infectious disease. (1877, c. 74, *subc. 2*, § 14, *as amended* 1881, c. 41, § 5.)

***§ 32a. Children under six—Exclusion.**

That the board of trustees of any common-school district or the board of education of any independent or special district may, by vote of a majority of all the members of said board, at any regular meeting, exclude from the public school in the district all children under six years of age, and when such action has been once taken it shall not be changed before the beginning of the next school year. (1887, c. 125.)*

***§ 35. Annual report of treasurer—Consolidated district —Paying over moneys.**

The treasurer shall present and file with the clerk, three days before each annual meeting, a report in writing, signed by him, and containing a statement of all moneys received by him within the year preceding, and of all his disbursements, exhibiting vouchers therefor; also, the amount received by him of taxes assessed upon the taxable property of the district within the year, the purposes for which they were assessed, the amount assessed for each purpose; which report shall be recorded by the clerk; and, if it appears that there is any balance in the hands of the treasurer, he shall pay such balance to his successor in office as soon as he executes the bond required as a condition for holding the office of treasurer. The director and clerk shall examine said report, and, if correct, they shall indorse the same. Whenever any school-district is united to another school-district, the treasurer shall, upon demand, pay over to the treasurer of the consolidated district all moneys in his hands. (1877, c. 74, *subc. 2*, § 14, *as amended* 1881, *Ex. Sess.*, c. 30.)

*"An act to authorize the school boards to fix the minimum age at which pupils may be admitted to the public schools at six years." Approved March 5, 1887.

***§ 37. Clerk—Records.**

A book in the custody of the present clerk of a school-district, though he did not receive it from his predecessor in office, if identified by a former clerk as the record of the district, is *prima facie* sufficiently authenticated. *Sanborn v. School-Dist. No. 10, 12 Minn. 17, (Gil. 1.)* Such record is *prima facie* evidence of regular notice of a district meeting when it states that the meeting was held "pursuant to notice previously given in writing, agreeably to the provisions of statute." *Id.* The time and place of an annual school-district meeting need not be designated at the last preceding annual meeting. *Id.*

***§ 39. Reports of clerk.**

The clerk of every school-district in the state shall, on or before the tenth day of August in each year, make and transmit to the superintendent of schools in and for his county a certified report, on a blank prepared by the state superintendent of public instruction, and furnished to districts through county superintendents of schools, showing the condition and value of school property, the receipts by districts from different sources, disbursements for different objects, and such other financial matters as the blanks may require; and, in common-school districts, the annual arrangements for terms of school, and the names and post-offices of all school-district officers for the current year. The clerk of common-school districts shall also report to the county superintendent the time of the commencement of each term of school two weeks before the time of the commencement of such term. (1877, c. 74, *subc. 2, § 21, as amended 1885, c. 57, § 4.*)

***§ 45. Orders on treasurer.**

See note to *§ 67, *infra*.

***§ 48a. School libraries.**

The superintendent of public instruction and the president of the normal schools of this state are directed to prepare a list of books, to be amended from time to time, suitable for school libraries, to include books of reference, history, biography, literature, political economy, agriculture, travel, and natural science. They shall advertise in at least two leading papers for the lowest rates at which sellers will fill orders of school-districts for books selected from this list, and make contracts accordingly with the lowest responsible bidder for a period not to exceed two years. (1887, c. 121, § 1.)*

***§ 48b. Same—State contribution.**

Any school-district having purchased under this contract any one year a selection of books from the list prepared and recommended by the state superintendent of public instruction, and having provided for their care a suitable book-case, and for their distribution by the appointment of a librarian, and by the adoption of suitable rules and regulations, and having forwarded a certified statement of the same through the county superintendent, with his indorsement, to the superintendent of public instruction, the said superintendent of public instruction shall make requisition upon the state auditor for one-half the amount so expended, who shall issue his warrant in favor of said district for said amount: *provided, first*, that no district shall receive more than twenty dollars upon the first statement, nor more than ten dollars upon the second statement, nor more than five dollars upon any subsequent statement: *provided, second*, that, for the purposes of the provision immediately preceding, each township organization of schools shall be estimated as equal to four districts, and shall be entitled to a proportionate aid in the establishing of a school library: *provided, third*, that whenever the county superintendent shall make report to the superintendent of public instruction that,

*"An act to provide for public school libraries." Approved March 5, 1887. § 4 appropriates \$10,000 for carrying out the provisions of the act.

upon satisfactory investigation, he finds that the books of any district are not properly cared for or properly used, it shall be his duty to exclude or suspend such district from the benefits of this act. (1887, c. 121, § 2.)

***§ 48c. Same—Statements.**

No more than one statement shall be made by any one district in any one school year. (*Id.* § 3.)

STATE SUPERINTENDENT OF PUBLIC INSTRUCTION.

***§ 51. Salary—Contingent expenses—Clerk.**

He shall receive annually a salary of twenty-five hundred dollars, and also all necessary contingent expenses for traveling, postage, and stationery pertaining to his office, to be audited and paid as the salaries and contingent expenses of other state officers: *provided*, that his contingent expenses for these purposes shall not exceed the sum of one thousand dollars in any year. He shall be allowed and shall keep a clerk in his office, who shall receive a salary of twelve hundred dollars per annum. (1877, c. 74, *subc.* 3, § 3, *as amended* 1885, c. 94.)

***§ 51a. Assistant superintendent—Salary.**

That the superintendent of public instruction be required to appoint an assistant, who shall be known as assistant superintendent, to perform such services in the department as may be assigned him by the superintendent, and that his salary be fifteen hundred dollars per annum. (1883, c. 145, § 1.)

***§ 51b. Clerical assistance—Allowance.**

That the superintendent of public instruction be allowed sixteen hundred dollars per year for necessary clerical assistance. (1883, c. 145, § 2, *as amended* 1887, c. 233.)

***§ 53. Institutes—Training-schools.**

The superintendent of public instruction shall annually hold in the sparsely-settled counties as many state teachers' institutes as he shall find practicable, each to continue in session one week at least. He shall give due notice thereof to all teachers and persons proposing to become such, and invite their attendance. He shall attend and have charge of each institute; invite the aid and co-operation of the superintendent of schools for the county; employ suitable instructors and lecturers to give instruction and addresses, to aid the teachers in qualifying themselves for a more successful discharge of their duties: *provided, first*, that the average expense of such institutes shall not exceed one hundred dollars a week. He shall annually, in so many and such thickly-settled localities as he may deem advisable, organize, and, with the aid of others selected by himself, conduct, normal training-schools for the benefit of teachers who desire such training, but are unable to attend a full course at the state normal schools. Such schools shall be without charge for attendance, and entirely practical, their object being to impart normal methods of teaching and conducting schools, particularly common schools. They shall continue at least four, and not more than six, weeks at each place, and the average cost of them shall not exceed one hundred dollars for each week of the session: *provided, second*, that during the time of holding a teachers' institute in any county of this state it is hereby made the duty of all teachers, and persons desiring a teacher's certificate, to attend such institute, or present to the county superintendent satisfactory reasons for not so attending, before receiving such certificate; and any school that may be in session in such county shall be closed, if the teacher shall request it, for the purpose of attending such institute; but the district shall not be liable for the wages of such teacher

while such school is closed: *provided, third*, that whenever any county will pay for two weeks the salary and expenses of a person selected by the county superintendent of schools to give instruction in a teachers' institute for the county, and will provide free of charge to the state a suitable room for such institute, the superintendent of public instruction shall supply and meet the expenses of an institute instructor to teach for two weeks in such institute, under the joint direction of himself and the superintendent of the county, the latter of whom shall make all necessary local arrangements for the institute, and preside at its sessions: *provided, further*, that the trustees or the board of education in any school-district shall have power to permit any teacher in its school to attend a teachers' institute to be held in the county for a period of not more than two weeks in any school year, and to continue the salary of the teacher while attending such institute. (1877, c. 74, *subc.* 3, § 5, *as amended* 1881, c. 41, § 7.)

***§ 54a. Institutes—Additional appropriation.**

That the sum of two thousand dollars, in addition to the sum now allowed by law, be appropriated for the year one thousand eight hundred and eighty-three, and annually thereafter, out of any moneys not otherwise appropriated, for defraying the current expenses of state institutes under the direction of the superintendent of public instruction. (1883, c. 137, § 1.)

***§ 54b. Same—Closing school during session.**

Any school that may be in session in a county at the time of holding a state institute for that county, shall be closed for one week, upon the requirement of the superintendent of the county, for the purpose of allowing the teacher to attend the institute; and the teacher shall be allowed to make up [the time so lost, upon presenting to the clerk of] the district a certificate of the county superintendent attesting said teacher's attendance at the institute. (*Id.* § 2.)

***§ 54c. Same—Additional appropriation.**

That the sum of one thousand dollars, in addition to the sum now allowed by law, be appropriated for the year one thousand eight hundred and eighty-five, and annually thereafter, out of any moneys not otherwise appropriated, for defraying the current expenses of state institutes under the direction of the superintendent of public instruction. (1885, c. 280.)

***§ 54d. Same.**

That the sum of one thousand dollars, in addition to the sum now allowed by law, be appropriated for the year one thousand eight hundred and eighty-seven, and annually thereafter, out of any moneys not otherwise appropriated, for defraying the current expenses of state teachers' institutes, and for institutes of instruction in normal methods in the elementary departments of graded schools, under the direction of the superintendent of public instruction. (1887, c. 220.)

***§ 57a. Webster's Dictionary—Furnishing to schools.**

The superintendent of public instruction is hereby authorized to furnish to any school-district, or any school or district department thereof, in any city, village, or town, one copy of Webster's Unabridged Dictionary, on receipt of an affidavit of the district clerk, the school superintendent, or secretary of the board of education of such village, city, or town, that such school or department has not yet been supplied under the provisions of this act, or that the dictionary heretofore furnished to said school or department has been lost or is unfit for use, and on payment in advance of the cost price to said superintendent of public instruction; and the superintendent of public instruction is further authorized to sell at cost price to the state educational institutions, on a written requisition being made by the officer in charge of such institution,

as many copies of Webster's Unabridged Dictionaries, not exceeding the number of school departments in the institution under his charge, as may be necessary for the educational purposes of the same; and the superintendent of public instruction is further authorized to furnish said Webster's Unabridged Dictionary at cost price to members of the legislature and state officers, not exceeding one copy to each such person. (1883, c. 115, § 1.)

***§ 57b. Same—Appropriation.**

The superintendent of public instruction is hereby authorized to purchase, from time to time each year, at a cost not exceeding seven dollars per copy, delivered at his office in St. Paul, a sufficient number of copies of Webster's Unabridged Dictionary to carry out the provisions of this act; and there is hereby appropriated from the state treasury, out of funds not otherwise appropriated, the sum of two thousand four hundred dollars, or so much thereof as may be necessary to carry into effect the provisions of this act. (*Id.* § 2.)

***§ 57c. Same—Receipts from sales.**

The superintendent of public instruction shall pay over to the state treasurer all money received on account of dictionaries sold as aforesaid, and render an account of all dictionaries sold, in his report to the legislature: *provided*, that all sums so turned into the state treasury by said superintendent of public instruction shall be and remain a fund from which said superintendent of public instruction is hereby authorized to draw such sums as may be necessary for future purchases under the provisions of this act. (*Id.* § 3.)

***§ 57d. School laws—Separate edition—Preparation.**

That the superintendent of public instruction is hereby required to prepare a separate edition of the school laws of this state, to include all additions and amendments of one thousand eight hundred and eighty-seven, to which he shall add such explanations, opinions of the attorney general, and decisions of the supreme court as are necessary for the full understanding and interpretation of the same, and all of which he shall submit to the attorney general for his approval. (1887, c. 229, § 1.*)

***§ 57e. Same—Printing and distribution.**

The secretary of state is hereby ordered, upon the requisition of the superintendent of public instruction, to cause to be printed eight thousand copies of the school laws for the use of the department of public instruction; and the superintendent of public instruction is directed to deliver to the county superintendents of schools one copy each for themselves, and one copy for each of the clerks of boards of education and of trustees of their respective counties. (*Id.* § 2.)

COUNTY SUPERINTENDENTS OF SCHOOLS.

See State v. Gorton, 33 Minn. 345, 23 N. W. Rep. 529.

***§ 61. Compensation—Contingent expenses—Report.**

The compensation of county superintendents of schools shall be fixed by the county board of commissioners, and paid in the same manner as the salaries of other county officers are paid. Such compensation shall not be less than at the rate of ten dollars for each organized district in the county, to be reckoned *pro rata* for the year from the time of the commencement of the first school in the district, and may be any higher sum that the county board of commissioners shall determine, not exceeding eighteen hundred dollars per annum.

*"An act to provide for the printing of school laws." Approved March 3, 1887. § 3 appropriates \$300 for expenses in preparation for printing.

County superintendents of schools shall be furnished by county auditors, at the expense of the county, with stationery needed in the examination of teachers, and for official correspondence. The county shall also pay itemized and attested bills for postage incurred in official correspondence, and in forwarding official documents to teachers, clerks, and to the state superintendent of public instruction; and also express charges on packages sent by this officer for use in the county. Such bills for printing notices, circulars, lists of questions, and annual reports, as the county superintendent may deem necessary, shall also be paid by the county: *provided*, that county superintendents shall, on the first day of July, October, January, and April in each year file with county auditors a statement of the number of schools visited within the preceding quarter, which statement shall contain the numbers of the districts, the dates of visitation, and shall be verified by oath or affirmation. (1877, c. 74, *subc.* 4, § 4, *as amended* 1881, c. 41, § 8.)

***§ 64. Use of school-houses for institutes, etc.**

[Amended as to Goodhue county by inserting the words "in the case of institutes" after the word "provided" in the seventh line. 1887, c. 120.]

***§ 66. Examination of teachers—Grades of certificates.**

See *Goetz v. School-Dist.*, 31 Minn. 164, 17 N. W. Rep. 276.

***§ 67. Record of examinations.**

This section makes it the duty of a county superintendent to keep a record of re-examinations and revocations (of licenses to teach) provided for in § 69, and such record is the best and the proper evidence of a revocation of such a license. *School-Dist. No. 10 v. Thelander*, 32 Minn. 476, 21 N. W. Rep. 554.

***§ 69. Re-examination—Revocation of license.**

See note to *§ 67, *supra*.

***§ 71. Annual report to state superintendent.**

On or before the twentieth day of September in each year county superintendents of schools shall report to the state superintendent of public instruction the number of different scholars between the ages of five and twenty-one years, properly enrolled in the school of each district. In ascertaining this number for this report, and also for his report to the county auditor, the county superintendent shall carefully examine the list of names from each district, and see that no scholar is counted more than once as a member of the school in any district, and that no one is included who is not entitled to an apportionment under the terms of this act. This report to the superintendent of public instruction shall also give tabulated extracts, as required on the blank, from the reports of teachers and clerks to the county superintendent of schools. (1877, c. 74, *subc.* 4, § 12, *as amended* 1885, c. 57, § 5.)

***§ 74. Assistant superintendent.**

In any county having one hundred or more school-districts, the county superintendent of schools, with the consent of the county board of commissioners, may appoint an assistant for twenty days' work in visiting schools in the first part of each term, winter and summer; and such assistant, so appointed, shall be paid by the county at the rate of three dollars a day, and necessary traveling expenses, for every day of actual service, not exceeding forty days in any one year; and such assistant shall work under the direction of the county superintendent, and report to him. That in any county having one hundred [and] seventy-five or more organized school-districts, the county superintendent of schools of such county may appoint an assistant superintendent of schools, said appointment to be confirmed by the board of county commissioners. The duties of such assistant superintendent shall be to assist in

all the general duties prescribed to be done by the county superintendent, under whose direction the same shall be performed, and to whom report shall be made. The salary of such assistant superintendent shall be fixed by the board of county commissioners at any amount not to exceed fifteen hundred dollars per annum, to be paid monthly, as salaries of other county officers. (1877, c. 74, *subc.* 4, § 15, *as amended* 1885, c. 12, § 1.)

STATE SCHOOL FUNDS.

[For provisions in relation to the substitution of bonds for the "Minnesota state railroad adjustment bonds" belonging to the permanent school fund, see Gen. Laws 1885, c. 227.]

***§ 75. Apportionment among counties—Teacher's register and report.**

The state superintendent of public instruction shall make an apportionment of the available current school funds in the state treasury among the several counties of the state, on the first Monday in March and the first Monday in October of each year, in proportion to the number of scholars between the ages of five and twenty-one years, who have been enrolled, and have been in attendance forty days in the public schools that have had at least five months of term, within the year, by a qualified teacher, and have reported in accordance with the following provisions: *provided, first*, that every teacher in the public schools of this state shall keep in a register furnished him by the clerk of the district, a record of the names in full and the number and daily attendance of scholars enrolled in the school, studying and reciting in the same, and properly belonging thereto, checking with a (·) the names of all under five or over twenty-one years of age, and of all who are charged tuition; the register shall also be so kept as to show the names and number of days of attendance of all pupils between the ages of five and eight years, between the ages of eight and fifteen years, and between fifteen and twenty-one years: *provided, second*, that every teacher in the common districts in the state shall, within ten days after the close of the first term in the school year beginning August first, report to the superintendent of schools for the county, on a blank prepared by the state superintendent of public instruction, and distributed through the county superintendent, and to the clerk of the district by returning the register, the names in full of all scholars enrolled in this school, with the number of days each has attended, checking with a (x) the names of all under five and over twenty-one years of age, and of all who are charged tuition; and the names so checked shall not be counted in the total enrollment upon which the current school fund is apportioned; and within ten days after the close of each succeeding term of the year, upon a duplicate of the last preceding report for that district, he shall add the new names not enrolled in the preceding report, and in a separate column report the number of days each pupil has attended for the term of his report; all other questions on the blanks shall be accurately answered: *provided, third*, no clerk of any common district, under the supervision of a county superintendent, shall issue an order to any teacher on which pay for the last month of service can be drawn, until he has evidence that the teacher's report to the county superintendent has been returned, properly filled, and until the teacher has returned to such clerk, as the term report required in this section, the register of the district, kept according to law; nothing herein contained shall prevent any teacher from recovering pay for his services, if it appears that his record has been kept, and the reports thereof made, according to the provisions of this section: *provided, fourth*, that in special and independent school-districts such blanks furnished through the county superintendent of schools, and requiring for the entire year the *data* that are required of common-school districts each term, shall be properly

filled and returned to him within ten days after the close of the last term in the school year, by the superintendent of such schools; or, if there be no such officer, by the teacher of the highest school in the grade; registers in special and independent districts shall be kept, and reports of enrollments shall be made, as in common-school districts, and the name of no scholar entitled to enrollment for apportionment shall be counted more than once in the district in any year: *provided, fifth*, children attending school any part of the year in another district than that in which their parents or guardians reside shall not be counted for apportionment in such other district, if they are enrolled and entitled to apportionment within that year in the district where their parents or guardians reside. (1877, c. 74, *subc.* 5, § 1, *as amended* 1883, c. 54, § 1; 1887, c. 41, § 1.*)

***§ 79. Apportionment among districts.**

The auditor of each county, on the last Wednesday of March and on the last Wednesday of October in each year, shall make apportionments of the money in the county treasury accruing from the current school fund, and from the liquor licenses, estrays, and fines, as provided in this act, among the several school-districts in the county in which schools have been taught five months within the year by qualified teachers; which apportionment shall be made upon the number of different scholars between the ages of five and twenty-one years, lawfully enrolled in each school, and entitled to apportionment, as reported to him by the county superintendent of schools; and the county auditor shall transmit to the clerk of each district a copy of the apportionment of said district, and such money shall be used only in payment of teachers' wages, including board: *provided, first*, that no district shall receive from the apportionment an amount greater than that appropriated by the district from its special tax and a local one-mill tax: *provided, second*, that no district shall receive any share of the apportionment of moneys accruing from liquor licenses unless all sums paid for such licenses in such district are appropriated to the county school fund: *provided, third*, that any district which, for the first year after its organization, shall have made provision for a four-months school, by the levy of a sufficient tax, and shall have begun and continued a school for one month, shall be entitled to its share in the first succeeding apportionment in proportion to the actual enrollment of pupils between the ages of five and twenty-one years, which enrollment shall be reported by the clerk, through the county superintendent, to the superintendent of public instruction and to the auditor of the county in which such district is situated; and these officers shall include such enrollment of scholars in the next succeeding apportionment. Such district shall also be entitled to a share in each subsequent apportionment for two years succeeding, in proportion to the number of pupils who have been in actual attendance thirty days, on condition that the school is taught four months each year by a qualified teacher. (1877, c. 74, *subc.* 5, § 5, *as amended* 1883, c. 54, § 2; 1887, c. 41, § 2.)

***§ 84. State school-tax fund—Current school fund—Local mill tax.**

For the purpose of maintaining public schools a tax of one mill, to be known as the "State School-Tax Fund," shall be levied annually upon the taxable property of the state, which shall be collected as other taxes are collected, and shall be added to the general school fund, which together shall be known as the "Current School Fund," to be apportioned as hereinbefore provided. The county commissioners shall also levy an annual tax of one mill,

* See note to *§ 84, *post*.

† See note to *§ 84, *post*.

to be known as the "Local Mill Tax," on the amount of the assessment made by the assessors of each township for the same year, which tax so levied shall be extended upon the assessment rolls of the year, by the county auditor, in a column for each school-district, or portion thereof, in said county, and this shall be collected in the same manner and by the same persons as other county taxes are collected, except that the school tax shall be collected in gold or silver or United States national currency; and the money so collected shall be paid into the county treasury for the support of the public schools, to be apportioned by the county auditor, who shall distribute to each school-district, or portion thereof, the amount of tax collected in said district, or portion of district, in his said county: *provided*, that if, in any case, county commissioners shall neglect, refuse, or fail to make such levy as herein provided for, the county auditor shall nevertheless extend the same upon the assessment rolls of the year, the same as if such levy had been so made by the said county commissioners. As a further provision for the support of schools, there shall be set apart by the county treasurer of each county the proceeds of all fines for the breach of any penal law in this state, not otherwise appropriated by law, and all moneys arising from the issuing of liquor licenses, and from unclaimed moneys arising from the sale of estrays, as provided for by amendment to section twelve, chapter nineteen, of the General Statutes; and the county auditor shall open an account with each district, or portion of district, in his county, and keep an accurate account of all moneys received by or due to each of said districts, and all such matters as are necessary to show the condition of accounts between each of said districts and the county treasury, and for this purpose he shall examine any and all of the books in the office of the county treasurer. (1877, c. 74, *subc.* 5, § 10, *as amended* 1881, *Ex Sess. c.* 27; 1883, c. 53, § 1; 1887, c. 41, § 3.†)

***§ 84a. Loan of permanent school fund—Application by county.**

When any county in this state wishes to obtain a loan from said fund, the commissioners of said county shall, at a regular or special session, adopt a resolution that the county of _____ make an application to the state for a loan of _____ dollars, to be used in paying for the erection of a _____ building for the use of said county of _____. Such resolution shall also state by what authority the county is authorized to make such loan. The county auditor shall report said resolutions to the state auditor, and shall also certify to the last taxable valuation of said county, together with the bonded and floating indebtedness, if any, and the amount of money in the county treasury applicable for the payment of such indebtedness. The report and resolutions shall be signed by the county auditor and the chairman of the county board. (1887, c. 193, § 1.‡)

***§ 84b. Same—District—Resolution—Report to auditor.**

When any school-district in this state desires to procure a loan from said fund, said district shall, at a regular or special meeting, vote upon the following resolution: *Resolved*, that district No. _____, in the county of _____, state of Minnesota, hereby makes application to the state for a loan of _____ dollars, to be used in paying for the erection of a school-house in said district,

†§ 4, c. 41, Gen. Laws 1887, (*supra*, §§ 75, 79, 84.) provides: "This act shall take effect and be in force on and after August first, one thousand eight hundred and eighty-seven: *provided*, that the apportionments of October, one thousand eight hundred and eighty-seven, and March, one thousand eight hundred and eighty-eight, shall be made upon the basis of the enrollment as reported for the preceding school year; *second*, that the apportionment of October, one thousand eight hundred and eighty-eight, [and March.] one thousand eight hundred and eighty-nine, shall be made upon the basis of the enrollment of pupils between five and twenty-one years of age, who attended school 30 days during the year preceding in districts that have at least four months' school."

‡"An act to provide for the loaning of the permanent school fund of the state, as authorized by c. 1, Gen. Laws 1885." Approved March 5, 1887.

and that the bonds of said district for the sum of _____ dollars be issued therefor. The vote upon such resolutions shall be by ballot. Those voting for such resolution shall use ballots on which shall be written or printed, or partly written and partly printed, the words "For bonds." Those voting against said resolution shall use ballots on which shall be written or printed, or partly written and partly printed, the words "Against bonds." If a majority of the qualified electors voting upon such resolution shall vote in favor of it, the chairman shall declare the resolution adopted. Within five days after the adjournment of said meeting the clerk of said district shall make out and forward to the state auditor an accurate account of the proceedings of said meeting, which shall include the number of votes cast for and against said resolution, together with a certified copy of the notice posted, calling said meeting; and if called upon a petition, he shall furnish a certified copy of such petition. He shall also furnish an accurate description of the land embraced in said district, and the amount of the bonded or floating indebtedness. He shall also transmit a certified statement of the county auditor, showing the last taxable valuation of real and personal property in said district. The above report shall be signed by at least one of the duly-qualified district officers, and be attested by the district clerk. (*Id.* § 2.)

***§ 84c. Same—Independent school-districts and boards of education.**

Any independent school-district or "board of education" of any town or city desiring to obtain a loan shall substantially conform as near as may be to the requirements of section two of this act. (*Id.* § 3.)

***§ 84d. Board of investment—Proceedings.**

The board of investment created by chapter one of the General Laws of one thousand eight hundred and eighty-five [Const. art. 8, § 5, *ante*] shall meet at the state capitol on the first Monday of each month for the purpose of considering such applications as may have been made. The acceptance of applications at each meeting shall be in the following order:

First. Common-school districts.

Second. Independent school-districts.

Third. High-school districts.

Fourth. Counties.

The said board shall have authority to require such additional information regarding any application as may seem necessary, and to reject any application which, from its terms of payment or otherwise, may be deemed unsatisfactory, and shall also furnish such blanks as may be necessary for the purpose of carrying this act into effect. (*Id.* § 4.)

***§ 84e. Principal and interest—When due.**

All principal and interest shall fall due on the first day of July of the properly designated year, and no principal or interest shall fall due until sufficient time shall elapse after making a loan for a tax to be levied and collected therefor. (*Id.* § 5.)

***§ 84f. Bonds.**

When any application for a loan shall be accepted, the proper officers of the county or school-district shall execute and sign such bonds in such form as the said board of investment shall determine. And on the presentation of such bonds to the state auditor, he shall draw his warrant on the state treasurer for the amount payable from the permanent school fund, to the order of the treasurer of the proper county or school-district. Said bonds shall be indorsed "Minnesota School-Fund Bond," transferable only on the order of the governor, auditor, and state treasurer. He shall at once deposit such bonds

with the state treasurer, taking his official receipt therefor; and no money shall be paid over by the state treasurer on account of such bonds until they shall be delivered to him as above described. (1887, c. 193, § 6.)

***§ 84g. Application—Approval of attorney general.**

No application shall be formally accepted by said board until the regularity of such application, in conforming to the forms of law applicable thereto, shall have been approved by the attorney general. (*Id.* § 7.)

***§ 84h. Secretary of board.**

The state auditor shall act as secretary of the board, and shall make an accurate record of all the proceedings in detail, a summary of which shall be reported to the legislature at its regular sessions. (*Id.* § 8.)

PENALTIES OF THE COMMON-SCHOOL LAW.

***§ 85a. Attendance at school—When required.**

That every parent, guardian, or other person in the state of Minnesota, having control of any child or children, between the ages of eight and sixteen years, shall be required to send such child or children to a public school, or private school, taught by a competent instructor, for a period of at least twelve weeks in each year, at least six weeks of which time shall be consecutive, unless such child or children are excused from such attendance by the board of the school-district, or the board of education of the city or independent school-district in which such parent, guardian, or person having control resides, upon its being shown to their satisfaction that such parent or guardian was not able, by reason of poverty, to clothe such child properly; or that such child's bodily or mental condition has been such as to prevent his attendance at school or application to study for the period required; or that such child or children are taught at home in such branches of study as are usually taught in the public schools, subject to the same examination as other pupils of the district or city in which the child resides; or that he has already acquired the ordinary branches required by law; or that there is no school taught within two miles by the nearest traveled road. (1885, c. 197, § 1.*)

***§ 85b. Same—Non-compliance—Penalty—Prosecutions.**

Any parent, guardian, or other person failing to comply with the provisions of this act, shall, upon conviction, be deemed guilty of a misdemeanor, and fined in a sum not less than ten, nor more than twenty-five, dollars for the first offense, nor less than twenty-five, nor more than fifty, dollars for the second and every subsequent offense. Said action shall be prosecuted in the name of the state of Minnesota, before any court of competent jurisdiction, and all fines so collected shall be paid into the county treasury of the proper county for the support of common schools. (*Id.* § 2.)

***§ 85c. School directors, etc.—Inquiries—Neglect—Penalty.**

It shall be the duty of any school director or president of the board of education to inquire into all cases of neglect of the duty prescribed in this act, and ascertain, from the persons neglecting, the reasons, if any, therefor, and shall forthwith proceed to secure the prosecution of any offense occurring under this act; and any director or president neglecting to secure such prosecution for such offense within ten days after a written notice has been served on him by any tax-payer in said district or city, unless the person so complained of shall be excused by the district or city board, or board of educa-

*"An act requiring the education of all healthy children." Approved March 5, 1885.

tion, for reasons hereinbefore stated, shall be deemed guilty of a misdemeanor, and liable to a fine of not less than twenty, nor more than fifty, dollars, which fine shall be prosecuted for and in the name of the state of Minnesota; and such fine, when collected, shall be paid into the county treasury as in section two of this act. (*Id.* § 3.)

***§ 85d. Malicious prosecution—Costs.**

That upon the trial of any offense as charged herein, if upon such trial it shall be determined that such prosecution was malicious, then the costs in such case shall be adjudged against the complainant, and collected as fines in other cases. (*Id.* § 4.)

***§ 86. Refusal of officer to serve, etc.—Penalty.**

Every person duly elected to and accepting the office of director, treasurer, or clerk of any school-district, or member of board of education, who shall neglect or refuse to enter upon the duties of his office, and serve therein faithfully, or shall refuse or neglect to perform any of the duties prescribed by law, shall forfeit the sum of ten dollars to the use of said district, which may be collected by any action before any justice of the peace in the county, to be prosecuted by the director of said district, or by any freeholder in said district. (1877, c. 74, *subc.* 6, § 2, as amended 1879, c. 41, § 1.)

Where, at a regular school-district meeting, it is voted to have a school kept for a specified time, and sufficient funds are provided, the trustees render themselves liable to the penalty imposed by this section, as amended by Laws 1879, c. 41, by neglecting, without excuse, to provide the school the specified time. *Soule v. Thelander*, 31 Minn. 227, 17 N. W. Rep. 373.

***§ 88. Drawing illegal order, etc.—Penalty.**

Under this section the issuance of an order by a school-district clerk, drawn by him upon the treasurer for the payment of the wages of a teacher known to him not to have been licensed to teach, and paid out of the funds appropriated for teachers' wages, is an unlawful diversion of the public school funds from their legitimate channel, and subjects him to the penalty prescribed. *School-Dist. No. 10 v. Thelander*, 31 Minn. 333, 17 N. W. Rep. 866.

***§ 93. Penalties—Prosecutions.**

Though the cause of action for the penalty is in the district, the action for it may be brought by a director or freeholder in his own name. That the plaintiff is not a director or freeholder does not affect the cause of action, but only the plaintiff's capacity to prosecute it, and the objection is not reached by a general demurrer. *Soule v. Thelander*, 31 Minn. 227, 17 N. W. Rep. 373.

INDEPENDENT SCHOOL-DISTRICTS.

***§ 94. Organization.**

Any city, town, village, township, or school-district, now or hereafter organized, may be organized into and established as an independent school-district, in the manner and with the powers hereinafter specified: *provided, first*, that this title shall not apply to any township or school-district containing less than five hundred inhabitants, unless said school-district consists, in whole or in part, of an incorporated city, town, or village: *provided, second*, that the provisions of this chapter shall not apply to any city, town, or village, or any part thereof, which now has any special law regulating its schools: *provided, third*, that the territorial limits of no independent district hereafter organized shall exceed six miles square. (1877, c. 74, *subc.* 7, § 1, as amended 1881, c. 41, § 9.)

Before the amendment this section authorized the formation of a town consisting of any number of townships, congressional or fractional, into a single independent school-district. It was not controlled by § 17 of the same chapter, which restricts the area of the school-districts therein referred to to 36 square miles. *State v. Sharp*, 27 Minn. 38, 6 N. W. Rep. 403.

***§ 97. Meeting to elect officers—Notice—Term of office of directors.**

In case a majority of votes are cast in favor of organization under this provision for independent districts, the electors of said district shall assemble at the place where such votes were cast within twenty days thereafter, of which at least ten days' previous notice shall be given by said chairman and clerk in the manner aforesaid, and shall then and there choose by ballot six directors, who shall hold their offices until their successors are elected and qualified, as hereinafter provided; on the third Saturday in July, occurring more than twenty days after the organization of such district, there shall be chosen in the same manner six directors, two of whom shall serve for one year, two for two years, and two for three years, and until their successors are elected and qualified,—the time that each shall serve to be designated on the ballot; and annually thereafter, on the third Saturday in July, there shall be chosen two directors, whose terms of office shall be three years, and until their successors are elected and qualified. The terms of all members of boards of education elected at the annual school meetings in A. D. one thousand eight hundred and eighty-two, A. D. one thousand eight hundred and eighty-three, and A. D. one thousand eight hundred and eighty-four, shall expire on the first Saturday in August, two years and eleven months from the date of their election. (1877, c. 74, *subc. 7*, § 3, *as amended* 1881, c. 41, § 10; 1885, c. 57, § 2.)

***§ 99. Organization of board—Superintendent—Removal of members.**

Said board shall, within ten days after their election as aforesaid, and annually thereafter, on the first Saturday in August, meet and organize by choosing a president, clerk, and treasurer, who shall hold their offices as such for one year, and until their successors are elected and qualified. The board of education may also elect, by ballot, a superintendent, who shall hold his office during the pleasure of the board, and shall receive such compensation as shall be fixed by the board. The superintendent shall be *ex officio* member of the board, but not entitled to vote therein. The board may, for satisfactory reasons, remove any member or officer of the board, and fill the vacancy: *provided*, that no member shall be removed except by a concurrent vote of at least four members of the board, and at a meeting of whose object, time, and place he was duly notified. (1877, c. 74, *subc. 7*, § 6, *as amended* 1885, c. 57, § 3.)

***§ 105. Duties of clerk.**

The clerk shall act as clerk of the district as well as of the board, except that in his absence, inability, or refusal to act a clerk *pro tempore* may be chosen; shall keep a record of the proceedings of all district meetings, as well as of the meetings of the board, and of all reports made by him to the county auditor and county superintendent, and shall keep an account of the expenses of said district, and a correct and full list of the property of said district; shall furnish to the county auditor, on or before the tenth day of October in each year, an attested copy of his record, stating the amount of money voted to be raised by the district, for school purposes, at any annual or special meeting, or by the board of education; he shall give due notice of all meetings of the district; shall, upon the order of the board, draw and sign orders upon the treasurer of the district for the payment of money, stating in every such order the consideration for which it was drawn, and the name of the person rendering such consideration, and the particular fund upon which it was drawn; and shall take a receipt for every such order from the person to whom the same is delivered, and preserve the same; he shall keep all records, books, and papers belonging to his office, and deliver the same to

his successor; he shall, on or before the tenth day of August in each year, make and transmit to the county superintendent a report in writing, showing the amount of money apportioned to the district by the county auditor, and received from the county treasurer; specifying the amount from each source of revenue, the amount received from special taxes voted by the district, and from any other sources; the several amounts disbursed within the year, and the object for which each amount was expended; the value of school-sites and of school buildings, furniture, and apparatus, and such other financial matters as may be required on the blanks furnished by the state department of public instruction. Said clerk shall perform such other duties as may be specified by the board of education. (1877, c. 74, *subc.* 7, § 12, *as amended* 1885, c. 57, § 4.)

***§ 115. General school law applicable.**

See *State v. Sharp*, 27 Minn. 38, 6 N. W. Rep. 403.

***§ 115a. Dissolution.**

That any independent school-district, organized under chapter thirty-six of the General Statutes, one thousand eight hundred and seventy-eight, may dissolve its organization at any election held in such district in the same manner, as nearly as may be, as elections are held under said chapter, for the purpose of organizing such independent school-districts: *provided*, that such school-district shall only be dissolved when two-thirds of the legal voters voting at any such election shall cast their ballots in favor of dissolving the same. (1885, c. 170, § 1.)

***§ 115b. Same—Election.**

At any election held for the purpose of dissolving any such school-district the electors in favor thereof may deposit ballots worded thus, "Dissolving independent school-district, yes," and those opposed thereto may deposit ballots worded thus, "Dissolving independent school-district, no." (*Id.* § 2.)

***§ 115c. Bonds legalized.**

That all bonds, the issuance of which has, since the first day of October, A. D. one thousand eight hundred and eighty-two, been authorized by the voters of any independent school-district of this state, and which, by the terms of the resolution authorizing their issue, are payable after more than ten years, allowed by law for their maturity, are, as respects the time of their payment or maturity, hereby legalized, and the proceedings authorizing their issue legalized and confirmed; so that all such bonds shall be of the same validity as though authorized and conditioned to be payable within the said period of ten years. (1883, c. 88, § 1.)

ACTIONS BY OR AGAINST TRUSTEES.

***§ 117. Actions against trustees.**

A teacher may maintain an action against the district upon a duly-issued order upon the treasury for the amount due, which order had been duly presented, and payment thereof demanded and refused, although *mandamus* might lie against the treasurer. *Martin v. Elwood*, 35 Minn. 309, 29 N. W. Rep. 135.

COLLECTION OF DEBTS FROM DISTRICTS HAVING NO TRUSTEES.

***§ 128a. Bonds, coupons, etc.—Proceedings for collection.**

Whenever the trustees of any school-district shall have duly issued any bond, coupon, order, or other evidence of indebtedness of such school-district, and a majority of the trustees of such school-district shall afterwards cease to

act, or their offices otherwise become vacant, and such vacancy shall not be filled before the tenth day of October next preceding the time when such indebtedness shall become due and payable, so as to prevent the levying and certifying by the trustees of such district to the county auditor of the county of the tax for the payment of such indebtedness at the proper time, the holder of any such bond, coupon, order, or other evidence of such indebtedness may at any time between the tenth day of October aforesaid and the time when the annual tax-lists are next thereafter, or in any subsequent year, made out by the county auditor, file the same in the office of the county auditor of the county in which such school-district is situated. (1885, c. 173, § 1.)*

***§ 128b. Same—Duty of auditor.**

It shall be the duty of the county auditor to file all such bonds, coupons, orders, and evidences of indebtedness, and to keep a record of the filing thereof and the date when filed, and he shall immediately cause a notice of such filing, setting forth the nature and amount of said claim, to be published for three successive weeks in the newspaper in which was published the delinquent tax-list of such county for the year last past. The cost of publishing such notice shall be paid by the person filing such claim at the time of filing the same, and he shall, at the time of making out such tax-lists next after the date of such filing, levy upon the taxable property of the school-district by the trustees of which such bond, coupon, order, or other evidence of indebtedness was issued, a tax sufficient to pay the amount thereof, with interest, if any is payable thereon, and extend the same upon the tax-lists of the proper district; and said tax shall be collected in the same manner and by the same officers as state and county taxes are collected, and shall be subject to the same penalties for the non-payment thereof: *provided*, no tax shall be levied by the county auditor, under the provisions of this act, if a written notice, signed by not less than three persons who would be affected by such tax-levy, setting forth that such school-district has a just and valid defense against the payment of said claim, be served upon him, before the expiration of twenty days, after the last publication of the notice provided for in the foregoing section. (*Id.* § 2.)

***§ 128c. Same—Duty of auditor and treasurer.**

After the completion of such tax-lists, and on or before the first day of December in each year, the county auditor of each county shall make a copy of the record of filing of all bonds, coupons, orders, and other evidences of indebtedness filed in his office as aforesaid, for the payment of which a tax is extended upon the tax-lists of that year, and certify and deliver such copy to the treasurer of said county, and shall, upon request, surrender and deliver such bonds, coupons, or orders, and evidences of indebtedness to the person or persons respectively entitled to receive the moneys payable thereupon, and the county treasurer shall, upon presentation and surrender to him of any such bond, coupon, order, or evidence of indebtedness, pay to the person presenting the same the amount due thereupon, in the order in which they are filed in the office of the county auditor, out of any moneys in his hands collected for the payment of such indebtedness. (*Id.* § 3.)

STATE NORMAL SCHOOLS.

***§ 129a. Normal school at Moorhead established.**

There shall be established, under the direction and supervision of the state-normal school board, at the city of Moorhead, a normal school, to be known

*"An act entitled 'An act to provide for the collection and payment of bonds, coupons, orders, and other evidences of indebtedness issued by school-districts, when the offices of the trustees of such school-district have become vacant.'" Approved March 7, 1885.

as the "State Normal School at Moorhead:" *provided*, said city shall donate to the state a suitable tract of not less than six acres of land, to be approved by the normal school board, for the location, use, and benefit of said school, within eighteen months from the passage of this act: *provided, further*, that no money shall be appropriated for the erection of buildings for said school until the year one thousand eight hundred and eighty-seven. (1885, c. 158.*)

***§ 131. Officers of normal school board.**

The officers of the board shall be a president and secretary. The annual meeting of the board shall be held on the first Tuesday of June of each year. The members of the board, at their annual meeting in the year one thousand eight hundred and eighty-three, and biennially thereafter, shall elect by ballot from their number a president. The state superintendent of public instruction shall be secretary of the board. Whenever, from any cause, a vacancy shall exist in the office of president of the board, and said board shall not be in session at an annual meeting thereof, the governor may appoint one of the directors to be president of the board, who shall hold his office till the next annual meeting of the board, and until a president thereof shall be duly elected and shall enter upon the duties of his office. (1877, c. 74, *subc.* 9, § 2, *as amended* 1883, c. 12, § 1.)

***§ 133. Powers of normal school board.**

The state normal school board shall have the general supervision, management, and control of the state normal schools, and of all the property, real and personal, thereunto appertaining. They are hereby authorized and empowered to contract for the erection of all buildings connected with the schools under their charge, to appoint all professors and teachers in said schools, to fix the salaries of same; but in no case shall the salary of any principal exceed twenty-five hundred dollars per annum.† (1877, c. 74, *subc.* 9, § 5, *as amended* 1885, c. 95.)

***§ 137. Tuition.**

There shall be no charge for tuition or for incidental expenses to the students of any normal school who shall have filed with the principal thereof a declaration of intention to engage in the work of teaching in the public schools of this state for not less than two years after his or her connection with said school shall cease. The board may fix such rates of tuition for pupils in the model school and for students not intending to teach as in their judgment may be equitable and just. (1877, c. 74, *subc.* 7, § 9, *as amended* 1881, c. 41, § 11.)

***§ 144a. Winona normal school—Appropriation.**

That the sum of one thousand dollars, in addition to the sum now allowed by law for the year one thousand eight hundred and eighty-three, and annually thereafter, be and the same is hereby appropriated out of any money in the state treasury, or which shall come into the state treasury, not otherwise appropriated for defraying the current expenses of the normal school at Winona. (1883, c. 169, § 2.)

***§ 145a. Mankato normal school—Appropriation.**

That the sum of one thousand dollars, in addition to the sum now allowed by law, be appropriated for the year A. D. one thousand eight hundred and

**An act to establish a state normal school at the city of Moorhead, in Clay county." Approved March 5, 1885.

† The amendment of 1885, (approved March 9th,) entitled "An act to amend § 133, c. 36, Gen. St. 1878, relating to salaries of professors and teachers in state normal schools," is as follows: § 1. "That the proviso in said section one hundred and thirty-three of chapter thirty-six of the General Statutes of A. D. one thousand eight hundred and seventy-eight, be, and the same is hereby, repealed. But in no case shall the salary of any principal exceed twenty-five hundred dollars per annum."

eighty-seven, and annually hereafter, be, and the same hereby is, appropriated out of any money in the state treasury, or which shall hereafter come into the state treasury, not otherwise appropriated, for defraying the current expenses of said normal school. (1887, c. 255, § 2.)*

***§ 145b. Same—Expenditure.**

That the several sums aforesaid shall be expended under the direction of the state normal board. (*Id.* § 3.)

***§ 146a. St. Cloud normal school—Appropriation.**

That the sum of one thousand dollars, in addition to the sum now allowed by law, be appropriated for the year one thousand eight hundred and eighty-seven, and annually thereafter, and the same is hereby appropriated out of any money in the state treasury, or which shall hereafter come into the state treasury, not otherwise appropriated, for defraying the current expenses of said normal school. (1887, c. 219.†)

***§ 147. Standing appropriation.**

That the sum of nine thousand dollars, in addition to the sum now allowed by law for the year ending July thirty-first, A. D. one thousand eight hundred and eighty-six, and annually thereafter, be, and the same is hereby, appropriated out of any money not otherwise appropriated for defraying the current expenses of the state normal schools, as follows: For the state normal school at Winona, the sum of three thousand dollars; for the state normal school at Mankato, the sum of three thousand dollars; for the state normal school at Saint Cloud, the sum of three thousand dollars; the same to be paid on requisition drawn by the president and countersigned by the secretary of the state normal school board; and that on presentation of such requisitions to the state auditor it shall be his duty to draw warrants on the state treasurer for a like amount, such money to be expended under the direction of the normal board, as provided by law. (1885, c. 90.)

[The act of 1885 (c. 90) is entitled "An act to amend section one hundred and forty-seven, chapter 36, of the General Statutes of one thousand eight hundred and seventy-eight." But the body of the act does not in terms purport to be an amendment of that section. The following is the original section, (Gen. St. 1878, *§ 147:.) That the sum of fifteen thousand dollars, in addition to the sum now allowed by law, for the year one thousand eight hundred and seventy-seven, and annually thereafter, be, and the same is hereby, appropriated out of any money not otherwise appropriated for defraying the current expenses of the state normal schools, as follows: For the state normal school at Winona, the sum of seven thousand dollars; for the state normal school at Mankato, the sum of four thousand dollars; for the state normal school at St. Cloud, the sum of four thousand dollars; the same to be paid on requisition drawn by the president and countersigned by the secretary of the state normal-school board; and that on the presentation of such requisitions to the state auditor it shall be his duty to draw warrants on the state treasurer for a like amount, such money to be expended under the direction of the normal board, as provided by law. (1877, c. 164, § 1.)]

***§ 147a. Additional appropriation.**

That the sum of eight thousand dollars, in addition to the sum now allowed by law for the year one thousand eight hundred and eighty-one, and annually thereafter, be, and the same is hereby, appropriated out of any money not

*"An act entitled 'An act to appropriate money for the benefit of the state normal school at Mankato.'" Approved March 5, 1887. §1 appropriates \$6,500 for repairs and the purchase and improvements of grounds.

†"An act to appropriate money for the current expenses of the state normal school at St. Cloud." Approved March 8, 1887.

otherwise appropriated for defraying the current expenses of the state normal schools, as follows: For the state normal school at Winona, the sum of two thousand dollars; for the state normal school at Mankato, the sum of three thousand dollars; for the state normal school at St. Cloud, the sum of three thousand dollars, such money to be expended under the direction of the state normal school board, as provided by law. (1881, c. 190, § 1.*)

***§ 147b. Teachers' institutes—Salaries.**

The state normal school board shall appoint one teacher for each normal school especially qualified to give instruction in teachers' institutes; the salary of such teacher to be paid out of the money appropriated by section one of this act. (*Id.* § 2.)

***§ 147c. Moorhead normal school—Appropriation.**

That the sum of five thousand dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated for defraying the current expenses of the state normal school at Moorhead, for the year one thousand eight hundred and eighty-eight, and an equal sum annually thereafter; all of said moneys to be expended under the direction of the state normal board.† (1887, c. 241.)

HIGHER EDUCATION.

***§ 155a. High school board—How constituted.**

The governor, superintendent of public instruction, and the president of the University of Minnesota, *ex officio*, are hereby constituted a board of commissioners on preparatory schools for the encouragement of higher education in this state. This board shall be called the "High School Board," and shall perform the duties and have and exercise the powers hereinafter mentioned. (1881, c. 144, § 1.‡)

***§ 155b. State aid to high schools.**

Any public graded school in any city or incorporated village or township, organized into a district under the so-called township system, which school shall give preparatory instruction, according to the terms and provisions of this act, and shall admit students of either sex from any part of the state without charge for tuition, shall be entitled to receive pecuniary aid, as hereinafter specified: *provided, however*, that no such school shall be required to admit non-resident pupils, unless they shall pass an examination in all the branches prescribed by law as requisite to a third-grade county certificate. (*Id.* § 2.¶)

***§ 155c. Conditions of receiving aid.**

The said board shall require of the schools applying for such pecuniary aid, as prerequisite to receiving such aid, compliance with the following conditions, to-wit:

First. That there be regular and orderly courses of study, embracing all the branches prescribed as prerequisite for admission to the collegiate department of the University of Minnesota.

*"An act to increase the standing appropriations for normal schools, and to provide for the payment of the salaries of institute teachers therefrom." Approved February 24, 1881.

† Chapter 242, Gen. Laws 1887, appropriates \$60,000 for the erection of a building for the state normal school at Moorhead, and provides for the expenditure of the same.

‡ "An act for the encouragement of higher education." Approved March 3, 1881.

¶ The corresponding section of the act of 1878, (*§ 149, Gen. St. 1878,) as amended 1879, c. 27, reads the same as above, with the addition at the end of the section of the words, "except algebra, plain geometry, and the theory and practice of teaching."

Second. That the said schools receiving pecuniary aid under this act shall at all times permit the said board of commissioners, or any of them, to visit and examine the classes pursuing the said preparatory courses. (1881, c. 144, § 3.)

***§ 155d. Visitation of schools.**

The said board of commissioners shall cause each school receiving aid under this act to be visited at least once in each school year by a committee of one or more members, who shall carefully inspect the instruction and discipline of the preparatory classes, and make a written report on the same immediately: *provided*, that the said board may, in their discretion, appoint in any case competent persons to visit and inspect any schools, and to make report thereon; and no money shall be paid in any case until after such report shall have been received and examined by the board, and the work of the school approved by vote of the board. (*Id.* § 4.)

***§ 155e. Applications for aid—Apportionment—Appropriation.**

The said board shall receive applications from such schools for aid as herein provided, which applications shall be received and acted upon in the order of their reception. The said board shall apportion to each of said schools which shall have fully complied with the provisions of this act, and whose application shall have been approved by the board, the sum of four hundred dollars in each year: *provided*, that the total amount of apportionments and expenses under this act shall not exceed twenty thousand dollars in any one year. The sum of twenty thousand dollars is hereby appropriated annually, to be paid out of any moneys in the treasury not otherwise appropriated, for the purposes of this act, which amount, or so much thereof as shall be necessary, shall be paid upon the warrants of said board upon the state auditor.* (*Id.* § 5.)

***§ 155f. Compensation of members of board.**

The members of said board shall serve without compensation, but the actual and necessary expenses of the board, and of any examiner appointed by them, shall be paid in the same manner as those of state officers: *provided*, that the total expenses, including the apportionments to the schools aforesaid, shall not exceed twenty thousand dollars in any one year. (*Id.* § 6.)

***§ 155g. Rules and regulations.**

The said board shall have power to establish any necessary and suitable rules and regulations relating to examinations, reports, acceptance of schools, courses of studies, and other proceedings under this act. (*Id.* § 7.)

***§ 155h. Record of proceedings—Report.**

The said board shall keep a careful record of all their proceedings, and shall make, on or before the first day of September in each year, a report covering the previous school year, to the superintendent of public instruction, showing in detail all receipts and disbursements, the names and number of schools receiving aid, and the number of pupils attending the classes in each, to which report they may add such recommendations as they may deem useful and proper. (*Id.* § 8.)

***§ 155i. Discretionary powers of board.**

The high-school board shall have full discretionary power to consider and act upon applications of schools for state aid, and to prescribe the conditions upon which said aid shall be granted; and it shall be its duty to accept and aid such schools only as will, in its opinion, if aided, efficiently perform the service contemplated by law; but not more than five schools shall be aided

*The amendment to § 5 of the act of 1878, (Gen. St. 1878, *§ 152,) by Gen. Laws 1879, c. 27, § 2, substitutes \$20,000 for \$9,000.

in each county in any one year. Any school once accepted and continuing to comply with the law, and regulations of the board made in pursuance thereof, shall be aided not less than three years. (1881, *Ex. Sess. c. 61, § 1, as amended 1883, c. 40, § 1.*)

***§ 155j. Assistant examiner—Compensation.**

Any assistant examiner appointed by the high-school board, as authorized by law, shall be entitled to receive such compensation as the board may allow, not exceeding three dollars a day or fifty cents an hour *provided*, that no such compensation shall be paid to any person receiving a salary from any state institution. (1881, *Ex. Sess. c. 61, § 2.*)

***§ 155k. Additional appropriation.**

The sum of three thousand dollars, in addition to the sum now allowed by law, be and is hereby appropriated out of any money not otherwise appropriated for the year one thousand eight hundred and eighty-three, and annually thereafter, for the support of high schools, under chapter one hundred and forty-four of the General Laws of one thousand eight hundred and eighty-one, for the encouragement of higher education, approved March third, one thousand eight hundred and eighty-one. (1883, c. 151, § 1.)

***§ 155l. Same.**

That the sum of two thousand dollars, in addition to the sum now allowed by law, be appropriated for the year one thousand eight hundred and eighty-seven, and annually thereafter, out of any moneys not otherwise appropriated, for the support of high schools, under chapter one hundred and forty-four of the General Laws of one thousand eight hundred and eighty-one, for the encouragement of higher education. Approved March third, one thousand eight hundred and eighty-one. (1887, c. 256.)

UNIFORM TEXT-BOOKS.

***§ 156. Contract with D. D. Merrill.**

This and the following sections, providing for cheap and uniform text-books in the public schools, are constitutional. *Curryer v. Merrill, 25 Minn. 1.*

***§ 159. Applications for books—Agents—Sales.**

It shall be the duty of the county superintendent of schools of each county to ascertain the number and kind of books unsold in the hands of the district clerks and agents of districts, and the agents appointed under this act, and of the number and kind in addition thereto needed in the school-districts of the county, and make a requisition for the total number of each kind of the books provided for in the preceding sections, together with such others as may be from time to time required of the contractor, and added to the state list by the state superintendent of public instruction, which will be needed to fully supply all the schools with text-books, and all the scholars in all the schools in said county for one year, and forward the same to the state superintendent of public instruction on or before the first day of June in each and every year, and he shall file a duplicate or copy of the same with the county auditor of his county. Whenever there is a deficiency of books of any kind in any agency so established, the county superintendent shall make a like requisition to supply the same, and if there is remaining for more than one year a surplus of any kind of books in any agency, he shall notify the county auditor thereof, who shall cause such surplus to be transmitted to any other agency in his county where there is a deficiency thereof; and he shall also, at the request of the trustees of any district, cause all books now in the hands of the clerk or agent of such district to be transferred to the agencies created under this act, and adjust the accounts accordingly. The state superintendent of public

instruction shall, immediately upon the receipt of any such requisition, make out his own requisition for the same books and forward it to the contractor. It is hereby made the duty of the board of county commissioners in each and every county, at their first meeting in January of each year, and in case of any failure to make the appointment at said meeting, then the said board shall make the same at their next meeting, and not later than the fifteenth day of May, to appoint in one or more places in each county one or more persons who shall act as agents for the sale of such books; and such agents shall continue in office till the fifteenth day of January next succeeding, and until their successors are appointed and qualified. As soon as such agent or agents are appointed in any county, the county auditor shall notify the contractor of such appointment, and give him the full names and correct post-office address of such agent or agents, and notify him of any changes thereafter made of such agents. The county auditor of each county shall immediately upon receipt of the copy or duplicate of the order of the county superintendent upon the state superintendent, notify the contractor to whom to send the books, and in case of there being more than one such agent in the county, he shall state the number or proportion of each of the kinds of said books to be sent to each agent, and in case of a failure to receive such information the contractor shall forward all the said books required for such county to the county auditor. The contractor shall send to each agent a memorandum bill of the books sent to him, and also a duplicate thereof to the county auditor of the county. Each of the agents herein provided for shall, before entering upon his duties, give a bond with one or more sureties, to be approved by the county auditor, running to the said county, in such a sum as the county commissioners or the county auditor and treasurer shall determine, conditioned for the faithful performance of the duties imposed upon such agents by this act. Each agent shall sell the said books at the prices fixed by the state superintendent of public instruction. The said agent shall account to the county auditor once in each quarter year for all books received by them, and shall then pay over to the county treasurer all moneys received for those sold. Each agent shall be entitled to and shall receive for his service the sum of eight per cent. of the amount of his sales as shown by him at each accounting, to [and] the county auditor at the time of each settlement shall draw his warrant upon the county treasurer for said sum, which amount shall be paid by said treasurer out of the school funds arising from county taxation. Any person purchasing books from the agents may sell the same at an advance, equal to an average of ten per cent. above the state superintendent's list prices, and no more. It shall be a misdemeanor for any person to sell any of said books which have been previously purchased from any such agent or agents, or from the contractor, at prices greater than herein provided, punishable by a fine not to exceed twenty-five dollars or imprisonment not to exceed thirty days for each offense; and it shall be a misdemeanor for any officer to refuse to perform any duty imposed upon such officer by this act, or the acts to which this act is amendatory, punishable by a fine of not less than twenty-five nor more than one hundred dollars, or imprisonment for not less than thirty days nor more than ninety days, for each offense; and justices of the peace in the several counties shall have jurisdiction to try and determine such offenses. (1877, c. 75, § 4, *as amended* 1883, c. 39, § 1;* 1885, c. 20.)

***§ 160. Duties of the contractor—Payments.**

It shall be the duty of the contractor, as soon as possible after receiving the requisition of the state superintendent for the books ordered by the several

*Chapter 39, Gen. Laws 1883, is amended 1885 (c. 20) by inserting "Immediately preceding section one, the words 'be it enacted by the legislature of the state of Minnesota.'" By § 4 of the act of 1883 "this act shall take effect and be in force from and after its passage, [March 6, 1883:] *provided*, that the state text-book contractor shall file within 60 days with the secretary of state his written acceptance of the same."

county superintendents, to forward the number of books required to the several agents or county auditors, as hereinbefore provided, and upon the filing of the requisitions, and the delivery of the shipping receipts for the same to the superintendent of public instruction, it shall be the duty of said superintendent to certify the amount due to the contractor, and the state auditor shall thereupon issue his warrant upon the state treasurer for the amount so certified, payable out of the school text-book fund hereinafter provided for. (1877, c. 75, § 5, *as amended* 1883, c. 39, § 2.)

***§§ 163, *164. Estimates of number of books and price-lists.**
[Gen. Laws 1877, c. 75, §§ 8, 9, stricken out, and §§ 10, 11, 12, (Gen. St. *§§ 165, 166, 167,) renumbered as §§ 8, 9, 10; 1883, c. 39, § 2.]

***§ 166. School funds—Payment—Certificate of use of state books.**

After two years from the time the county auditor of any county has received the number of text-books required for the district-schools of his county, from the superintendent of public instruction, the treasurer of such county shall pay no part of the school funds arising from taxation, belonging to a district of his county, to the treasurer of such district, until such treasurer produces his certificate in writing of the county superintendent of public schools in his county, certifying to the fact that the state text-books have been introduced into the school or schools of such district, and are used in such school to the exclusion of any other series of text-books. (1877, c. 75, § 11, *renumbered as* § 9, *as amended* 1878, c. 2, § 7; 1883, c. 39, § 2.)

***§ 167a. Reimbursing counties—Agents, etc.—Paying over moneys—Blanks.**

The county treasurer of any county which has heretofore paid, or may hereafter pay, into the state treasury any sum of money on account of books furnished for any school-district upon any estimate of the clerk of such district made prior to the passage of this act, shall retain out of any money in his hands arising from taxation, and belonging and payable to such school-district, the amount so by the county paid into the state treasury, and all moneys received by the clerk or agent of any school-district for books by him sold, shall be paid to the treasurer of the same district for the use and benefit of such district; and it is hereby made the duty of the state superintendent of public instruction, within twenty days after the passage of this act, to procure and forward to the county superintendent of each county all blanks required for the execution of this act; and it shall be the duty of the county superintendent to immediately transmit such blanks to the officers required to use the same. (1883, c. 39, § 2, *numbered as* § 11, c. 75, *Gen. Laws* 1877, *as amended*.)

SUPPLEMENT TO UNIFORM TEXT-BOOK ACT.

[1878, c. 2; Gen. St. 1878, c. 36, *§§ 168–176. By Gen. Laws 1883, c. 39, § 3, "all parts of chapter 2 of the General Laws of one thousand eight hundred and seventy-eight not re-enacted herein (*§§ 159, 160, 166, 167a, *supra*) are hereby repealed."]

INSTRUCTION IN SCHOOLS.

***§ 177. Instruction in moral and social science.**

That all school officers in the state may introduce, as part of daily exercises of each school in their jurisdiction, instruction in the elements of social and moral science, including industry, order, economy, punctuality, patience, self-

* Amended 1881, c. 17, § 1.

denial, health, purity, temperance, cleanliness, honesty, truth, justice, politeness, peace, fidelity, philanthropy, patriotism, self-respect, hope, perseverance, cheerfulness, courage, self-reliance, gratitude, pity, mercy, kindness, conscience, reflection, and the will. (1881, c. 150, § 1.*)

***§ 178. Same—Mode.**

That it may be the duty of the teachers to give a short oral lesson every day upon one of the topics mentioned in section one of this act, and to require the pupils to furnish illustrations of the same upon the following morning. (*Id.* § 2.)

***§ 178a. Same—Purpose.**

That emulation may be cherished between pupils in accumulating facts in regard to the noble traits possible, and in illustrating them by daily conduct. (*Id.* § 3.)

***§ 179. Physiology and hygiene—Instruction.**

It shall be the duty of the boards of education, and trustees in charge of schools and educational institutions, supported in whole or in part by public funds, to make provision for systematic and regular instruction in physiology and hygiene, including special reference to the effect of stimulants and narcotics upon the human system. (1887, c. 123, § 1.†)

***§ 180. Same.**

It shall be the duty of all teachers in the public schools of the state to give systematic and regular instruction in physiology and hygiene, including special reference to the effects of stimulants and narcotics upon the human system, and any neglect or refusal on the part of such teachers to provide instruction as aforesaid shall be deemed sufficient cause for annulling his or her certificate by the county superintendent or other competent officer. (*Id.* § 2.)

***§ 181. Same—Teacher's qualifications.**

No certificate shall be granted any person to teach in the public schools of this state, after January first, one thousand eight hundred and eighty-eight, who has not passed a satisfactory examination in physiology and hygiene, with special reference to the effects of stimulants and narcotics upon the human system. (*Id.* § 3.)

***§ 182. Same—Failure to afford instruction.**

It shall be the duty of the county superintendent of schools to report to the superintendent of public instruction any failure or neglect on the part of any board of education or trustees of a school or institution receiving aid in whole or in part from the state to make provision for the instruction aforesaid, and, such failure or neglect being satisfactorily proven by the county superintendent or by other persons, it shall be sufficient warrant upon which the superintendent of public instruction may withhold the apportionment of the current school fund from such district: *provided*, that not more than one-fourth of said apportionment shall be withheld upon the first offense, one-third upon the second, and one-half upon any subsequent offense. (*Id.* § 4.)

***§ 183. Same—Text-books.**

That the superintendent of public instruction and the presidents of the normal schools of this state be directed to recommend some suitable text-book,

*"An act to introduce moral and social science in the public schools of this state." Approved March 4, 1881. Took effect from and after July 1, 1881.

†"An act relating to instruction in public schools in physiology and hygiene, with special reference to the effect of stimulants and narcotics on the human system." Approved March 1, 1887.

and to furnish the same at cost to the several school-districts of this state, for the study of physiology and hygiene, with special reference to the effects of stimulants and narcotics upon the human system. (*Id.* § 5.)

STATE PUBLIC SCHOOL.*

***§ 184. Commissioners—Designation of school.**

The governor shall appoint five commissioners for the purpose of selecting a suitable location and erecting thereon suitable buildings for a state school or temporary home for dependent and neglected children; such institution to be known as the state public school. (1885, c. 146, § 1.†)

***§ 185. Same—Powers—Compensation—Governor ex officio member.**

The said commissioners shall have power to receive proposals for the donation of land to the state for such site, and to receive the same by gift, or they may purchase such site if no proper location shall be given for that purpose; and they may receive donations of money or other securities in behalf of the state of Minnesota for the benefit of such school; and they may locate the same at such point as they shall deem for the best interests of this state. They shall receive no pay for their services under this act except their traveling and other official expenses. That the governor shall be *ex officio* a member of such board. (*Id.* § 2.)

***§ 186. Site—Price—Payment—Secretary and treasurer.**

That the deeds for such site shall be duly executed to the state of Minnesota and delivered to the state auditor, and the state treasurer thereupon is hereby directed to pay on the warrant of the state auditor to such grantor of whom such site shall be purchased, in case of the purchase of the same, such sums of money as may be required to pay for the site: *provided*, that not over one thousand dollars shall be paid for that purpose. The said commissioners shall, at their first meeting, appoint from their members a secretary and treasurer. (*Id.* § 3.)

***§ 187. Secretary—Duties—Drawing money.**

It shall be the duty of the secretary of said commissioners to render annually to the state auditor accounts current of all cash transactions, and all moneys received, with the proper vouchers; and no money shall be drawn by said commissioners unless they shall have first filed with the state auditor an estimate and statement showing the purpose for which money is required. (*Id.* § 5.)

***§ 188. Superintendence—Employes—Capacity of building.**

The said commissioners shall have the superintendence of the grounds and the design and construction of the necessary buildings, with power to appoint an architect, superintendent, and other necessary agents and assistants, and to fix the compensation for their services, subject to the approval of the governor; the principal building to have a capacity for not less than one hundred children. (*Id.* § 6.)

***§ 189. Commissioners' oath—Treasurer's bond.**

Said commissioners, before they enter upon the duties of their office, shall each take and subscribe an oath of office, and file the same in the office of sec-

* An appropriation was made by Gen. Laws 1887, c. 244, for erecting buildings, making improvements, and for current expenses for the years 1888 and 1889.

† "An act to provide for establishing and conducting a state public school." Approved March 9, 1885. § 4 appropriates \$20,000 for the years 1886-87.

retary of state; and the treasurer of said commissioners shall execute an official bond to the state of Minnesota in the penal sum of ten thousand dollars, with two good and sufficient sureties, approved by the governor, conditioned for the faithful performance of the duties required of him, and to properly account for all moneys received by him under this act. (1885, c. 146, § 7.)

***§ 190. Completion of building.**

When the state public school shall be finished, the said commissioners shall make under their hands a certificate thereof, which shall be transmitted to the governor, who shall thereupon give public notice that the same is ready for the reception of dependent and neglected children; that after the completion of the state public school building, and until the last day of the session of the legislature next succeeding such completion, said commissioners shall have the control and government of said public school with the same authority and duties as are given to the board named in section nine of this act. (*Id.* § 8.)

***§ 191. Board of control — Appointment — Term — Powers.**

The general supervision and government of said state public school shall be vested in a board of control, to consist of three members, who shall be appointed by the governor, by and with the advice and consent of the senate, the members of which board shall hold their offices for the respective terms of two, four, and six years from the last day of the session of the legislature next after the completion of the state public school building, and until their successors shall be appointed and qualified, said respective terms of office to be designated in their several appointments; and thereafter there shall be one of the said board appointed every two years, whose term of office shall continue for six years, or until his successor is appointed and qualified. The members of the said board shall constitute a body corporate, under the name and style of the "Board of Control of the State Public School," with the right of suing and being sued, of making and using a common seal, and altering it at pleasure; that said board of control shall have the power of taking and holding by purchase, gift, donation, devise, or bequest real or personal estate to be applied to the use of the institution. (*Id.* § 9.)

***§ 192. Same — Meetings — Officers and employes — Treasurer's bond — Rules and regulations.**

It shall be the duty of said board of control to meet once in three months on its own adjournments, and oftener if necessary; that the said board shall elect from its own number a president and secretary; also, a treasurer, who may or may not be a member of the said board, each of whom shall hold his office during the pleasure of the said board; that the said treasurer shall give his bond to the people of this state, with two or more sufficient sureties, to be approved by the said board and the governor, in the penal sum of at least ten thousand dollars, or in such additional penal sum as said board may require, conditioned for the faithful performance of the duties required of him by law, and to account for and pay over, as required by law, all moneys received by him as such treasurer, and, when not a member of said board, may be paid for his services as other employes of said institution. The said board of control shall establish a system of government for the institution, and shall make all necessary rules and regulations for enforcing discipline, imparting instruction, preserving health, and for the proper physical, intellectual, and moral training of children. The said board shall appoint a superintendent, a matron, and such other officers, teachers, and employes as shall be necessary, who shall severally hold their offices or places during the pleasure of said board; and said board shall prescribe their duties, and fix their salaries, subject to the approval of the governor. (*Id.* § 10.)

***§ 193. Pupils—Admission—Return.**

There shall be received as pupils in said school those children who are declared dependent on the public for support, as provided in this act, who are over three and under fourteen years of age, and who are in suitable condition of body and mind to receive instruction; that said board is authorized, in admitting children, to give preference to those under twelve years of age; that those admitted, unless sent from the institution as provided by this act, shall be retained until they are sixteen years of age, and may be retained after that age, in the option of said board, until a home is procured for them; that said board is authorized to return to the county sending it any child when it shall become sixteen years of age, and no home has been procured, or whenever, after its admission, it shall be ascertained to the satisfaction of said board that the child was of unsound mind or unsound body at the time of its admission, or if for any other reason said board shall consider said child an improper inmate of said school; that, in the case of the return of any child, as herein provided, to the county sending it, the guardianship of this board shall cease, and the child shall again become a charge on the county sending it. The said board of control shall report in writing to the county commissioners of the proper county the reason for returning the child. (*Id.* § 11.)

***§ 194. Same—Instruction.**

The children in such school shall be maintained and educated in the branches usually taught in common schools, and shall have proper physical and moral training. (*Id.* § 12.)

***§ 195. Same—Object of act—Duties of board.**

It is declared to be the object of this act to provide for such children a temporary home only in said school until homes can be procured for them in good families. The said board of control is hereby made the legal guardian of all children who shall become inmates of the said school. It shall be the duty of said board of control to use special diligence in providing suitable homes for such children, and it is hereby authorized to place them in such families, on a written contract, during minority or until eighteen years of age, in the discretion of said board of control, providing for their education in the public schools where they may reside; for teaching them some useful occupation; for kind and proper treatment as members of the family where placed; and for the payment on the termination of such contract to said board of control for the use of the child any sum of money that may be provided for in said instrument. (*Id.* § 13.)

***§ 196. Poor-house children—Soldiers' orphans.**

That whenever there shall be sufficient room for the reception of the class of children described in this act, in such state public school, no such children shall hereafter be maintained in county poor-houses; that in receiving such children into such school, preference shall be given first to dependent and indigent orphans or half orphans of deceased soldiers of this state. (*Id.* § 14.)

***§ 197. Admission—Candidates—Distribution—Transportation.**

Whenever inquired of by the county commissioners of any county, and whenever there is room for one or more children in said school from any county, it shall be the duty of the superintendent of said school to notify the county commissioners of such county how many children they can send to said school; that whenever there are more admissible children in the several counties that can be received in said school it shall be the duty of the superintendent of said school to divide such admissions *pro rata* among the counties according to the number of dependent children in each at the time of such ad-

mission, giving preference to counties of the same or larger population that have had less admitted into said school; that, whenever the county commissioners of any county shall be informed by the superintendent of said school that any dependent children from their county can be admitted into said school, it shall be their duty to forward them to said school, as provided in this act, as soon as practicable; that the expense of transportation of children to said school, pursuant to law, and the expense of returning any of said children to their counties, after their admission by said board of control as improper inmates of said school, shall be audited by the board of state auditors, and paid from the general fund. (1885, c. 146, § 15.)

***§ 198. Judge of probate—Duty of investigation.**

Before the county commissioners shall send any child to said school, they shall cause him to be brought before the judge of probate in the county where the child belongs, for examination by the judge of probate as to his alleged dependence; and it shall be the duty of the county commissioners of each county in the case of children in the poor-houses, or other children which shall be found in a state of want or suffering, or being abandoned or improperly exposed, or children in any orphan asylum where the officers thereof desire to surrender them to the care of the state, whenever there shall be a vacancy for their county in said school, to bring such children before the said judge of probate for said examination, and it shall thereupon be the duty of the said judge of probate to investigate the facts in each case, and ascertain whether such children are dependent, their ages, names, and residence of parents, and in what county poor-house or orphan asylum they have been kept, if any, and for how long a time; and said judge of probate shall have power to compel the attendance of witnesses, and may in his discretion request the attendance of the prosecuting attorney for such examinations; and if so requested, it shall be the duty of such prosecuting attorney to attend in behalf of the county. The parents or any friend may appear in behalf of any child, and in his discretion the said judge of probate may request any county commissioner to appear in behalf of any child; and if, on such examination, the said judge of probate shall find that any child is dependent and neglected, he shall enter such finding by a proper order in the journal of the probate court in his office, and shall deliver to the county commissioners procuring such examination a certified copy of such order, which shall contain besides said findings a statement of the facts, so far as ascertained, as to the age of the child, names and residence of parents, and name of county poor-house or orphan asylum where the child has been maintained, and the length of time of such maintenance; and in the case of the examination of two or more children at the same time only one order need be made, and said certified copy of said order shall be delivered with the child at said school to the superintendent thereof. (*Id.* § 16.)

***§ 199. Pupils—Record.**

It shall be the duty of said board of control to provide and keep in said institution a record in which shall be entered the names, residence, and ages of the children received, the residence, business habits, and character of the parents, if living and known, the date of reception in school, the date of indenture contract, and the name, occupation, and residence of the person with whom the child is placed. A brief history of each child shall be maintained during its minority. (*Id.* § 17.)

***§ 200. Agent of school—Duties—Compensation.**

The said board of control is authorized to designate some officer, teacher, or other employe connected with said school to act as agent thereof, and who shall act in that capacity during the pleasure of said board of control, and shall be known as the agent of the state public school, and his duties as such

agent shall be prescribed by said board, and shall include the visiting, as often and at such times as said board of control shall determine, any and all children placed in charge of any person by said board of control; to inquire into the condition of such children, and make such investigation as may be necessary in relation thereto, and report the same to said board of control; to investigate all applications to take such children, by adoption or otherwise, to such suitable persons who are willing to adopt, take charge of, or otherwise take and keep any children sent to said school; and to enter into a contract in writing, in behalf and under the instructions of said board of control, with the persons taking such child; and all such contracts shall contain a clause reserving to said board of control the right to withdraw the child from any person having him, when, in the opinion of the board, the welfare of the child requires it. The said agent, while acting as such, shall be paid his necessary traveling expenses by the treasurer of said board of control, after being allowed and certified by said board of control. (*Id.* § 18.)

***§ 201. Board—Biennial report—Compensation.**

The said board of control shall biennially report to the governor, legislature, and superintendent of public instruction, presenting a detailed statement of the operations of said institution for the two fiscal years preceding the regular session of the legislature, which shall include the report of the treasurer of said board of control of all receipts and disbursements in his office for the same period, and the report of the superintendent, for the same period, setting forth the condition of said school; the names of regular employes and the salary of each; the number of children who have received instruction; the average number during each year in the school; the discipline prescribed; the studies pursued; the books used; the expense *per capita* for average attendance; the expense *per capita*, estimating therein the expenses additional for those indentured; and such other information as he may deem important, or the governor or superintendent of public instruction may request. The members of said board of control shall be allowed the expenses necessarily incurred by them in the discharge of their official duties, and three dollars per day for their official services actually and necessarily performed, which shall be audited by the state auditor, and paid from the general fund. (*Id.* § 19.)

***§ 202. Application to judge of probate.**

That whenever the county commissioners of any county shall bring any child before the judge of probate for examination as to his alleged dependence, as provided in section sixteen of this act, they shall present to said judge an application in writing, which shall be filed in his office for such examination, which shall be signed by at least two of said commissioners, in which they shall certify that in their opinion the child named is dependent on the public for support, and that he has no parents against whom his support can be enforced. (*Id.* § 20.)

***§ 203. Adoption of pupils.**

That the superintendent, or agent, or board of control of the state public school, is hereby authorized to consent to the adoption of any child who has or shall become an inmate of said institution, by any person or persons, pursuant to the provisions of an act entitled "An act to provide for changing the names of minor adopted children, and of other persons," approved February twenty-sixth, A. D. one thousand eight hundred and seventy-six; and that on such adoption the said board of control shall cease to be the guardian of the child adopted. (*Id.* § 21.)

***§ 204. Examination by physician.**

That whenever, on the examination provided for in this act, the judge of probate shall determine that the child is dependent on the public for support,

or neglected, he shall cause it to be examined by the county physician, if there be one, and if not, then by a respectable practicing physician; and shall in no case enter the order in his journal, showing the child is admissible to this school, unless the physician making such examination shall certify in writing, under oath, filed in said court, that the child examined by him is in his opinion of sound mind, and has no chronic or contagious disease, and in his opinion has not been exposed to any contagious disease within fifteen days previous to such examination before the judge of probate; that a copy of such certificate shall be attached to the other papers provided by this act, to accompany each child to this school. (1885, c. 146, § 22.)

CHAPTER 37.

UNIVERSITY OF MINNESOTA.*

*§ 5. Board of regents—Officers—Term—Bonds.

The board of regents shall elect from the members of the board a president of the board and a recording secretary. They shall also elect a treasurer, who may or may not be a member of the board. All of said officers shall hold their offices during the pleasure of the board. And the president and treasurer, each before entering upon the duties of his office, shall execute a bond in the penal sum of fifty thousand dollars, with at least two sufficient sureties, to the state of Minnesota, to be approved by the governor, conditioned for the faithful and honest performance of the duties of his office according to law; which bonds, when so approved, shall be filed in the office of the secretary of state. (1868, c. 1, § 4, *as amended* 1872, c. 10, § 3, and 1881, *Ex. Sess.*, c. 46, § 1.)

*§ 6a. Scandinavian language—Professorship.

There is hereby established a professorship of Scandinavian language and literature in the State University, with the same salary as is paid in said university to other professors of the same grade. (1883, c. 140, § 1.)

*§ 6b. Same—Appointment.

It shall be the duty of the board of regents of the State University, as soon as practicable after the passage of this act, to appoint to said professorship some person learned in the Scandinavian language and literature, and at the same time skilled [in] and capable of teaching the dead languages, so called. (*Id.* § 2.)

*§ 6c. Professor of military science—Commission.

That the governor of the state may commission the professor of military science and tactics of the State University, or at any seminary or college within this state maintaining military instruction and drill in its course of

*For provisions for the destruction of "Minnesota state railroad adjustment bonds," belonging to the permanent university fund, and the issue of new bonds therefor, see Gen. Laws 1885, c. 227.

§ 1, c. 117, Gen. Laws 1879, provides certain appropriations for the institutions therein named (the university not included,) for the years 1879 and 1880, and the last clause reads as follows: "And there is also hereby appropriated for the current expenses of the State University, the income from the permanent university fund, and for such additional amount as may be necessary from collections of taxes levied specially for such purpose." The title is, "An act to appropriate money for the support of the several state institutions therein named for the years 1879 and 1880, and to prescribe the manner of disbursing all appropriations." See *ante*, c. 35, *§§ 61-63.