

THE 79
GENERAL STATUTES

OF THE
STATE OF MINNESOTA

As Amended by Subsequent Legislation, with which are Incorporated
All General Laws of the State in Force December 31, 1894

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AND A GENERAL INDEX BY THE EDITORIAL STAFF OF THE NATIONAL
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VOL. 1

CONTAINING THE CONSTITUTION OF THE UNITED STATES, THE ORDINANCE OF 1787,
THE ORGANIC ACT, ACT AUTHORIZING A STATE GOVERNMENT, THE STATE
CONSTITUTION, THE ACT OF ADMISSION INTO THE UNION, AND

Sections 1 to 4821 of the General Statutes

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[PUBLIC SCHOOLS.]

(1) ORGANIZATION OF SCHOOL-DISTRICTS.

§ 3648. School-districts are corporations—Public schools defined.

Every common school-district in this state, now established, or which may be hereafter formed, set off or established, and every independent and special school-district now organized or created, or that may hereafter be organized or created under any law of this state, is hereby declared to be a body corporate, with power to contract or be contracted with, sue and be sued, in any court of this state having competent jurisdiction. Every common school-district shall be such body corporate under the name of school-district number — in the county of —. Every independent school-district shall be such body corporate under the name which has been or may be adopted by such district; and every school-district organized under any special act of the legislature, by the name designated in its charter or act of incorporation. Every school-district shall be presumed to have been legally organized when it shall have exercised the franchises and privileges of a district for the term of one year. All schools supported, wholly or in part, by state school funds, shall be styled the public schools, and admission to them shall be free and without charge to all persons between the ages of five and twenty-one years residing in the district.

(1877, c. 74, subc. 1, § 1; G. S. 1878, c. 36, § 1.)

The provision that "every school district shall be presumed to have been legally organized," etc., establishes a conclusive presumption of law in the nature of a statute of limitation. *State v. School District*, 54 Minn. 213, 55 N. W. Rep. 1122.

Meaning of "organized." *Id.*

§ 3649. Classification of districts.

School-districts shall be classified as follows:

First—Common school-districts, including all districts not embraced in either of the two following classes.

Second—Independent school-districts, including all districts now organized as such, or that may hereafter be organized under chapter seven of this act.

¹ An act to establish and maintain a system of public schools in the state of Minnesota. Approved February 23, 1877 (Laws 1877, c. 74).

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Third—Special school-districts, including all districts now organized as such, or that may hereafter be organized wholly or in part under any special law of this state.

(1877, c. 74, subc. 1, § 2; G. S. 1878, c. 36, § 2.)

§ 3650. Districts to be numbered—Plats to be kept by auditor.

The numbers of districts now existing and numbered, in each county, shall be continued to such districts respectively; and such districts as may hereafter be formed shall be numbered in the several counties by the county auditors, who shall make and keep in the records of their offices a clear and well-defined plat or description of each school-district, and of such formations and alterations as may from time to time be made.

(1877, c. 74, subc. 1, § 3; G. S. 1878, c. 36, § 3.)

§ 3651. Power to hold property—Exemption from taxes.

Every district shall hold, in the corporate name of the district, the title of lands and other property now owned, or which may hereafter be acquired for school-district purposes in such districts; and no property held by school-districts for public-school purposes shall be subject to taxation.

(1877, c. 74, subc. 1, § 4; G. S. 1878, c. 36, § 4.)

§ 3652. Duty of trustees when title in doubt.

When the title to lands or other property, held for school purposes, is in doubt, or is vested in other parties than those prescribed in the preceding section, the trustees of the district, or board of education, shall procure the title to such lands or other property to be vested as provided therein.

(1877, c. 74, subc. 1, § 5; G. S. 1878, c. 36, § 5.)

§ 3653. Proceedings to acquire sites for school-houses, etc.

Whenever it shall become necessary for any common school-district, or any independent or special school-district in the state, to acquire for the use thereof a site for a school-house, or for any addition to any school-house site, the title to any real estate, whenever the same shall not be acquired by agreement with the owners thereof, may be acquired by any such school-district, in the manner hereinafter provided.

(1877, c. 74, subc. 1, § 6; G. S. 1878, c. 36, § 6.)

§ 3654. Same—Petition to district court—Order thereon.

The board of trustees of any such common school-district, or the president or other chief executive officer of any such independent or special school-district, may, on behalf of such district, present to the district court in and for the county where the lands proposed to be acquired are situate, or to the judge of said court, a petition describing the lands which it will be necessary to acquire, the names and residences of the owners thereof, if known to the petitioners, and also the names of all other parties, by the records of such county appearing to have any interest in or lien upon such lands; and thereupon such court or judge shall make an order, designating a time and place when and where commissioners will be appointed to appraise the value of such lands, and the damages which may accrue by the taking and use of the same.

(1877, c. 74, subc. 1, § 7; G. S. 1878, c. 36, § 7.)

§ 3655. Service of copy of order—Publication.

A copy of such order shall be personally served upon the owner and other persons interested in such lands, if they be residents of this state, and their place of residence be known to the petitioners, which service shall be made at least twenty days before the time fixed for the appointment of such commissioners. Service upon minors or insane persons may be made by leaving a copy of such order with their guardian, or other person having such minor or insane person in charge. If such owner or other person interested, or any of them, be not residents of this state, or if the place of residence of such person be unknown to the petitioners, the service of such order shall be made by

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the publication thereof, once in each week for three successive weeks, in a newspaper published in the county where such lands are situate, or if there be none, then in a newspaper published at the capital of this state, the last of which publications shall be at least twenty days before the time fixed for the appointment of such commissioners.

(1877, c. 74, subc. 1, § 8; G. S. 1878, c. 36, § 8.)

§ 3656. Appointment of commissioners—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.

(1877, c. 74, subc. 1, § 9; G. S. 1878, c. 36, § 9; as amended 1881, c. 41, § 1.)

§ 3657. Meeting of commissioners—Proceedings—Filing of report—Appeals—Judgment.

At the time designated in such notice, the commissioners, or a majority of them, shall meet upon the lands described in the petition, and shall proceed to examine the same, and to hear the allegations and testimony of all persons interested and appearing, and shall, within ten days thereafter, make and file in the office of such clerk their appraisal and award of the value of such lands, and of the damage sustained by reason of the taking and use thereof: provided, first, either party may appeal from such appraisal and award, at any time within thirty days after filing the same, by filing with the clerk of said court a notice of appeal, signed by the party taking the same. In case of an appeal, the clerk shall enter such appeal as an action in said court, naming such school district as plaintiff, and the persons named in such petition as owners of and interested in such lands as defendants; and thereupon such appeal shall be tried as other causes in such court are tried, and a judgment rendered therein: provided, second, in case no appeal shall be taken, the clerk of such court shall enter judgment in favor of the owner of such lands, and against such district, for the amount of the award; and in case of an appeal, the clerk shall in like manner enter judgment for the amount of the verdict and costs, if any, and declaring that, upon payment of the amount of the verdict or assessment, and costs, as aforesaid, to the owner of such lands, or to the clerk of such district court, the title to the lands and real estate aforesaid, for the purposes aforesaid, shall, as against the owners of and parties interested in such lands and real estate, pass to and vest in such school-district, and be and remain therein; and such school-district shall have the right to have and occupy the said lands for the uses and purposes aforesaid. The petition, orders, oaths of commissioners, notices, proofs of service, award and verdict, if any, together with the final judgment, shall constitute the judgment roll: provided, third, in case no person other than the owner of such lands appears in such proceedings, the amount of such judgment shall be by the clerk of such court paid to such owner; in all other cases, the same shall be paid in such manner as the court or judge may direct.

(1877, c. 74, subc. 1, § 10; G. S. 1878, c. 33, § 10.)

§ 3658. Fees of commissioners.

The fees of such commissioners, for all services rendered by them under this act, shall be the sum of three dollars each, which, with all other costs of such proceedings, shall be paid by such district.

(1877, c. 74, subc. 1, § 11; G. S. 1878, c. 36, § 11.)

§ 3659. Formation, alteration, and union of school-districts.

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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.

(1877, c. 74, subc. 1, § 12, as amended 1878, c. 48, § 1; G. S. 1878, c. 36, § 12; 1879, c. 28, § 1.)

But see § 3667.

The action of the board of county commissioners in forming a new school district, being legislative, cannot be reviewed on certiorari. *Lemont v. County of Dodge*, 39 Minn. 383, 40 N. W. Rep. 359; *Moede v. County of Stearns*, 43 Minn. 312, 45 N. W. Rep. 435.

The board may appeal from an order of the district court reversing its action. *Moede v. County of Stearns*, *supra*.

See *Jeness v. School-Dist.*, 12 Minn. 448 (Gil. 337); *State v. Independent School-Dist.*, cited in note to § 3799; *City of Winona v. School-Dist. No. 82*, 40 Minn. 13, 41 N. W. Rep. 539.

§ 3660. 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; ² G. S. 1878, v. 2, c. 36, § 12a.)

§ 3661. Same—County superintendents.

The school superintendents of such organized counties shall have jurisdiction over the schools of unorganized counties attached to their respective counties.

(1883, c. 117, § 2; G. S. 1878, v. 2, c. 36, § 12b.)

§ 3662. Same—Status of schools.

Schools established under this act shall be on the same footing in all respects with schools in organized counties.

(1883, c. 117, § 3; G. S. 1878, v. 2, c. 36, § 12c.)

§ 3663. Formation of new districts.

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Whenever in any school district, or districts of this state there are twelve or more children of school age, whose parents or guardians are legal voters of said district or districts, and reside more than one and one-half miles from any school house in such district or districts, 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 or districts may be situated, and setting forth therein that by reason of swamps, marshy or other natural impediments, it is impracticable to locate a site for, or build a school house near the center of such district or districts, and describing the territory said petitioners may desire to comprise the new district prayed for, 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 dis-

²An act to authorize the establishment of common schools in unorganized counties. Approved March 1, 1883.

trict or districts aforesaid, of such proportions and 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; G. S. 1878, v. 2, c. 36, § 12d; as amended 1889, c. 165, § 1; 1891, c. 110, § 1.)

§ 3664. Same.

Whenever any territory in this state of not less than two and one-half sections of land in extent, the governmental subdivisions of which said territory contiguous is included in and forms a part of two or more school districts of this state, and contains twenty or more children of school age whose parents or guardians are residents of said territory, a majority of such parents and guardians may present a petition in writing to the board of county commissioners of the county in which such territory is situated, setting forth a description of such territory, the names of all the parents and guardians so residing in said territory, and that by reason of swamps, marshes, rivers or other natural impediments it is impracticable for a majority of such children to travel to the school houses of the district in which their said parents or guardians respectively reside, and that by reason thereof said majority of such children are prevented from attending school during a large portion of the school year, 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 mentioned in said petition or any part thereof, in such manner as in the judgment of said board seems most practicable to answer the educational needs of the petitioners and the other districts affected thereby, Provided, that such new district as finally formed shall not contain less than two sections of land, nor less than fifteen children of school age.

(1889, c. 162, § 1.3)

§ 3665. Women may vote at district meetings, etc.

Any woman of the age of twenty-one years and upwards, belonging to either of the classes mentioned in section one of article seven of the constitution of the state of Minnesota, who shall have resided in the United States one year, and in this state for four months, next preceding any election held for the purpose of choosing any officer of schools, or any school-district meeting called to consider any measure relating to schools, shall be entitled to vote at such election or meeting, in the school-district of which she shall at the time have been for ten days a resident; and any woman so entitled to vote shall be eligible to hold any office pertaining solely to the management of public schools: provided, that it shall be the duty of all judges of election to permit any woman to vote at any election for the purpose of choosing any officer of schools, or any district-school meeting called to consider any measures relating to schools, if they are satisfied that she is otherwise a legal voter, without requiring her to register as now provided by law for male voters.

(1877, c. 74, subc. 1, § 13; G. S. 1878, c. 35, § 13.)

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.

§ 3666. Separate ballot and box for women.

Whenever the charter or act of incorporation of any city or village provides for the election of public-school officers within such city or village, at the same election at which other officers of such city or village are elected, the ballot offered by any woman entitled to vote under this act shall not contain the name of any person to be voted for at such election, except such of-

³An act entitled "An act to provide for the formation of school districts." Approved April 24, 1889.

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fficers of public schools; and all such ballots shall be deposited in a separate ballot-box, but canvassed with the other ballots cast for school officers at such election.

(1877, c. 74, subc. 1, § 14; G. S. 1878, c. 33, § 14.)

§ 3667. Organization of new districts—Petition.

Whenever it may be desired by residents and tax payers of one or more school districts in this state to organize a new school district they shall petition the board of county commissioners therefor, and such petition shall contain the following facts, to-wit:

First: a correct description of the territory desired to be embraced in the proposed district.

Second: the number of persons residing in the proposed district.

Third: the number of children of school age residing therein.

Fourth: the school districts affected by the organization of the proposed district, the number of children of school age residing in each district so affected, and the number of such children which such organization would take from such districts, respectively.

Fifth: such petition shall be signed in writing by a majority of the freeholders residing within the territory of the proposed new school district who are entitled to vote at school meetings in the respective school districts, and each person signing such petition shall acknowledge his or her signature before some person authorized by law to take acknowledgments.

(1891, c. 26, § 1, as amended 1893, c. 155, § 1.)

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§ 3668. Same—Notice of hearing.

Upon the presentation of the petition provided in section one of this act, 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 organization of such district, and shall cause such notice to be published at least once in the legal newspaper printed and published in the same county, and such other newspapers printed and published in said county, not to exceed three, which shall be designated by said county commissioners, if any there be, and cause a copy thereof to be served upon the clerk of each district so affected, at least ten days before the time appointed for such hearing. The posting of each 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, and the publication of such notice shall be verified by the publication of such paper or papers.

(1891, c. 26, § 2.)

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§ 3669. Same—Hearing.

At the time and place so appointed for said hearing, the commissioners, having publicly read the petition, shall proceed to consider the same, and shall listen to argument by persons interested for or against the proposed organization. The hearing may be adjourned from time to time, in the discretion of the commissioners; and at the conclusion thereof the board of commissioners shall cause their decision to be entered upon their records, which shall be in the form of an order particularly describing the district thus formed, the number by which it shall be known, 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. The decision of the said board when so recorded shall be final.

(Id. § 3.)

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§ 3670. Same—Petition in duplicate, when.

When the territory embraced in the proposed district 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 board of commissioners of each of said

*An act to provide for the organization of school districts. Approved April 21, 1891.

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counties, who shall severally proceed to hear the petition in the manner directed; and it shall be requisite to the organization of such district in such case that the action of each of such boards be in the affirmative. The provisions of section two of this act shall be, in such case, in all things observed. (Id. § 4, as amended 1893, c. 155, § 2.)

§ 3671. Same—May include what territory.

Any school district organized under the provisions of this act may include any contiguous territory, whether the same be included in a special, independent or common school district.

(1891, c. 26, § 5.)

§ 3672. Same—Not to include buildings—Prior obligations.

No new district, organized under the provisions of this act, shall be so formed as to include the school buildings of any existing district; nor shall any of the territory incorporated into such new district be thereby relieved of any obligation to which it was subject prior to the formation of such new district as part of another district; and where a district from which any portion of such new district shall be detached was prior thereto bonded for school purposes, the real estate embraced in the territory so detached shall be taxed for the payment of such bonds and the interest thereon in the same manner as if such territory had not been so detached. No school district shall hereafter be organized in this state otherwise than in accordance with the provisions of this act.

(Id. § 6.)

This section in effect repeals Laws 1889, cc. 162, 165.

§ 3673. 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; G. S. 1878, c. 36, § 15; as amended 1881, c. 14, § 1.)

§ 3674. 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

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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. *Provided, Fifth*, that whenever the boundaries of any school district are changed, or any school district is divided, said commissioners shall make a division of all moneys, funds and credits belonging to such district, and shall make an award of such moneys, funds and credits to the districts affected by such change; and in making such award the commissioners shall take into consideration the indebtedness, if any, of the district so divided, and shall make such division as they deem just and equitable. (1877, c. 74, subc. 1, § 16; G. S. 1878, c. 36, § 16; as amended 1879, c. 43, § 1; 1881, c. 41, § 2; 1885, c. 121; 1891, c. 73, § 1.)

§ 3675. 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-dis-

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trict 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; G. S. 1878, c. 36, § 17; as amended 1881, c. 51, § 1.)

See note to § 3790.

§ 3676. **Changes not to affect contracts, etc.**

No changes in the title, condition, or relation of existing school-district property, shall affect or prejudice any right of such district to enforce by law against the proper parties thereto, any contract, right, obligation or cause of action now existing, or prejudice any right of any party who holds any contract, right, obligation or cause of action, or lien, upon any such district or the property thereof.

(1877, c. 74, subc. 1, § 18; G. S. 1878, c. 36, § 18.)

(2) MANAGEMENT OF SCHOOL-DISTRICTS.

§ 3677. **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 for a school house shall not be changed after having been designated, unless at least a majority of the legal voters in the district who have resided therein for a period of at least six months prior to such vote, and two-thirds of the voters, so qualified, who are 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 centre 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

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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; G. S. 1878, c. 36, § 19; as amended 1889, c. 166, § 1.)

The powers of a school-district are the same at a special as at an annual meeting. *Sauborn 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*

§ 3678. 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; G. S. 1878, c. 36, § 20; as amended 1881, c. 41, § 6; 1885, c. 57, § 1.)

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§ 3679. Vacancies in board of trustees.

In case of any vacancy in the board of trustees, the vacant office shall be filled by the remaining members, until the next annual meeting, when the vacancies shall be filled by election for the unexpired term: provided, that if any vacancy exists, and the remaining members of the board neglect or fail to fill it by appointment within ten days after its occurrence, a special meeting of the district, to fill such vacancy or vacancies, may be called, as in the case of the organization of a new district; the notices for which, signed by three freeholders or householders, shall set forth the business the meeting is called to transact; and the officers elected at such meetings shall hold the offices to which they are elected during the unexpired current term of the office to which they are severally elected, and until their successors are elected and qualified.

(1877, c. 74, subc. 2, § 3; G. S. 1878, c. 36, § 21.)

§ 3680. Officers to qualify—Vacancies from failure to qualify.

All persons elected as district officers, under the provisions of this chapter, shall, within ten days after notice thereof by the clerk, file their acceptance of the same, in the office of the district clerk; and a failure to file such acceptance shall be deemed a refusal to serve; and it shall thereupon be the duty of the officers holding over to fill such offices by appointment, until the next annual meeting and until the successors of such appointees are elected or appointed, and qualify for office: provided, that if any vacancy is not filled by the remaining trustees, within the time specified for such appointment, it may be filled at any subsequent time, before notices have been posted for an annual or a special meeting.

(1877, c. 74, subc. 2, § 4; G. S. 1878, c. 36, § 22.)

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

§ 3681. Board of trustees—Powers—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; G. S. 1878, c. 36, § 23; as amended 1879, c. 17, § 1; 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.

§ 3682 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; G. S. 1878, v. 2, c. 36, § 23a.)

⁶ 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.

§ 3683. 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. (1881, c. 127, § 2; G. S. 1878, v. 2, c. 36, § 23b.)

§ 3684. 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. (1881, c. 127, § 3; G. S. 1878, v. 2, c. 36, § 23c.)

§ 3685. Same—Application of act.

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. S. c. 35, § 1; G. S. 1878, v. 2, c. 36, § 23d.)

§ 3686. Duty of trustees—Not to incur debts.

The board of trustees shall submit to the legal voters of the district, at their annual school-meeting, an estimate of the expenses of the district for the coming year, for the time during which a school is required to be held, as a condition of sharing in the state school funds, and for such further time as the legal voters may vote to have school. Said trustees shall have power, and it shall be their duty, to levy a tax, if the district neglects to vote such tax, sufficient to support a school for the time, in each year, necessary to secure apportionments from the state school funds; and the legal voters may vote to have a school any further length of time deemed proper, and the trustees shall provide a school in each year, for the entire time for which a school was ordered and funds provided by the district: provided, that the trustees, in any action taken without definite instructions, shall not permit the current expenses of the school, in any year, to exceed the amount which they are authorized to levy, or which the district has voted, or which may be on hand for such school. (1877, c. 74, subc. 2, § 6; G. S. 1878, c. 36, § 24.)

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 § 3732.

§ 3687. More than one school, when.

When any school-district shall have determined, by a majority of qualified voters, at any legal meeting thereof, to open more than one school, it shall be the duty of its board of trustees to provide for the opening of such school, and to arrange for each school the proper number of scholars. (1877, c. 74, subc. 2, § 7; G. S. 1878, c. 36, § 25.)

§ 3688. 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 five 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

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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 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; G. S. 1878, c. 36, § 26; as amended 1881, c. 41, § 4; 1885, c. 80; 1887, c. 21.)

As to legalization of bonds of independent school-districts, see § 3815.

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§ 3689. Same—Use of bonds—Auditor's certificate.

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. Immediately after the issuing of orders or bonds pursuant to the provisions of this and the next preceding section, the clerk of the school district so issuing its orders or bonds shall file with the county auditor of the county within which such district is situate, certified copies of all the proceedings had in such district relative to the issue of such bonds or orders. Before any bonds or orders issued under the provisions of this and the next preceding section are sold or disposed of, they shall be presented to the county auditor of the county within which the school district issuing the same is situate. He shall carefully examine the records of the proceedings of such school district upon the question of issuing such bonds or orders, as the same are filed with him, as hereinbefore directed, and shall satisfy himself by the evidence thus furnished, whether or not all the laws of the state of Minnesota relative to the issue of such bonds or orders have been complied with; and if satisfied that they have been and that the orders or bonds in question have been legally issued, he shall, in a book kept for such purpose, preserve a registry of each bond or order, showing in separate columns or entries, the name of the school district issuing the bond or order, the number of such bond or order, the denomination thereof, the date of its issue, the date when it will mature, the names of the school officers executing the same, and such other facts as may be pertinent, and he shall then endorse on each of said bonds or orders the following certificate:

"I hereby certify that the within bond (or order) for ——— (\$——) dollars, issued by ——— school district ——— of ——— county, Minnesota, is issued in accordance with law, and is a legal and valid debt of said school district, that said bond or order is duly registered in this office, and that said school district is legally organized, and that the signatures affixed to said bond or order are the genuine signatures of the proper officers of such district."

The blanks shall be filed according to the facts, and the certificates officially signed by the county auditor and attested by his official seal.

(1877, c. 74, subc. 2, § 9; G. S. 1878, c. 36, § 27; as amended 1879, c. 14, § 1; 1887, c. 21, § 2; 1889, c. 164, § 1.)

§ 3690. Same—Legalizing act.

Wherever the county auditor of any county has heretofore certified upon any school district bond, or order issued by any school district within his county, that such bond or order is issued in accordance with law and is a legal and valid debt of the school district issuing such bond or order, such certificate shall have the same force and effect as it would have, had such act been expressly authorized at the time such certificate was made.

(1889, c. 163, § 1.0)

^o An act legalizing the acts of county auditors who have certified to the validity of school district bonds and orders. Approved April 24, 1889.

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§ 3691. Provision for payment of bonds, etc.

The board of trustees or board of education of any district issuing such bonds shall, on or before the tenth day of October next after the date of such bonds, and each and every year thereafter, on or before the tenth day of October, until the payment of such bonds and interest is fully provided for, levy, and in due form certify to the auditor of the county or counties in which such district is situated, a tax upon the taxable property of such district, equal to the amount of principal and interest maturing next after such levy, and, in the discretion of the board, such further sum as it shall deem expedient, not exceeding twenty per cent. of such maturing bonds and interest, which taxes shall be paid in money, and shall constitute a fund for the payment of such bonds, and the interest thereon.

(1877, c. 74, subc. 2, § 10; G. S. 1878, c. 36, § 28.)

§ 3692. Certain bonds, etc., legalized.

All taxes levied, or orders or bonds issued, since February twenty-eighth, eighteen hundred and sixty-six, and prior to March first, eighteen hundred and sixty-seven, by school-districts in this state, for purchasing site for, and the erection, completion and furnishing school-houses, are hereby legalized and declared valid.

(1877, c. 74, subc. 2, § 11; G. S. 1878, c. 36, § 29.)

§ 3693. Taxes, how levied and collected.

All special taxes for any public-school purpose, in pursuance of law, shall be levied and collected in like manner, and by the same persons, as county taxes are levied and collected.

(1877, c. 74, subc. 2, § 12; G. S. 1878, c. 36, § 30.)

§ 3694. 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; G. S. 1878, c. 36, § 31; 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.)*

Requisites to validity of a contract between a school-district and a teacher. *McGuinness v. School-Dist. No. 10, 39 Minn. 499, 41 N. W. Rep. 103.*

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

§ 3695. 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

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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; † G. S. 1878, v. 2, c. 36, § 31a.)

§ 3696. 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; G. S. 1878, v. 2, c. 36, § 31b.)

§ 3697. 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; G. S. 1878, c. 36, § 32; as amended 1881, c. 41, § 5.)

§ 3698. 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; ‡ G. S. 1878, v. 2, c. 36, § 32a.)

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

‡ 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.

§ 3699. Director to represent district in suits.

The director shall appear for and in behalf of his district in all actions brought by or against it, whenever no other direction is given by a lawful meeting of the legal voters thereof.

(1877, c. 74, subc. 2, § 15; G. S. 1878, c. 36, § 33.)

§ 3700. Bond of treasurer—Failure to give bond—New bond.

The treasurer of each district shall execute a bond to the district, in double the amount of money, as near as can be ascertained, which will come into his hands as treasurer during his term, with sufficient surety, to be approved by the director and the clerk, conditioned for the faithful discharge of his duties. Such bond shall be filed with the clerk of the district, and in case of any breach of any condition thereof, the director shall cause an action to be commenced thereon and prosecuted in the name of the district, and the money, when collected, shall be applied to the use of the district. The treasurer failing to give a bond as provided herein, or for any cause being unable to attend to his duty, the director and the clerk of the district shall proceed to appoint another treasurer, who shall give bond as required herein: provided, that two-thirds of the voters residing in any common school-district may petition the director and clerk to require of the treasurer new bonds, under the terms of this section. On receiving such petition, the director and clerk shall forthwith make such requisition. If any treasurer neglects for ten days to comply with such requisition, his office may thereafter be declared vacant, and be filled by appointment.

(1877, c. 74, subc. 2, § 16; G. S. 1878, c. 36, § 34.)

§ 3701. 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; G. S. 1878, c. 36, § 35; as amended 1881, Ex. S. c. 30.)

§ 3702. Duties of treasurer—Accounts.

The treasurer of each district shall receive and pay out all moneys appropriated to or belonging to his district, and keep an accurate account of the public-school funds, and of the district funds raised by tax, entering in his book all receipts, so as to indicate both the sources from which received and the objects to which applicable; and disbursements shall be recorded so as to show for what purpose the money was paid.

(1877, c. 74, subc. 2, § 18; G. S. 1878, c. 36, § 36.)

§ 3703. Duties of clerk.

The clerk shall record the proceedings of the district meetings and of the board of trustees, in a book provided for that purpose; he shall enter therein copies of all his reports made to the county auditor or county superintendent, and copy into the same the term reports as they appear in the teacher's register returned to him at the close of each term, and keep and preserve all records, books and papers belonging to his office, and deliver the same to his successor in office; he shall act as the clerk of the district in all its meetings, or, if absent, record the minutes of the clerk pro tem., and keep an ac-

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count of all expenses of the school and school-house, and record the cost of outbuildings, fences, wood, stoves, and all the conveniences of the school-room, such as maps, charts, blackboards and school libraries.

(1877, c. 74, subc. 2, § 19; G. S. 1878, c. 36, § 37.)

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.*

§ 3704. Notices of district meetings.

The clerk shall give at least ten days' notice of each annual or special meeting, by posting three notices thereof in conspicuous places in the district. Every notice for a special meeting shall set forth all the objects for which such meeting is called. Special meetings shall be called on the order of the board of trustees, or by the written request of five or more freeholders of the district: provided, first, that whenever there is no district clerk, or the clerk refuses or neglects for three days to post notices for a special school-meeting, after being requested in writing by five or more freeholders of the district, a special school-meeting may be called by posting three notices thereof in three conspicuous places in the district, duly signed by five or more freeholders or householders, being qualified electors in the district: provided, second, that at any annual meeting, the legal voters present may act upon any matter properly before them, except the raising of money for building or purchasing a school-house, or fixing the site thereof, although it has not been particularly set forth in the notice for such meeting.

(1877, c. 74, subc. 2, § 20; G. S. 1878, c. 36, § 38.)

A notice which fails to recite that the signers are freeholders is not void for want of such recital. *Sturm v. School Dist. No. 70*, 45 Minn. 88, 47 N. W. Rep. 462.

§ 3705. 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; G. S. 1878, c. 36, § 39; as amended 1885, c. 57, § 4.)

§ 3706. County superintendent and auditor to examine reports of clerks.

The county superintendent of schools and the auditor of each county in the state, upon the first Monday of November in each year, or upon some day in the first week of November, shall meet in the office of the auditor, and examine the reports of clerks of common and independent school-districts to the county superintendent of schools for the preceding year, in order to ascertain respecting each report:

First.—Whether the cash items are recorded in their proper places, and whether the financial statement balances, and whether all questions in the report are correctly answered.

Second.—Whether the report was made within the time specified by law; and in case of any report sent by mail, it shall be deemed made when deposited in a post-office, properly stamped, and addressed to the county superintendent of schools.

(1877, c. 74, subc. 2, § 22; G. S. 1878, c. 36, § 40.)

§ 3707. Clerks to be paid for reports.

Every clerk whose report is found to be accurate, and made within the time prescribed by law, shall receive pay for such service at the rate of two per cent. on the cash disbursements of the year: provided, first, that the amount for such service shall not exceed six dollars, unless the district votes a larger sum at a school-meeting, called by notices in which it was stated that action would be had on the question of increasing such compensation: provided, second, that it may be optional with the committee for examining reports, to award pay for any report that was made within the time prescribed by law, but which contained errors, if such errors were corrected by the person making the report, before it became necessary for the county superintendent to copy such report into his report to the state superintendent of public instruction: provided, third, that the county superintendent, immediately after the reports have been examined by himself and the auditor, shall send a notice, written or printed, to every clerk found to be entitled to pay, stating such fact. Such notice shall be a voucher on which the treasurer of the district shall pay the clerk the sum due for such service, out of any funds applicable to current expenses, and not needed for the payment of teachers holding orders against the district, or under contract requiring payment at the end of the term.

(1877, c. 74, subc. 2, § 23; G. S. 1878, c. 36, § 41.)

§ 3708. Clerk to report tax voted.

The clerk of the district shall, on or before the tenth day of October in each year, furnish to the county auditor an attested copy of so much of his district record as will show the amount of money voted to be raised by the district for school purposes at any annual or special meeting within the year, and any amount levied by trustees, under power conferred by this act, without the vote of the district.

(1877, c. 74, subc. 2, § 24; G. S. 1878, c. 36, § 42.)

§ 3709. Auditor to file reports and levy tax.

It shall be the duty of county auditors to place on file the reports of district clerks respecting the taxes to be levied on their districts, and to levy the amount specified upon the real and personal property of each district, entering such taxes upon the assessment rolls of the year so as to indicate the special object for which each amount respectively is levied: provided, that county auditors, in extending such tax, shall not be required to use, as a rate per cent., any fractional part of a mill other than half a mill.

(1877, c. 74, subc. 2, § 25; G. S. 1878, c. 36, § 43.)

§ 3710. Districts in two counties—Taxes—Report of scholars.

When a tax is voted by a district composed of parts of two or more counties, the clerk shall, on or before the tenth of October of that year, transmit to the county auditor of each of the counties a statement of the amount so voted. The said auditors shall thereupon transmit, each to the other, an abstract of the assessment in that part of the district in their respective counties, and shall levy the amount required in proportion to the amount of property in that part of the district situated in their respective counties. The money arising from such assessment shall be drawn by the district treasurer from the county treasurer of each county in which the district is situated. The number of scholars in each fraction of the district shall be returned by teachers to the superintendent of the county in which said portion of the district is situated, and all moneys apportioned by auditors shall be drawn by the district in the same manner as when the district is in one county.

(1877, c. 74, subc. 2, § 26; G. S. 1878, c. 36, § 44.)

§ 3711. Orders on treasurer—Interest—School registers.

The clerk shall draw orders on the treasurer of the district for the payment of teachers, or for any other lawful purpose; and when such orders are attested by the director, they shall be paid by the treasurer. Each order shall be dated and numbered, and shall state the service or consideration for which it was drawn, and the name of the person rendering such service or

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consideration, and shall be recorded in a book kept by the clerk for that purpose. The clerk shall procure from the county superintendent of schools, and furnish to the teacher, a register for his school, which register, properly kept, shall be deposited by the teacher with the clerk at the close of each term, and before such teacher shall be paid for the last month of service. The clerk shall procure, from the county superintendent, blanks upon which to make his report to such superintendent: provided, that if any order drawn for the payment of a teacher is presented to the treasurer for payment, and is not paid for the want of funds, the treasurer shall make a written statement over his signature, by endorsing on such order, with date showing such presentation and non-payment, and shall make and keep a record of such endorsement; such order shall thereafter draw interest at the rate of ten per cent. per annum, until the treasurer shall notify the clerk in writing that he is prepared to pay such order.

(1877, c. 74, subc. 2, § 27; G. S. 1878, c. 36, § 45.)

See note to § 3751.

§ 3712. When director may draw orders.

In case of absence, inability, or refusal of the clerk to draw orders for the payment of money authorized by a vote of a majority of the board to be paid, the orders may be drawn by the director, and paid by the treasurer, a statement thereof, with a copy of such orders, being delivered to the clerk by the treasurer; or the office of the clerk may be declared vacant by the director and treasurer, and filled by appointment.

(1877, c. 74, subc. 2, § 28; G. S. 1878, c. 36, § 46.)

§ 3713. Teachers' wages to have preference in payment.

Any teacher duly qualified and having complied with the provisions of the school laws, and having fulfilled his contract with a district to teach, shall be paid out of the first moneys in the district treasury for payment of teachers' wages, before the payment of any claims for teachers' services rendered subsequently; and no money for teachers' wages derived from the current school fund in any district treasury shall be applied to any other purpose. And any school-district treasurer who shall violate the provisions of this section, shall be personally liable to the teacher who was entitled to such moneys, which may be recovered against such treasurer and his bail in any court having jurisdiction of the action; but treasurers shall not be authorized to pay teachers out of any money other than that raised or apportioned for that purpose.

(1877, c. 74, subc. 2, § 29; G. S. 1878, c. 36, § 47.)

§ 3714. Opinions of attorney general.

If any differences of opinion arise among the officers empowered to carry out the provisions of this act, relative to the legal construction of the same, the attorney general, on the written application of the superintendent of public instruction, submitting such questions of doubt or difference, shall give his legal opinion in writing to such superintendent on the points thus submitted; and his opinion thus given shall be binding, until annulled by the judgment or decree of a court of competent jurisdiction.

(1877, c. 74, subc. 2, § 30; G. S. 1878, c. 36, § 48.)

§ 3715. 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; G. S. 1878, v. 2, c. 36, § 48a.)

⁹ An act to provide for public school libraries. Approved March 5, 1887. § 4 appropriates \$10,000 for carrying out the provisions of the act.

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§ 3716. Same—State contribution.

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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, 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.

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(1887, c. 121, § 2; G. S. 1878, v. 2, c. 36, § 48b.)

§ 3717. Same—Statements.

No more than one statement shall be made by any one district in any one school year.

(1887, c. 121, § 3; G. S. 1878, v. 2, c. 36, § 48c.)

(3) STATE SUPERINTENDENT OF PUBLIC INSTRUCTION.

§ 3718. Appointment—Term—Oath.

The superintendent of public instruction shall be appointed by the governor, by and with the advice and consent of the senate, and shall hold his office for the term of two years, commencing on the first Tuesday in April following such appointment; and before entering upon the duties of his office, he shall take and subscribe an oath, or make affirmation, that he will support the constitution of the United States and of the state of Minnesota, and discharge the duties of his office faithfully, and to the best of his ability, which oath or affirmation shall be filed in the office of the secretary of state.

(1877, c. 74, subc. 3, § 1; G. S. 1878, c. 36, § 49.)

See Laws 1887, c. 229, for act providing for printing of school laws.

§ 3719. Office—Filing papers—Record.

An office shall be provided for him at the seat of government, in which he shall file all papers, reports and public documents transmitted to him by county superintendents, county auditors, and from other sources; and he shall keep a fair record of all matters pertaining to his office.

(1877, c. 74, subc. 3, § 2; G. S. 1878, c. 36, § 50.)

§ 3720. 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; G. S. 1878, c. 36, § 51; as amended 1885, c. 94.)

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§ 3721. 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; G. S. 1878, v. 2, c. 36, § 51a.)

§ 3722. 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; G. S. 1878, v. 2, c. 36, § 51b.)

§ 3723. To meet county superintendents.

It shall be the duty of the state superintendent to meet the county superintendents of each judicial district, or two or more districts combined if he shall deem it more conducive to the interests of education, at such time and place as he shall appoint, giving due notice of such meeting, the object of which shall be to accumulate valuable facts relative to schools, to compare views, discuss principles, and in general to listen to all communications and suggestions, and enter into all discussions relative to the compensation of teachers, their qualifications, branches taught, methods of instruction, text-books, district libraries, apparatus, teachers' institutes, visitation of schools, and other matters embraced in the public-school system.

(1877, c. 74, subc. 3, § 4; G. S. 1878, c. 36, § 52.)

§ 3724. Training schools.

The superintendent of public instruction shall annually, as he may deem advisable, organize by and with the assistance of the several county superintendents of schools, and with the aid of skilled instructors conduct, training schools for the benefit of teachers who purpose teaching in the schools of the state, but are unable to attend a full course at a state normal school. Such schools shall be without charge for attendance and entirely practical; their object being to impart methods of teaching, especially in common schools. They shall continue for at least four and not more than six weeks at each place, and the average cost shall not exceed the rate of one hundred dollars for each week of the session of a school of sixty persons.

(1893, c. 218, § 1.10)

§ 3725. Same—Duty of county officials.

Superintendents of counties for which training schools shall be appointed under this act are hereby authorized to issue notices to teachers, print programs of exercises and make all necessary provision for the accommodation of said school in rooms and care of the same during its session; and all bills for the same shall be audited, and, if found reasonable and just, shall be paid by the commissioners of the county or counties for which the school was appointed.

(Id. § 2)

§ 3726. Same—Standing appropriation.

To defray the expenses of instruction in the training schools provided for in this act, twenty thousand dollars are hereby annually appropriated out of any moneys in the revenue fund or that may come into it hereafter. Said money shall be paid to the superintendent of public instruction each month on duly certified expense lists, and said superintendent shall prepare or cause to be prepared an expense list for expense incurred during the month under the above named appropriation, showing the name of each person rendering service or furnishing supplies, the nature of the service rendered and at what rate, the quantity, kind, price and cost of supplies, and the amount to which each person is entitled by law. Vouchers for services rendered or labor performed and bills for supplies furnished shall be filed with the state auditor by the superintendent of public instruction within thirty days after the payment of the same. Said expense list shall be certified by the superintendent of pub-

¹⁰ By § 4, Laws 1891, c. 163, § 3, subd. 14, is repealed.

lic instruction, and upon receipt of such certified expense list the auditor of state shall examine, adjust and approve, suspend or reject the same, and shall draw his warrant on the state treasurer for the amounts found due thereon, and no money shall be paid out of the state treasury for the use of the said training schools except on expense lists duly certified. Provided, that the auditor of state may, in his discretion, draw his warrants for an amount not exceeding twenty per cent in addition to the amount of said expense list, to be used for the payment of such accounts as are necessary to be paid immediately; said payments to be properly accounted for on the next monthly expense list.

(Id. § 3.)

§ 3727. Teachers' 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; G. S. 1878, c. 36, § 53; as amended 1881, c. 41, § 7.)

§ 3728. Same—Appropriation.

To defray the expenses of institutes and normal training-schools, provided for in section five, three thousand dollars are hereby annually appropriated, to be drawn in advance by the state superintendent of public instruction, upon warrants issued by the state auditor, upon the requisition of the said state superintendent, approved by the governor, in such amounts as may be necessary to meet the expenses that may accrue during the progress of such in-

stitutes and training-schools. The state superintendent shall render an account of his disbursements of such funds to the state auditor to be examined and audited by him.

(1877, c. 74, subc. 3, § 6; G. S. 1878, c. 36, § 54.)

§ 3729. Same—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; G. S. 1878, v. 2, c. 36, § 54a.)

§ 3730. 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.

(1883, c. 137, § 2; G. S. 1878, v. 2, c. 36, § 54b.)

§ 3731. 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; G. S. 1878, v. 2, c. 36, § 54c.)

§ 3732. 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; G. S. 1878, v. 2, c. 36, § 54d.)

§ 3733. Places of holding institutes.

A second institute shall not be held in any county, under the provisions of this act, till a session has been held in every county of the state where the number of teachers, or the interests of the schools, in the judgment of the superintendent, shall demand it.

(1877, c. 74, subc. 3, § 7; G. S. 1878, c. 36, § 55.)

§ 3734. Report of superintendent.

The state superintendent shall prepare, on or before the fifth day of December, and submit, through the governor, to the legislature, in each year, a report containing—

First.—An abstract of the common-school reports received by him from the several county superintendents, showing the number of organized school-districts in the state, the number of schools taught, and the enrolment and average attendance in the same.

Second.—A statement of the condition of public schools, and of all other institutions of learning in the state that may report to him.

Third.—The amount of school moneys collected and expended each year from all sources, specifying the amounts from each source respectively.

Fourth.—All matters relating to his office, the public schools of the state, and the school fund, the number and character of teachers, and whatsoever he may deem expedient to communicate.

(1877, c. 74, subc. 3, § 8; G. S. 1878, c. 36, § 56.)

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§ 3735. Blanks—Preparation and distribution.

The state superintendent of public instruction shall prepare and distribute, through the county superintendents of schools, suitable school registers, blanks for teachers' and clerks' reports to the county superintendents, blanks for the reports of county superintendents and county auditors to the state department of public instruction, blank books for records of district treasurers and clerks, and such blank forms as are necessary to the proper transaction of the business of school-districts; and the state superintendent of public instruction is hereby authorized to procure such blanks, blank books and registers, from the party who has contracted to furnish the same to the state, which contract shall be let by the commissioner of printing to the lowest bidder, in the same manner as other printing, blanks and paper are let.

(1877, c. 74, subc. 3, § 9; G. S. 1878, c. 36, § 57.)

§ 3736. 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; G. S. 1878, v. 2, c. 36, § 57a.)

§ 3737. 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.

(1883, c. 115, § 2; G. S. 1878, v. 2, c. 36, § 57b.)

§ 3738. 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.

(1883, c. 115, § 3; G. S. 1878, v. 2, c. 36, § 57c.)

(4) COUNTY SUPERINTENDENTS OF SCHOOLS.

§ 3739. Election—Term of office.

In each county of this state, having organized school-districts, there shall be elected, at the general election in 1877, and biennially thereafter, a county

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superintendent of schools, who shall hold the office for the period of two years from the first Monday in December following the date of the election, and until a successor is elected and qualified: provided, that in counties where county superintendents of schools were elected in the year 1876, they shall continue in office until their successors shall be elected at the general election in 1878.

(1877, c. 74, subc. 4, § 1; G. S. 1878, c. 36, § 58.)

See State v. Gorton, cited in note to § 3665.

§ 3740. Vacancy in office.

In case of a vacancy in the office of county superintendent of schools, in any county, its board of county commissioners shall appoint some person to serve until the next general election; and if such election be not in the regular year for electing county superintendents of schools, the vacancy shall be filled by election for the remainder of the regular term of office; and any person so elected to fill such vacancy shall enter upon the duties of the office as soon as the result of the election is known.

(1877, c. 74, subc. 4, § 2; G. S. 1878, c. 36, § 59.)

§ 3741. To deliver records, etc., to successor.

Every county superintendent of schools, on retiring from office, shall deliver, for his successor, to the county auditor, the records of his office, a list of the school-district clerks of the county, with their post office addresses, and of all common-school teachers under contract in any district, together with all printed blanks, registers, copies of school laws, and other state or county property that may be in his possession; and no county auditor shall make full payment of salary to any county superintendent of schools, retiring from office, until he has complied with the requirements of this section.

(1877, c. 74, subc. 4, § 3; G. S. 1878, c. 36, § 60.)

§ 3742. 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. 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; G. S. 1878, c. 36, § 61; as amended 1881, c. 41, § 8.)

§ 3743. Duties.

County superintendents of schools shall examine and license teachers, and annual certificates for cause shown; visit and instruct the schools of their counties at least once in each term, and give such advice to the teachers as may be requisite and necessary; they shall organize and conduct at least one institute for the instruction of teachers in each year, if they deem the same expedient; encourage teachers' associations; introduce to the notice of teachers and the people the best modes of instruction, the most approved

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plans of building and ventilating school-houses, of ornamenting and adapting school grounds to convenience and the healthful exercise of children; stimulate school officers to the prompt and proper discharge of their duties; receive the reports of school-district clerks and teachers, and transmit an abstract of the same to the state superintendent, adding thereto a written statement on the condition and prospects of the schools under their charge, together with such other information and suggestions as they think proper to communicate. To insure accuracy and uniformity in such reports, county superintendents may, annually, at suitable times and places, call conventions of district clerks in their counties, to continue in session one day, considering methods of obtaining or reporting statistics, and discussing other matters involving such educational topics and interests as may come within the sphere of district and county school officers.

(1877, c. 74, subc. 4, § 5; G. S. 1878, c. 36, § 62.)

§ 3744. Examination of teachers—Notice.

Every county superintendent of schools shall hold, each spring and fall, in and for his county, at least three meetings for the examination and licensing of teachers, one of which shall be held at the county seat, of which meeting at least ten days' notice shall be given by publication in the newspapers of the county, and the posting of such notices in such public places as may be deemed necessary by the county superintendent; and the expense of such publication shall be paid by the county. The examination thus held shall be public, and be conducted by both written and oral questions and answers. They shall be uniform for the county in which they are held, and no certificate of qualification shall be given by any county superintendent, except upon his own personal examination, held in accordance with the provisions of this section; provided, that any teacher may be examined by the county superintendent at any time other than as above specified, on proof that such teacher was unable to be present at a public examination, and on payment to the county superintendent of fifty cents for making such private examination.

(1877, c. 74, subc. 4, § 6; G. S. 1878, c. 36, § 63.)

§ 3745. Use of school houses for institutes, etc.

County superintendents of schools shall, for the purpose of conducting institutes and teachers' examinations, be granted the free use of such school houses as they may require for the time actually employed in conducting such institutes and examinations; and it is hereby made the duty of the several school district officers in this state to furnish county superintendents the use of the school houses in their several districts for the purposes aforesaid, provided that in so far as institutes are concerned it does not interfere with the session of school.

(1878, c. 95, § 1; G. S. 1878, c. 36, § 64; as amended 1887, c. 120; 1893, c. 98, § 1.)

§ 3746. Notice to be given to clerk of district.

Any county superintendent intending to avail himself of the benefits of the foregoing section, shall give at least ten days' notice of such intention, to the clerk of the proper school-district.

(1878, c. 95, § 2; G. S. 1878, c. 36, § 65.)

§ 3747. Examination of teachers—Grades of certificates.

County superintendents shall examine persons proposing to teach common schools in the county, in orthography, reading in English, penmanship, arithmetic, grammar, modern geography, history of the United States, and the practical, elementary facts of hygiene, asking questions to test the general knowledge of candidates, and their ability to impart oral instruction relating to the subjects treated in the text-books. If satisfied that the candidates are of good moral character, and qualified to teach in all the aforesaid branches, certificates shall be granted, the grade of which shall be determined by the examination. County superintendents are authorized to issue three grades of certificates, viz.: first grade, valid in the county for

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two years; second grade, valid in the county for one; third grade, valid in a given district only, for six months. County superintendents may renew certificates, at their expiration, by endorsement thereon: provided, that in addition to the above branches prescribed in this section, all applicants for first-grade certificates shall be examined in elementary algebra, elementary plane geometry, physical geography, physiology, natural philosophy, civil government, and the theory and practice of teaching; and no person shall receive a first-grade certificate who has not taught with success at least one term of school, not less than three months in length.

(1877, c. 74, subc. 4, § 7; G. S. 1878, c. 36, § 66.)

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

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§ 3748. Qualified teachers.

No person shall be accounted a qualified teacher, within the meaning of the school law, who has not a certificate in force, from a county superintendent, at the time of making a contract for services as teacher, or a certificate or diploma from a state normal school of Minnesota, a certificate from the state superintendent of public instruction, or a diploma from a state normal school of another state, approved by the state superintendent of this state.

(1893, c. 34, § 1.11.)

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§ 3749. Professional state certificate, how obtained.

Permanent teachers of high character and board scholarship and who have a successful experience, may, upon the examination by the state superintendent or by a committee of three competent teachers appointed by him, receive a professional state certificate, which shall authorize the holder to teach in any public school in the state without further examination; provided, that no life certificate shall be in force after its holder shall permit a space of three years to lapse without following some educational pursuit, unless said certificate be indorsed by the state superintendent; provided, further, that graduates of colleges and universities of good standing who have received a certificate of the first grade in this state, and who shall have taught in any public school in the state with ability and success for at least one year, shall be entitled to a professional certificate from the state superintendent without further examination.

(Id. § 2.)

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§ 3750. Same—Branches required.

The branches required for a professional state certificate shall be the following, to-wit: Written arithmetic, United States history, reading and elocution, English grammar, common and physical geography with map drawings, mathematical geography and projection, school economy, physiology, algebra, natural philosophy, chemistry, composition and rhetoric, bookkeeping, plane and solid geometry, plane trigonometry, geology, zoology, botany, English literature, general history, political economy, intellectual philosophy, moral philosophy, logic, astronomy, civil government and school laws, history of education and the theory and art of teaching.

(Id. § 3.)

§ 3751. Record of examinations.

County superintendents shall keep records of all examinations, in books provided for that purpose by their counties, and of all candidates to whom they grant certificates, noting the date of examination, the name, sex and age of each candidate, and the grade of the certificate granted.

(1877, c. 74, subc. 4, § 8; G. S. 1878, c. 36, § 67.)

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 § 3753, 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.

¹¹An act defining the conditions and qualifications necessary for a person to become a teacher, qualified to teach in the schools within the state of Minnesota. Approved. April 18, 1893.

§ 3752. Examination in independent districts.

County superintendents, at the request of independent school-districts, may examine persons to teach in such districts; and their certificates, in the form prescribed by the law authorizing the organization of such districts, when countersigned by the board of examiners of the district, shall be valid as the act of such examiners.

(1877, c. 74, subc. 4, § 9; G. S. 1878, c. 36, § 68.)

§ 3753. Re-examinations—Revocation of licenses.

A county superintendent may cite to re-examination any person holding a license and under a contract to teach any common school in the county, and being satisfied upon such re-examination, or otherwise, that such person is not of good moral character, or has not sufficient learning and ability to teach a common school, or if such person shall refuse or neglect to attend upon such re-examination, the superintendent shall revoke the license held by such person, filing in the office of the district clerk a statement that he has made such revocation, and shall deliver a copy thereof to the person whose license is revoked; and such revocation shall take effect and be in force from and after the filing of such statement, as aforesaid, and the teacher's contract with the district shall become void therefrom: provided, that the wages of the teacher, for the time taught, and at the contract price or rate, shall be paid on or before the time at which it would have been due, had the contract been continued in force.

(1877, c. 74, subc. 4, § 10; G. S. 1878, c. 36, § 69.)

See note to § 3751.

§ 3754. To distribute blanks, etc.

County superintendents shall receive from the state superintendent, and forward to the several teachers and clerks of districts, such blanks, reports and circulars as shall be forwarded to them for that purpose, and shall be guided generally in the discharge of their duties by the rules laid down by the state superintendent.

(1877, c. 74, subc. 4, § 11; G. S. 1878, c. 36, § 70.)

§ 3755. 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; G. S. 1878, c. 36, § 71; as amended 1885, c. 57, § 5.)

§ 3756. Report to county auditor of scholars enrolled.

It shall be the duty of the county superintendent of schools, on the day before the last Wednesday of October in each year, to file with the county auditor an abstract of the number of different scholars enrolled in each school within the year, and entitled to be counted for apportionment from the current school fund, together with the length of each school in months.

(1877, c. 74, subc. 4, § 13; G. S. 1878, c. 36, § 72.)

§ 3757. Deputy—His powers and pay.

Any county superintendent, in case of physical inability to visit his schools or examine his teachers at the proper time, may appoint a deputy superintendent, who shall be paid by him for his services; but no such deputy or deputies shall serve in any county more than sixty days, in all, in any one year.

(1877, c. 74, subc. 4, § 14; G. S. 1878, c. 36, § 73.)

§ 3758. 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; G. S. 1878, c. 36, § 74; as amended 1885, c. 12, § 1.)

(5) 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 Laws 1885, c. 227. See footnote to § 509.

§ 3759. 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 (X) 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; G. S. 1878, c. 36, § 75; as amended 1883, c. 54, § 1; 1887, c. 41, § 1.)

§ 3760. Superintendent to report apportionment.

It shall be the duty of the state superintendent of public instruction, when he shall make a semi-annual apportionment of the current school funds of the state, forthwith to transmit to the state auditor a certified copy of such apportionment.

(1877, c. 74, subc. 5, § 2; G. S. 1878, c. 36, § 76.)

§ 3761. State auditor to draw warrant—Duties of treasurer.

It shall be the duty of the state auditor, when he shall receive a certified copy of a semi-annual apportionment of the current school fund, as provided in this act, forthwith to draw a warrant on the state treasury, payable to the order of the state treasurer, and to be applied by him on the payments due for state taxes in semi-annual settlements with each county named in such copy of apportionment. If the amounts so apportioned to any county shall be larger than the amount of taxes paid to the state in such settlement, the state treasurer shall, in such case, without delay, remit to the county treasurer the excess of such apportionment.

(1877, c. 74, subc. 5, § 3; G. S. 1878, c. 36, § 77.)

§ 3762. Appropriation of amount of current school funds.

There is hereby annually appropriated, of the moneys in the state treasury belonging to the general school fund, a sum equal to the amount of the current school funds due common schools of the state, and agreeably to law apportioned among the several counties by the state superintendent of public instruction.

(1877, c. 74, subc. 5, § 4; G. S. 1878, c. 36, § 78.)

§ 3763. 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

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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 in any given year, an amount greater than that appropriated by the district from its special tax and local one-mill tax levied in that year: *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; G. S. 1878, c. 36, § 79; as amended 1883, c. 54, § 2; 1887, c. 41, § 2; 1891, c. 107, § 1.)

§ 3764. County auditor to report to state superintendent.

It shall be the duty of each county auditor in the state, on the last Wednesday of March, and on the last Wednesday of October, of each year, to make a report to the superintendent of public instruction, showing the amount of money by him apportioned on that day to the several school-districts in his county; the sources from which said money was received into the county treasury; the aggregate number of scholars in the county, and the number of districts receiving a portion of said school money.

(1877, c. 74, subc. 5, § 6; G. S. 1878, c. 36, § 80.)

§ 3765. To report county superintendents.

The county auditor of each county shall transmit to the state superintendent of public instruction the name and post-office address of the superintendent of schools in his county, as soon as such officer has been qualified.

(1877, c. 74, subc. 5, § 7; G. S. 1878, c. 36, § 81.)

§ 3766. Special districts to report to county superintendents.

Each of the incorporated towns and cities in this state, having, by their several charters, a common or special school system, shall, by its clerk or some proper officer thereof, make to the school superintendent of their county a report of the enumeration of scholars, and of other matters by this act made necessary to be reported, in the manner required of other school-districts; and such district shall be entitled to apportionments of public-school funds, to be apportioned and drawn substantially as provided by law.

(1877, c. 74, subc. 5, § 8; G. S. 1878, c. 36, § 82.)

§ 3767. County treasurer to pay only to district treasurer.

The county treasurer, upon the order of the county auditor, shall pay to the treasurer of any school-district, and to him only, or to his written order, any money in his hands belonging to said school-district, by any apportionment, or by collection of any delinquent tax or other money belonging to said district; but the county treasurer shall pay no school moneys to any district treasurer, until such district treasurer has filed, in the office of the county auditor, notice from the clerk of his district, countersigned by the director thereof, that such district treasurer has filed in the office of the district clerk his official oath and bond, as provided in this act.

(1877, c. 74, subc. 5, § 9; G. S. 1878, c. 36, § 83.)

§ 3768. State school tax—Current school fund—Local mill tax.

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There shall be levied annually upon the taxable property of the state a tax of one and fifteen-hundredths mills, to be known as the "state school tax," which shall be collected as other taxes are collected, of which the proceeds of one mill shall be added to the general school fund, which together shall be known as the "current school fund," to be apportioned as hereinbefore provided, and the proceeds of fifteen-hundredths mills shall be for the support and maintenance of the University of Minnesota, and shall be added to the general University fund and be payable to the order of the board of regents. The county commissioners shall also levy an annual tax of one mill, 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; G. S. 1878, c. 36, § 84; as amended 1881, Ex. S. c. 27; 1883, c. 53, § 1; 1887, c. 41, § 3; 1893, c. 110.)

§ 3769. Loan of permanent school fund—Application by county.

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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.

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(1887, c. 193, § 1;¹² G. S. 1878, v. 2, c. 36, § 34a.)

¹²An act to provide for the loaning of the permanent school fund of the state, as authorized by c. 1, Laws 1885. Approved March 5, 1887.

§ 3770. 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, 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.

(1887, c. 193, § 2; G. S. 1878, v. 2, c. 36, § 84b.)

§ 3771. 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.

(1887, c. 193, § 3; G. S. 1878, v. 2, c. 36, § 84c.)

§ 3772. 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] 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.

(1887, c. 193, § 4; G. S. 1878, v. 2, c. 36, § 84d.)

§ 3773. 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.

(1887, c. 193, § 5; G. S. 1878, v. 2, c. 36, § 84e.)

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§ 3774. Bonds.

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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; G. S. 1878, v. 2, c. 36, § 84f.)

§ 3775. 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.

(1887, c. 193, § 7; G. S. 1878, v. 2, c. 36, § 84g.)

§ 3776. 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.

(1887, c. 193, § 8; G. S. 1878, v. 2, c. 36, § 84h.)

(6) PENALTIES OF THE COMMON-SCHOOL LAW.

§ 3777. Penalties for excluding children entitled to attend school.

If any child of suitable age for attending the public schools is denied admission to any such school, or if any scholar is suspended or expelled from any such school without sufficient cause, or on account of color, social position, or nationality, the board by whose direction the offence was committed shall forfeit and pay a fine of fifty dollars for each offence; and nothing in this act, or in any amendment of it, shall be so construed as to authorize any school trustees, board of education, or other school officer or authorities, to classify the scholars with reference to color, social position, or nationality, or to set apart the children so classified into separate schools, without their consent and the consent of the parents or guardians of such children. And no town, city, or school-district, which shall offend in this respect, or in which any child of suitable age shall be refused admission to any school in the proper locality or ward on account of color, social position, or nationality, shall be entitled to any portion of the school funds of this state. And it shall be the duty of the state superintendent of public instruction, in making apportionments of school funds, in all cases when satisfied of the commission of such offence, by complaint of the aggrieved party or otherwise, to withhold from the county wherein the offence was committed the amount of such school funds designed for the town or city committing such offence; and it shall be the duty of the auditor of such county to withhold all state school funds from the city or town in which such offence was committed, and to add the same to the next semi-annual apportionment to the other districts of the county.

(1877, c. 74, subc. 6, § 1; G. S. 1878, c. 36, § 85.)

§ 3778. 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

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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;¹³ G. S. 1878, v. 2, c. 36, § 85a.)

§ 3779. 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.

(1885, c. 197, § 2; G. S. 1878, v. 2, c. 36, § 85b.)

§ 3780. Same—Inquiry by school director—Penalty for neglect.

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 education, 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.

(1885, c. 197, § 3; G. S. 1878, v. 2, c. 36, § 85c.)

§ 3781. 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.

(1885, c. 197, § 4; G. S. 1878, v. 2, c. 36, § 85d.)

§ 3782. 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

¹³An act requiring the education of all healthy children. Approved March 5, 1885.

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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; G. S. 1878, c. 36, § 86; 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.

§ 3783. Penalty on clerk for not reporting.

Any failure on the part of a clerk of a school-district to make report to the county superintendent or county auditor as provided for by law, shall be punishable by a fine not to exceed fifty dollars, for the use of the district.

(1877, c. 74, subc. 6, § 3; G. S. 1878, c. 36, § 87.)

§ 3784. Penalty for drawing illegal order.

Any school-district clerk who shall draw an order upon the district treasurer, diverting the public-school funds from their legitimate channel, shall be held personally responsible for twice the amount of such order.

(1877, c. 74, subc. 6, § 4; G. S. 1878, c. 36, § 88.)

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.

§ 3785. Penalty for neglecting to keep books, etc.

Any school-district clerk who shall neglect to keep the books and records of the office in the manner prescribed by law, or shall refuse to deliver up the books and papers belonging to his office as clerk, to his successor in office, shall be liable to a fine of ten dollars for each offence.

(1877, c. 74, subc. 6, § 5; G. S. 1878, c. 36, § 89.)

§ 3786. Penalty for failure of county superintendent to report.

If any county superintendent of schools shall fail to make and report to the auditor of his county, on the day before the last Wednesday in October in each year, an abstract of the annual reports of the several district clerks and teachers in his county, showing, in tabular form, the number of scholars enrolled in each district, and entitled to apportionments from the current school fund, and the number of months of school taught by qualified teachers in each district for the year ending the thirty-first day of the preceding August, as shown by the annual reports of school-district clerks and teachers, legally made to him for the school year ending August the thirty-first; or to make his statistical and written report to the state superintendent of public instruction on or before the twentieth of October in each year, embracing the several items required by this act, such superintendent shall be deemed guilty of a misdemeanor, and he shall forfeit, for every such omission, the sum of fifty dollars, to be deducted from his salary by the county commissioners.

(1877, c. 74, subc. 6, § 6; G. S. 1878, c. 36, § 90.)

§ 3787. Penalty for failure of county auditor to report.

Any county auditor failing to report to the state superintendent of public instruction, on the last Wednesday of March, and on the last Wednesday of October in each year, the amount of money by him apportioned on that day to the several school-districts of his county, the sources from which such money was received into the county treasury, the number of scholars upon which the apportionment has been made, and the number of districts receiving such apportionments, shall forfeit the sum of fifty dollars to the benefit of the school fund of his county.

(1877, c. 74, subc. 6, § 7; G. S. 1878, c. 36, § 91.)

§ 3788. Penalty for dealing in school supplies.

No teacher, state, county, township or district school officer, shall be interested in the sale, proceeds or profits of any book, apparatus or furniture,

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used or to be used in any school in this state, with which such officer or teacher may be connected: and any such teacher or officer who shall receive any commission or compensation, either directly or indirectly, for the sale of any book, apparatus or furniture used or to be used in any school in this state, upon conviction thereof, by complaint before a justice of the peace, shall be fined not less than fifty nor more than two hundred dollars for each such offence.

(1877, c. 74, subc. 6, § 8; G. S. 1878, c. 36, § 92.)

§ 3789. Duty of officers to report violations of law.

It is hereby made the duty of any and every officer to whom reports are by law required to be made in relation to schools and school-districts, in case any officer shall have failed to make any report required by law, within the time fixed by law for making such report, and for which failure a penalty is prescribed, to give, in writing, immediate notice to the delinquent, and to the county attorney of the proper county, of such failure. It shall be the duty of the county attorney, on the receipt of such notice, to institute legal proceedings to collect, with proper costs, the prescribed penalty, in the name and for the use of the proper county or district. The county attorney shall also institute similar proceedings, for the same purpose, upon complaint of the county superintendent of schools, or any other person interested in having the law executed, that any school officer has violated any of the provisions of the school law to which a penalty is attached.

(1877, c. 74, subc. 6, § 9; G. S. 1878, c. 36, § 93.)

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.

(7) INDEPENDENT SCHOOL-DISTRICTS.

§ 3790. 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; G. S. 1878, c. 36, § 94; 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. 33, 6 N. W. Rep. 403.

A village constituting a part of an independent school district cannot withdraw and organize a separate independent school district. *State v. Independent School Dist.*, 43 Minn. 357, 44 N. W. Rep. 120.

§ 3791. Change of boundary.

The boundaries of any independent or special school district heretofore or hereafter organized in this state may be changed in the same manner as is now provided by law for the change of boundaries of common school districts, subject, however, to the limitations as to territory now provided by law.

(1893, c. 166, § 1.14)

¹⁴ An act relating to the change of boundaries of independent or special school districts. Approved March 27, 1893.

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§ 3792. Notice of meeting to vote on organization.

In order to such organization, written notices shall be posted in three of the most public places in the contemplated district, signed by at least six of the resident freeholders of the same, requesting the qualified electors in said district to assemble upon a specified day, and at some suitable place in said district, to be named in said notices, then and there to vote by ballot for or against organization under this chapter, which notices shall be so posted at least ten days next prior to said meeting.

(1877, c. 74, subc. 7, § 2; G. S. 1878, c. 36, § 95.)

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§ 3793. Vote upon organization.

The electors assembled at said time and place shall proceed to appoint a chairman, assistant chairman and clerk, who shall be judges of said election. The electors in favor of organization, under this chapter, for said district, shall write upon their ballots, "Independent district—Yes;" and those opposed thereto, "Independent district—No."

(1877, c. 74, subc. 7, § 3; G. S. 1878, c. 36, § 96.)

§ 3794. Meeting to elect directors—Notice—Term of office.

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; G. S. 1878, c. 36, § 97; as amended 1881, c. 41, § 10; 1885, c. 57, § 2.)

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§ 3795. Directors to be a corporation—Their powers.

Said directors, and their successors in office, shall be a body corporate, by the name of "The board of education of ——" (the name of the city, town, village or township), and as such, and by such name, shall have perpetual succession, and shall receive all moneys and other property belonging to or accruing to said district, or to said city, town, village or township, or any part of the same, for the use or benefit of the public schools therein, and succeed to all the rights, and be subject to all the liabilities of the same; and the said board shall be capable of contracting and being contracted with, suing and being sued, and shall also be capable of receiving any gift, grant, bequest or devise, made for the use of the public schools in said city, town, village, township or district, under any law of this state, for the use of the public schools therein, shall be paid to the treasurer of said board of education.

(1877, c. 74, subc. 7, § 5; G. S. 1878, c. 36, § 98.)

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§ 3796. 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

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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; G. S. 1878, c. 36, § 99; as amended 1885, c. 57, § 3.)

§ 3797. Compensation of clerk and treasurer.

No other member of said board shall receive any compensation for his services, except the clerk and treasurer, whose compensation shall be fixed by the board.

(1877, c. 74, subc. 7, § 7; G. S. 1878, c. 36, § 100.)

§ 3798. Quorum.

Four members of said board shall constitute a quorum for the transaction of business at any meeting.

(1877, c. 74, subc. 7, § 8; G. S. 1878, c. 36, § 101.)

§ 3799. Vacancies in board, how filled.

In case of a vacancy, the board of education shall have power to fill the same by appointment, until the next annual district election, when the electors of said district may choose a suitable person to fill the remainder of such term: *provided*, the clerk of said board shall give notice of such vacancy as required in other cases.

(1877, c. 74, subc. 7, § 9; G. S. 1878, c. 36, § 102.)

§ 3800. Duties of superintendent.

The superintendent shall visit the schools of the district, and report their condition to the board, as often as they require. He shall superintend the grading of the schools, and examinations for promotion, and shall perform such other duties as the board prescribe. He shall also make, to the state superintendent of public instruction, such reports as may be required, through the county superintendent of schools, or directly to the state department of education.

(1877, c. 74, subc. 7, § 10; G. S. 1878, c. 36, § 103.)

§ 3801. Officers to file acceptance—Duty of president.

The president and clerk shall file, in the office of the clerk of the district, their written acceptance of office, as such. The president shall preside at all meetings of the board and district—except that a president *pro tempore* may be chosen in his absence—shall sign all orders drawn upon the treasurer for moneys voted to be paid by said board, and perform such other duties as the board prescribe.

(1877, c. 74, subc. 7, § 11; G. S. 1878, c. 36, § 104.)

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§ 3802. Duties of clerk.

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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; G. S. 1878, c. 36, § 105; as amended 1885, c. 57, § 4.)

§ 3803. Records and copies to be evidence.

The records of said board, signed by the president, or a transcript thereof or any part thereof, and all papers belonging to the office, or a transcript thereof, certified by the clerk, shall be prima facie evidence of the facts therein stated; and all records, books and papers belonging to said board, shall be subject to the inspection of any legal voter of said district.

(1877, c. 74, subc. 7, § 13; G. S. 1878, c. 36, § 106.)

§ 3804. Bond of treasurer—Additional bond—His duties.

The treasurer, before entering upon the duties of his office, shall execute a bond to the board of education, in double the amount of money, as nearly as can be ascertained, which will come into his hands as treasurer within the year, with not less than two sureties, to be approved by said board, and conditioned for the faithful discharge of his duties as treasurer; said bond shall be filed with the clerk of the board, and, in case of any breach in the conditions thereof, the board shall cause an action to be commenced thereon, in the name of the board of education, and the money recovered shall be applied to the use of the district; said board may require such treasurer to give additional security from time to time; said treasurer shall receive, and upon the order of the board, signed by the clerk and president, pay out, all moneys belonging to the district, paying each order only out of the particular fund upon which it was drawn; and shall keep an accurate and detailed and separate account of each fund coming into his hands, in a book or books provided for that purpose; said treasurer shall, within three days preceding the annual meeting in each year, file with the clerk of the board a report in writing, signed by him, and containing a statement of all the moneys received by him within the year preceding, and of all his disbursements; said report shall be examined by the board, before which the treasurer shall exhibit his vouchers before the annual meeting of the district, and be approved or disapproved, by resolution entered upon the records of said board. Said treasurer shall make such report of the business of his office as may be called for by the board at any time. He shall keep all records, books and papers belonging to his office, and deliver the same to his successor in office, upon demand. He shall pay to his successor in office, upon demand, after such successor has given bonds as hereinbefore prescribed, all money in his hands belonging to said district, and perform such other duties as may be ordered by the board.

(1877, c. 74, subc. 7, § 14; G. S. 1878, c. 36, § 107.)

The fact that the treasurer has lost funds by burglary, without his fault, is no defense to an action on the bond. Board of Ed. of Village of Pine Island v. Jewell, 44 Minn. 427, 46 N. W. Rep. 914.

A vote of the school district, and of the board of education, without consideration, to discharge the obligation of the treasurer, is ineffectual. Id.

§ 3805. Stated and special meetings of board—Payments of money.

Said board may hold stated meetings at such times and places, in said district, as they may appoint. Special meetings thereof may be called by the president, or by any two members, on giving one day's notice of the time and place of the same; and said board, by resolution, shall direct the payment of all moneys that shall be paid out of the treasury, and no money shall be paid except in pursuance of such resolution, and on the written order of the clerk, countersigned by the president.

(1877, c. 74, subc. 7, § 15; G. S. 1878, c. 36, § 108.)

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§ 3806. Purchase and erection of school-houses, etc.

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Whenever said board deem it necessary to purchase or erect a school-house or school-houses for said district, or to purchase sites for the same, they shall call a meeting of the legal voters of the district, by giving ten days' notice of the time and place and object of said meeting, in some newspaper printed and in general circulation in said district; if there is no such newspaper, then by posting notices thereof in five or more of the most public places in said district; and said meeting may determine, by a majority vote, upon the erection of a school-house or school-houses, and the purchase of a site or sites therefor, and the amount of money to be raised for the purpose aforesaid.

(1877, c. 74, subc. 7, § 16; G. S. 1878, c. 36, § 109.)

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§ 3807. Limit of tax for buildings and sites.

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The amount of money so voted shall be thereupon certified by the chairman and secretary of the board of education to the auditor of the county, and shall be levied on the taxable property of said district: provided, that no tax shall be levied in any one year exceeding eight mills on the dollar, for the purpose of building a school-house or school-houses, or procuring sites therefor.

(1877, c. 74, subc. 7, § 17; G. S. 1878, c. 36, § 110.)

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§ 3808. Powers of board of education.

The board of education shall have power, and it shall be their duty:

First.—To establish and organize such grades of schools, alter and discontinue the same, in said district, as they may deem expedient.

Second.—To provide necessary rooms or buildings for school-houses, and grounds about the same.

Third.—When authorized by a vote of the district, to purchase or erect one or more school-houses, and purchase sites for the same.

Fourth.—To purchase, sell and exchange school apparatus, furniture, stoves, and other appendages for school-houses, and to furnish fuel for the same.

Fifth.—To take care of the property of the district, and procure insurance and make ordinary repairs upon the same, or any part thereof, when deemed expedient.

Sixth.—To contract with, employ and pay teachers who have received certificates, as provided herein, and to discharge the same.

Seventh.—To defray the necessary expenses of the board, pay the compensation of the clerk, treasurer and superintendent, and for such printing, record books, stationery, and other incidental matters as may be deemed proper.

Eighth.—To superintend and manage, in all respects, the schools of said district, and from time to time to adopt, alter, modify and repeal rules for their organization, government and instruction, for the keeping of registers, for the reception of pupils, resident and non-resident within the district, their suspension, expulsion and transfer from one school to another; to prescribe text-books and a course of study for the schools, and to visit each school in the district not less than once in three months.

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

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

Eleventh.—To provide for the prompt payment, at maturity, of the prin-

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cipal and interest of any indebtedness of the district, by voting, from time to time, taxes upon the taxable property of said district, sufficient to meet the same, making allowances for delinquency in paying any part of such taxes.

Twelfth.—To furnish to the board of examiners the necessary blanks for all such grades of such certificates as the board of education may at any time order, which certificates shall severally contain the branches fixed for the several grades of certificates.

Thirteenth.—When authorized by a vote of the district, to make, execute and deliver, for and in behalf of said district, deeds, mortgages, releases, and all other instruments relating to the real property thereof.

(1877, c. 74, subc. 7, § 18; G. S. 1878, c. 36, § 111.)

§ 3809. Length of school—Taxes—Reports.

Said board of education shall keep said schools in operation not less than twelve, nor more than forty-four weeks in each year; determine the amount of the annual tax to be raised for the purpose aforesaid, including all the necessary expense of said schools, except for the erection of school-houses and the purchase of sites, and on or before the tenth day of October of each year, make known the amount of such tax to the auditor of the county in which said district is situated, which tax shall be assessed in said district, collected and paid over to the treasurer of said district; and said board shall keep an accurate account of their proceedings, and of their receipts and disbursements for school purposes, and at the annual meeting for choosing directors in said districts, make report of such receipts and the source from which the same were derived, and of the disbursements, and the objects to which the same were applied; and they shall also make report, at the same time, of such other matters relating to said schools, as they deem the interest of the same to require.

(1877, c. 74, subc. 7, § 19; G. S. 1878, c. 36, § 112.)

§ 3810. School examiners.

Said board of education, within twenty days after their election, shall appoint three competent persons, citizens of said district, to serve as school examiners of the public schools therein—one to serve one year, one for two years, and one for three years, from the time of their appointment, and until their successors are appointed; and annually thereafter said board shall appoint one examiner to serve for three years, and until his successor is appointed and qualified; and said board shall fill all vacancies that may occur from death or otherwise. Said examiners, or any two of them, shall examine any persons that may apply for that purpose with the intention of becoming teachers in any of the schools of said district; and if they find the applicant, in their opinion, qualified to teach in any of said schools, and to govern the same, and of good moral character, they shall give said applicant a certificate, made on such blanks as may be provided by the board of education, naming the branches in which the holder of said certificate is found qualified to teach, setting opposite each branch the degree of attainment, on a scale of which five shall be the maximum; and no person shall be permitted to teach in said schools without such certificate: provided, that any examination of teachers herein provided for may, at the request of the board of examiners, be made by the county superintendent of schools, whose certificate, as herein provided for, when countersigned by said board of examiners, shall be valid as their own act. Said examiners may, in all cases, when two of their members concur, have power to annul such certificates, and when so annulled and reported to the board of education, the person holding the same shall be discharged as teacher. Said examiners shall also, separately or otherwise, together with said board of education, or any of them, or such person as they may appoint or invite, visit said schools as often as once in every three months, and observe the discipline, mode of teaching, progress of pupils, and such other matters as they may deem of interest, and make such suggestions and report thereupon to said board as they may think proper, which report may be published, at the discretion of said board, together with their annual report.

(1877, c. 74, subc. 7, § 20; G. S. 1878, c. 36, § 113.)

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§ 3811. Levy and collection of taxes.

All taxes raised by virtue of this chapter shall be levied and collected in the same manner, and by the same officers, as county taxes are levied and collected.

(1877, c. 74, subc. 7, § 21; G. S. 1878, c. 36, § 114.)

§ 3812. General school law applicable.

Upon and after organization as herein provided any district so organizing, or heretofore so organized, shall be governed by the provisions of this chapter, and by the general school laws, not inconsistent with the special provisions of this chapter.

(1877, c. 74, subc. 7, § 22; G. S. 1878, c. 36, § 115.)

See State v. Sharp, 27 Minn. 33, 6 N. W. Rep. 408.

§ 3813. 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; G. S. 1878, v. 2, c. 36, § 115a.)

§ 3814. 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."

(1885, c. 170, § 2; G. S. 1878, v. 2, c. 36, § 115b.)

§ 3815. 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; G. S. 1878, v. 2, c. 36, § 115c.)

§ 3816. Bonds.

That in all cases where the legal voters of any independent school district have within six months prior to this date, at a legally called meeting, by a majority vote, authorized the purchase of a site for and the construction and erection of a schoolhouse, or the improvement of any schoolhouse, and designated the sum so authorized to be expended, the board of education of such independent school district may issue the bonds of such district for the amount so designated, which bonds shall be signed by the president of such board of education and the clerk of the board of education. Such bonds shall be payable in such amounts and at such times, not exceeding fifteen years, as the board of education may direct, with interest not to exceed five per cent, and shall not be sold for less than their par value.

(1893, c. 177, § 1.15)

¹⁵ An act to authorize the board of education of independent school districts to issue bonds in certain cases. Approved April 17, 1893.

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PUBLIC SCHOOLS.

§§ 3817-3822

(8) ACTIONS BY OR AGAINST TRUSTEES OF SCHOOL DISTRICTS.

§ 3817. Actions by trustees.

The trustees of any school-district, organized in accordance with the provisions of this act, may prosecute actions in their official capacity, in the following cases:

- First.—On a contract made with them in their official capacity; or
- Second.—To enforce a liability, or a duty enjoined by law, in favor of such officers or the district; or
- Third.—To recover a penalty or forfeiture given to such officers or the district; or
- Fourth.—To recover damage for an injury to their official rights or property.

(1877, c. 74, subc. 8, § 1; G. S. 1878, c. 36, § 116.)

§ 3818. Actions against trustees.

An action may be brought against them in their official capacity, either upon a contract made by such officers in their official capacity, and within the scope of their authority, or for an injury to the rights of the plaintiff, arising from some act or omission of such officers or of the district. The actions authorized by this chapter may be brought by or against said trustees, upon a cause of action which accrued within the term of their predecessors, as well as within their own term of office, and, when brought, may be continued by or against the successors in office of the parties, whose names may, for that purpose, be submitted in the action.

(1877, c. 74, subc. 8, § 2; G. S. 1878, c. 36, § 117.)

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.

The duties of the trustees are public and administrative only. They are not liable to individuals for mere neglect or nonfeasance in failing to make repairs. *Bank v. Brainerd School-Dist.*, 49 Minn. 106, 51 N. W. Rep. 814.

§ 3819. Service of process and papers.

In legal proceedings against the trustees, in their official capacity, all processes and papers may be served on any one of them, and the party served shall notify the others of the fact of such service.

(1877, c. 74, subc. 8, § 3; G. S. 1878, c. 36, § 118.)

§ 3820. Judgment against trustees, how enforced.

When a judgment is recovered against any trustees in any action prosecuted by or against them in their name of office, no execution shall issue on such judgment, but the same, if for the recovery of money, shall, unless reversed or stayed on appeal, be paid by the treasurer, upon demand, and the delivery to him of the certified copy of the docket of the judgment, if there is sufficient money of such district in his hands not otherwise appropriated. If he fails to do so, he shall be personally liable for the amount, unless the collection thereof is afterwards stayed on appeal.

(1877, c. 74, subc. 8, § 4; G. S. 1878, c. 36, § 119.)

The treasurer has no authority to pay a judgment out of moneys applicable only to other specific purposes. *School-Dist. No. 31 v. Roach*, 43 Minn. 495, 45 N. W. Rep. 1097. See *Jordan v. Board of Ed. of Taylor's Falls*, 39 Minn. 293, 300, 39 N. W. Rep. 801.

§ 3821. Proceedings when judgment is not paid.

If such judgment is not satisfied, or proceedings thereon stayed by appeal or otherwise, before the next annual meeting of said school-district, a certified copy of the docket of the judgment may be presented to said district at its annual meeting.

(1877, c. 74, subc. 8, § 5; G. S. 1878, c. 36, § 120.)

§ 3822. Same—Tax to pay judgment.

The trustees of the district shall thereupon cause the amount due on the judgment, with interest from the date of its recovery, to be added to the

tax of said district, and the same shall be certified to the county auditor, and collected as other district taxes are collected: provided, that if the trustees of any school district against which any judgment has been obtained, and which has not been appealed from, or which, in case of an appeal, has been affirmed in the appellate court, in whole or in part, fail to certify to the county auditor of the proper county, as provided in this section, on or before the first day of October next after the certified copy of the docket of such judgment has been presented to such trustees as provided in section five of this act, and the judgment creditor, his attorney or agent, shall file a certified copy of such docket entry of said judgment with the county auditor of the proper county before such auditor has extended the tax against such school-district, accompanied by an affidavit stating that such judgment or any part thereof, remains unpaid, and stating the amount claimed to be due thereon, and that a certified copy of such judgment had been previously served on such trustees, such county auditor shall at once levy a tax on said district, sufficient and for the purpose of satisfying such judgment and the costs thereon, which action of the county auditor shall have the same force and effect, and stand in the place of the action of such school-district trustees for all purposes whatever.

(1877, c. 74, subc. 8, § 6; G. S. 1878, c. 36, § 121.)

§ 3823. Same—Issue and levy of execution.

If such judgment is not paid within thirty days after the time fixed by law for the county treasurer to pay over the money in his hands, levied for the purpose of paying such judgment, next after the rendition thereof, execution may be issued on such judgment; but only the property belonging to said district shall be liable thereon.

(1877, c. 74, subc. 8, § 7; G. S. 1878, c. 36, § 122.)

(9) COLLECTION OF DEBTS FROM DISTRICTS HAVING NO TRUSTEES.¹⁰

§ 3824. Districts without trustees may be sued.

Any school-district in this state, having contracted any indebtedness, and failed to provide for the payment of the same, and from which the trustees have removed or ceased to act, and none elected or appointed in their stead, may be proceeded against, in the name and number of such district, in the district courts of this state, as provided for in this act.

(1878, c. 96, § 1; G. S. 1878, c. 36, § 123.)

§ 3825. Service of process to be made on county auditor.

All actions under the provisions of this act shall be commenced against the school-district by its name and number; and the service of the summons and all process and papers, in any cause against such district, shall be made upon the auditor of the county wherein such school-district is situated.

(1878, c. 96, § 2; G. S. 1878, c. 36, § 124.)

§ 3826. Affidavit to be filed with clerk of court.

Every person seeking service upon any school-district shall make and file with the clerk of the court in which any such action is about to be commenced, an affidavit showing the nature and amount of his claim against such district, and when the same fell due, and also that there are no officers of the district upon which service of summons can be obtained; whereupon the judge of the district court wherein said action is about to be commenced, or the court commissioner of the proper county, may order the summons and complaint in such cause served upon the auditor of the county wherein such district is situated.

(1878, c. 96, § 3; G. S. 1878, c. 36, § 125.)

§ 3827. Auditor or any tax-payer may defend.

In case of the service of the summons upon the auditor in any cause commenced under the provisions of this act, the auditor is empowered, in the

¹⁰ An act to provide for the collection of debts against school-districts, from which the trustees have removed, and none elected or appointed in their stead. Approved March 7, 1878 (Laws 1878, c. 96).

name of such district proceeded against, to defend such action; and any tax-payer of such district may appear and defend such action as fully as the trustees of school-districts are able to do: provided, that it shall not be the duty of any [county] auditor to defend such action, unless the voters of such school-district shall first satisfactorily indemnify him against all legal costs and expenses incurred by him in making such defence.

(1878, c. 96, § 4; G. S. 1878, c. 36, § 126.)

§ 3828. Judgment, how enforced—Tax to be levied.

Whenever a judgment is recorded against any school-district under the provisions of this act, a certified copy of the docket of the judgment may be presented and filed with the auditor of the county in which such judgment was obtained, whereupon the said auditor shall, at the time the ordinary annual taxes are levied, next following the filing of said certified copy of the docket of such judgment, levy upon the taxable property of such district a tax sufficient to pay such judgment and interest and costs, and place the same upon the grand duplicate tax lists of the proper districts; and said tax shall be collected in the same manner and by the same officers as county and state taxes, and be subject to the same penalties for the nonpayment thereof.

(1878, c. 96, § 5; G. S. 1878, c. 36, § 127.)

§ 3829. Satisfaction of judgment by county treasurer.

It shall be the duty of the county treasurer of the proper county, upon the presentation to him of a certified copy of the docket of the judgment, to pay to the person entitled thereto any money in his hands collected for the purpose of paying the said judgment, or which may have been collected prior to the time when said judgment was obtained, for the purpose of paying the indebtedness of the district for which such judgment was obtained.

(1878, c. 96, § 6; G. S. 1878, c. 36, § 128.)

§ 3830. 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; G. S. 1878, v. 2, c. 36, § 128a.)

§ 3831. 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

¹⁷An 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.

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.

(1885, c. 173, § 2; G. S. 1878, v. 2, c. 36, § 128b.)

§ 3832. **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.

(1885, c. 173, § 3; G. S. 1878, v. 2, c. 36, § 128c.)

[TITLE 2.]

[STATE NORMAL SCHOOLS.]

§ 3833. **Names.**

The normal schools heretofore established to educate and prepare teachers for the common schools of this state, shall hereafter be designated and known as the state normal school at Winona, the state normal school at Mankato, and the state normal school at St. Cloud, respectively.

(1877, c. 74, subc. 9, § 1; G. S. 1878, c. 36, § 129.)

§ 3834. **School at Moorhead.**

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 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; ¹⁸ G. S. 1878, v. 2, c. 36, § 129a.)

§ 3835. **Board of directors—Appointment—Term—Vacancies.**

The governor of this state shall, on or before the first Friday in March, one thousand eight hundred and seventy-three, nominate and appoint, by and with the advice and consent of the senate, six normal-school directors, not more than one of whom shall be resident of the same county, who, together with

¹⁸ An act to establish a state normal school at the city of Moorhead, in Clay county. Approved March 5, 1885.

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the state superintendent of public instruction, shall constitute the state normal-school board. Three of the directors so appointed shall hold their offices for two years, and the remaining three for four years, from the first day of June, one thousand eight hundred and seventy-three. The terms of office of each director so appointed shall be designated by the governor. On the last Tuesday in February, one thousand eight hundred and seventy-five, and biennially thereafter, the governor, by and with the advice and consent of the senate, shall appoint three directors to fill the vacancies occurring under the provisions of this act, and each of whom shall hold his office for four years from the first day of June next succeeding his appointment. The governor shall also, by and with the advice and consent of the senate, fill all vacancies that may arise by reason of death, resignation, or otherwise: provided, that one member of said board, and no more, shall be appointed from each of the counties of Winona, Blue Earth and Stearns.

(1877, c. 74, subc. 9, § 2; G. S. 1878, c. 36, § 130.)

§ 3836. Same—Two additional members.

The governor shall on or before the first day of May, eighteen hundred and eighty-nine, appoint two members of the state normal school board in addition to those already provided for by law, whose terms of office shall expire on January first, eighteen hundred and ninety-one and on January first, eighteen hundred and ninety-three, respectively, and that said board shall from said appointments consist of eight instead of six members. Provided, however, that there shall not be at any time more than one director from any one county.

(1889, c. 268, § 1.¹⁹)

§ 3837. Officers of 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; G. S. 1878, c. 36, § 131; as amended 1883, c. 12, § 1.)

§ 3838. Members to qualify.

Each member of the state normal-school board, before entering upon the duties of his office, shall file with the secretary of state an oath to support the constitution of the United States, and of the state of Minnesota, and that he will well and faithfully discharge the duties of his office.

(1877, c. 74, subc. 9, § 4; G. S. 1878, c. 36, § 132.)

§ 3839. Powers.

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; G. S. 1878, c. 36, § 133; as amended 1885, c. 95.²⁰)

¹⁹ An act to increase the number of members of the state normal school board and to provide for certain expenses. Approved April 17, 1889.

²⁰ 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-

**§ 3840. Board to prescribe studies—To grant diplomas—
To report.**

The state normal-school board shall prescribe the courses of study in the normal schools, the conditions of admission, and prepare and confer suitable diplomas upon persons completing the full course of study in the normal department. The diploma from either the elementary or advanced course of study of the state normal school shall be valid as a certificate of qualification of the first grade to teach in the public schools of the state of Minnesota for a period covering the time of the student's pledge of service, namely, two years from date of graduation. Such board shall adopt any rules and regulations deemed necessary to the highest efficiency of the schools. It shall be the duty of the board, as a whole, or through committee of their own number, to visit and thoroughly to inspect the grounds, buildings, modes of instruction, and the discipline and management of each school, at least once during each term. They shall report to the governor, on or before the first day of December in each year, through their president, the condition of each school, its receipts and disbursements, its wants and prospects, together with such recommendations for its improvement as they may deem proper and necessary.

(1877, c. 74, subc. 9, § 6; G. S. 1878, c. 36, § 134; as amended 1891, c. 72, § 1.)

§ 3841. Indorsement of diploma.

At the expiration of two years of actual teaching service the diploma of such graduate may be endorsed by the president of the normal school from which it was issued, and by the state superintendent of public instruction, upon satisfactory evidence that such service has been successful and satisfactory to the supervising school authorities under whom it has been rendered. Such endorsement shall make the diploma of the elementary course a valid certificate for five years from its date, and the diploma of the advanced course a permanent certificate of qualification.

(1891, c. 72, § 2.)

§ 3842. Certificate—Suspension.

Any county or city superintendent of schools under whose supervision such graduates may be employed shall have authority to suspend such certificate for causes duly shown, such suspension to be subject to the same appeal as is provided in the case of certificates issued by such county or city superintendents.

(Id. § 3.)

§ 3843. Annual report of principals of schools.

The principal of each normal school shall annually make a written report to the state superintendent of public instruction, on or before the first day of September, covering the calendar or term year of his school. Such report shall set forth the general statistics of the school, its enrolment in each department, and in each class of the normal department, the average attendance, the number graduating within the year, the number of teachers, and the departments of each, together with an account of the general condition of the library, apparatus and buildings, which report may contain such suggestions as the principal may deem of interest to the public, and conducive to the welfare of his school; and also a statement of the total number of graduates of such school who are then engaged in teaching, so far as may be known, with their names, and the name of the district and county in which they are teaching.

(1877, c. 74, subc. 9, § 7; G. S. 1878, c. 36, § 135.)

§ 3844. Model schools.

The state normal-school board shall have power to organize, in connection with each normal school, such model schools as they may deem expedient, for the illustration of the best methods of teaching and government: provided,

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."

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that no more than one teacher shall be employed in either of the model schools, except at the school at Winona, where, so long as provision is made in the normal school for the education of soldiers' orphans, the board may employ one additional teacher at its discretion.

(1877, c. 74, subc. 9, § 8; G. S. 1878, c. 36, § 136.)

§ 3845. 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. 9, § 9; G. S. 1878, c. 36, § 137; as amended 1881, c. 41, § 11.)

§ 3846. Treasurer.

The member of the board residing at the location of each normal school, respectively, shall receive and disburse, under the direction of the board, all moneys accruing in any manner to such school, and shall keep a full and accurate account of such receipts and disbursements, including the receipts from tuition in the model schools, and shall report the same to the board whenever they shall so direct. He shall give a bond, payable to the state of Minnesota, in such sum as the board shall direct, with one or more sureties, to be approved by them, for the faithful performance of the duties mentioned in this section.

(1877, c. 74, subc. 9, § 10; G. S. 1878, c. 36, § 138.)

§ 3847. Same—Salary.

In addition to the actual expenses now allowed the members of said board the treasurer of each one of the normal schools of Minnesota shall have annually a sum not to exceed three hundred dollars, to be allowed by said board for his services and expenses, for book-keeping and other necessary expenditures incident to keeping the accounts of his school.

(1889, c. 268, § 2.)

§ 3848. Same—How paid.

That the sums thus allowed the treasurers shall be paid by their respective schools out of their annual appropriations as other items of current expenses are paid.

(Id. § 3.)

§ 3849. Board to be repaid expenses.

The members of the state normal-school board, except the superintendent of public instruction, shall be reimbursed for the actual expenses incurred by them while engaged in duty for the normal schools; said expenses to be paid out of the current fund belonging to the several schools.

(1877, c. 74, subc. 9, § 11; G. S. 1878, c. 36, § 139.)

§ 3850. Warrants, how drawn.

All warrants upon the state auditor for defraying the expenses of the state normal schools shall be drawn by the president, and countersigned by the secretary of the board.

(1877, c. 74, subc. 9, § 12; G. S. 1878, c. 36, § 140.)

§ 3851. Saving of vested rights.

Nothing contained in this act shall be so construed as to impair or annul any right or obligation existing in behalf of or against the state of Minnesota, in relation to the state normal schools at Winona, Mankato and St. Cloud.

(1877, c. 74, subc. 9, § 13; G. S. 1878, c. 36, § 141.)

§ 3852. Board not to exceed appropriations.

It is hereby made the duty of the state normal board to limit the number of teachers, and their compensation, and all other annual expenses thereof, to the

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amount appropriated by the legislature for that purpose; and all expenditures made by said board, in excess of the sum so appropriated, are hereby declared to be unlawful and void, and shall be deemed a malfeasance on the part of said board, for which the members thereof can be removed from office by the governor.

(1877, c. 74, subc. 9, § 14; G. S. 1878, c. 36, § 142.)

§ 3853. Repeal of inconsistent acts—Saving rights.

All acts and parts of acts inconsistent with the provisions of this act are hereby repealed; provided, that the repeal of any of the acts above enumerated shall not affect any rights acquired or penalties incurred, or actions or proceedings commenced, under any of said repealed acts; but all such rights shall be preserved, and actions and prosecutions continued and prosecuted, as if this act had not been passed.

(1877, c. 74, subc. 9, § 15; G. S. 1878, c. 36, § 143.)

§ 3854. Standing appropriation for school at Winona.

That the sum of three thousand dollars for the year one thousand eight hundred and sixty-four, four thousand dollars for the year one thousand eight hundred and sixty-five, and five thousand dollars annually thereafter, be and the same is hereby appropriated, out of any money in the treasury not otherwise appropriated, for defraying the expenses of the normal school at Winona, the same to be paid on warrants drawn by the president, and countersigned by the treasurer, of the normal-school board; and that on presentation of such warrants 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 direction of the normal-school board, as provided by law.

(1864, c. 75, § 1; G. S. 1878, c. 36, § 144.)

§ 3855. Same.

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; G. S. 1878, v. 2, c. 36, § 144a.)

§ 3856. Standing appropriation for school at Mankato.

There is hereby appropriated, out of any money in the state treasury not otherwise appropriated, the sum of five thousand dollars annually, commencing with the year one thousand eight hundred and sixty-nine, for the support of the second state normal school at Mankato, the same to be paid on warrants drawn by the president of the normal-school board, and countersigned by the secretary thereof. Upon the presentation of such warrants to the state auditor, he shall forthwith draw warrants on the state treasurer for the amount named in the warrants of the said president and secretary, not exceeding in all the said sum of five thousand dollars per annum; and the money drawn upon said warrants shall be expended under the direction of the state normal board of instruction as provided by law, and for the support of the said second state normal school.

(1869, c. 10, § 1; G. S. 1878, c. 36, § 145.)

§ 3857. Same.

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 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; ²¹ G. S. 1878, v. 2, c. 36, § 145a.)

²¹ 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.

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§ 3858. Same—Expenditure.

That the several sums aforesaid shall be expended under the direction of the state normal board.

(1887, c. 255, § 3; G. S. 1878, v. 2, c. 36, § 145b.)

§ 3859. Standing appropriation for school at St. Cloud.

That the sum of three thousand dollars for the year A. D. one thousand eight hundred and sixty-nine, and five thousand dollars annually thereafter, be and the same is hereby appropriated out of any money in the treasury not otherwise appropriated, for defraying the expenses of the third state normal school at St. Cloud, the same to be paid on warrants drawn by the president of the normal board, and countersigned by the treasurer of the normal school at St. Cloud; and that on presentation of such warrants to the state auditor, it shall be his duty to draw warrants on the state treasurer for like amount. Such money to be expended under direction of the normal school board as provided by law.

(1869, c. 12, § 1; G. S. 1878, c. 36, § 146.)

§ 3860. 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, 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; ²² G. S. 1878, v. 2, c. 36, § 146a.)

§ 3861. 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; G. S. 1878, v. 2, c. 36, § 147.)

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 (G. S. 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.)

²² An act to appropriate money for the current expenses of the state normal school at St. Cloud. Approved March 8, 1887.

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§ 3862. 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 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; 23 G. S. 1878, v. 2, c. 36, § 147a.)

§ 3863. Teacher's 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.

(1881, c. 190, § 2; G. S. 1878, v. 2, c. 36, § 147b.)

§ 3864. School at Moorhead—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; G. S. 1878, v. 2, c. 36, § 147c.)

Chapter 242, 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.

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[TITLE 3.]

[HIGH SCHOOLS.]

§ 3865. 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; 24 G. S. 1878, v. 2, c. 36, § 155a.)

The corresponding section of the act of 1878 (§ 148, c. 36, G. S. 1878) reads the same as above, except that it omits the word "governor," and inserts after "ex-officio" the words: "and one other person to be appointed by the governor, and subject to removal by the governor for cause, to hold his office for three years, and until his successor is appointed and qualified, unless sooner removed."

§ 3866. 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

²³An 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.

²⁴An act for the encouragement of higher education. Approved March 3, 1881.

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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. (1881, c. 144, § 2; G. S. 1878, v. 2, c. 36, § 155b.)

The corresponding section of the act of 1878 (§ 149, c. 36, G. S. 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, plane geometry, and the theory and practice of teaching."

§ 3867. 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.

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; G. S. 1878, v. 2, c. 36, § 155c.)

The corresponding section of the act of 1878 (§ 150, c. 36, G. S. 1878) reads the same as above, except that the words "not lower than the third or sub-freshman class" are inserted at the end of the first subdivision; and in the second division the word "school" appears in place of "schools."

§ 3868. Applications for aid—Apportionment—Appropriation.

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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.

(1881, c. 144, § 5; G. S. 1878, v. 2, c. 36, § 155e.)

The amendment to § 5 of the act of 1878 (G. S. 1878, c. 36, § 152) by Laws 1879, c. 27, § 2, substitutes \$20,000 for \$9,000.

§ 3869. Visitations 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 classes, and make a written report on the same immediately, 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; provided, first, that the said board may provide for the inspection and examination of other graded schools with a view to their improvement, but no appropriation of money shall be made to such schools before they have reached the standard of, and have been accepted as, state high schools under section five of this act; provided, second, that the said board may in their discretion provide for the inspection of schools at a reasonable compensation, but that no compensation shall be paid to any person receiving a salary from any state institution. That for the purposes of this act the sum of seven thousand dollars in addition to the amount already appropriated be and hereby is appropriated annually out of any money in the state treasury not otherwise appropriated.

(1881, c. 144, § 4; G. S. 1878, v. 2, c. 36, § 155d; as amended 1893, c. 101, § 1.)

The corresponding section of the act of 1878 (§ 151, c. 36, G. S. 1878) reads the same as the section amended (1881, c. 144, § 4), except that the words "vote of" are absent from the act of 1878.

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§ 3870. 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.

(1881, c. 144, § 6; G. S. 1878, v. 2, c. 36, § 155f.)

§ 3871. 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.

(1881, c. 144, § 7; G. S. 1878, v. 2, c. 36, § 155g.)

§ 3872. 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.

(1881, c. 144, § 8; G. S. 1878, v. 2, c. 36, § 155h.)

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§ 3873. 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 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. S. c. 61, § 1, as amended 1883, c. 40, § 1; G. S. 1878, v. 2, c. 36, § 155i.)

§ 3874. 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. S. c. 61, § 2; G. S. 1878, v. 2, c. 36, § 155j.)

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§ 3875. 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; G. S. 1878, v. 2, c. 36, § 155k.)

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§ 3876. 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

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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; G. S. 1878, v. 2, c. 36, § 1551.)

[TITLE 4.]

[FARMERS' INSTITUTES.*]

§ 3877. Appropriation.

That the sum of ten thousand dollars shall be, and is hereby, annually appropriated, beginning with the fiscal year commencing August first, one thousand eight hundred and ninety-one, for the maintenance of farmers' institutes, to be held in the several counties of this state as hereinafter provided.

(1891, c. 156, § 1.26)

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§ 3878. Same—Expenditure.

That the average cost of said institutes to be paid out of such appropriation shall not exceed the sum of one hundred and fifty dollars, and in such expenditures shall only be included as legitimate and necessary the board and traveling expenses of the instructors and a reasonable compensation for their services. The salary of the superintendent and his traveling and needful expenses, together with the cost of the necessary outfit of models, charts, outlines, etc., and the expenses consequent upon doing preliminary work, preparatory to the holding of these institutes, shall not be included in calculating this average cost.

(Id. § 2.)

§ 3879. Same.

It is hereby provided that none of these moneys shall be expended for hall rent, fuel, lights, local advertising, nor compensation for services of instructors other than those regularly employed.

(Id. § 3.)

§ 3880. Board of administration, how constituted.

That a board of administration shall be and is hereby created to superintend the execution of this act, and on and after August 1, 1893, said board shall be constituted as follows: Two members of the board of regents of the university of Minnesota, to be selected by said board of regents, the director of the state experimental station ex-officio, and the president of the state agricultural society, who shall be a member for three years from the first day of August, 1893, the president of the state dairy association, who shall be a member for two years from said date, and the president of the state horticultural society, who shall be a member for one year from said date; and at the expiration of the terms so designated the presidents of the state agricultural society, the state dairy association and the state horticultural society, who are then elected and acting as such presidents, shall become members of said board of administration, and shall hold their places as such members for three years, when the vacancies then made shall be filled by the acting presidents of those societies as above stated. Provided, that the presidents of the three societies enumerated shall, in conjunction with said members of the board of regents of the university of Minnesota and the director of the experimental station, constitute the board of administration until August 1, 1893.

(Id. § 4, as amended 1893, c. 133, § 1.)

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* Laws 1889, c. 274, has not been repealed in terms, but is the same substantially as Laws 1891, c. 156.

* An act to establish and maintain farmers' institutes in Minnesota. Approved April 22, 1891. This act appears to supersede Laws 1889, c. 274.

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§ 3881. Same—Term of office.

Each member of the board of regents aforesaid shall hold his office for the period of one year from August first, one thousand eight hundred and ninety-one, at which time, or as soon thereafter as is practicable, and each three years thereafter, said board of regents shall make new appointments, from their own number, to act as members of said board of administration, as successors to the members of the board of regents then in office. Said board of administration may select one of its number annually as president thereof.

(1891, c. 156, § 5.)

§ 3882. Superintendent.

This board of administration is hereby empowered, by a majority vote thereof, to appoint a suitable and competent person state superintendent of farmers' institutes. The superintendent's term of office shall commence on August first, one thousand eight hundred and ninety-one, and shall continue for two years, subject to the discretion of the board of administration.

(Id. § 6.)

§ 3883. Institute circuits.

The board of administration shall, in conjunction with the superintendent, arrange the institute circuits to be held annually, determining the times and places when such institutes shall be held during each year, and shall audit the accounts as hereinafter provided.

(Id. § 7.)

§ 3884. Superintendent—Duties.

The duties of the superintendent of farmers' institutes shall be as follows, viz.: To superintend the several institutes when located as herein provided; to engage competent instructors therefor; to receive, examine and report upon all bills for expenses and services payable from said appropriation; and at the end of each fiscal year to make a detailed report of all farmers' institutes held under his direction, with an itemized account of all expenditures under this act during the year last past, to said board of administration.

(Id. § 8.)

§ 3885. Same—Salary—Warrants.

That the expense of such institutes, together with the salary of said superintendent, which is hereby fixed at fifteen hundred dollars per annum, and the necessary expenses of his superintendence, and all other money named in this act, shall be paid out of said institute fund by the state treasurer, upon warrants issued by the state auditor, which warrants shall only be drawn upon the certificate of the superintendent of institutes, approved by the president of the board of administration.

(Id. § 9.)

§ 3886. Auditing board.

That the said board of administration is hereby empowered to act as an auditing board, and shall receive and audit the report and accounts of said superintendent as aforesaid at the close of each fiscal year.

(Id. § 10.)

§ 3887. Farmers' Institute Annual—Distribution—Requisition for paper.

That said board of administration shall cause to be published annually a hand-book of practical agriculture for free distribution among the farmers of this state, said book to be called a Farmers' Institute Annual, and No. four for the year one thousand eight hundred and ninety-one, and consecutively thereafter, and the necessary expense for such publication shall be met out of the appropriation herein made; Provided, That the expense of said annual in any one year shall not exceed the sum of fifteen hundred dollars. All accounts for said annual shall appear in the annual report made as hereinbefore provided. The board of administration of farmers' institutes shall make an estimate of paper needed for the publication of institute annuals as herein provided, both for the annual issues and for new

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editions of prior annuals where electrotype plates may have been preserved, and shall, in proper time, file a requisition for such paper with the state board of publication, who shall make provision for the same in their estimates for public printing. In all cases where the secretaries of the several county agricultural societies shall make application for bound copies of institute annuals before June 10th of each year, to the superintendent of institutes, in numbers not to exceed fifty, to be used as premiums at their county fairs, it shall be the duty of the state board of publication to cause such annuals to be bound in a substantial manner when presented by said superintendent at the office of the state printer, and when so bound it shall be the duty of said superintendent of institutes to forward such bound copies to the applying secretaries before the time of holding their fairs, with transportation charges prepaid. It is hereby expressly provided that in case any of such books are not used as premiums, that the secretary of the county agricultural society shall return them to said superintendent of institutes, with charges for transportation following.

(Id. § 11, as amended 1893, c. 133, § 2.)

§ 3888. Sessions.

In arranging for such farmers' institutes, they shall be held, so far as possible, at times and places when most convenient to the farmers of this state; each shall continue for not less than one day nor more than three days, with morning, afternoon and, when practicable, evening sessions; each shall be free to the public, and each shall consist of practical and instructive lectures upon topics pertaining to the farm and home; with essays and addresses, discussions and illustrations of such methods and practices as possess real merit and are adapted to the conditions of our agriculture; the sole object and purpose of these institutes being to disseminate practical knowledge upon questions pertaining to agriculture, horticulture, stock and dairy farming, with the least expense and inconvenience to the people of the state.

(1891, c. 156, § 12.)

[TITLE 5.]

[GENERAL PROVISIONS.]

§ 3889. 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-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; 27 G. S. 1878, v. 2, c. 36, § 177.)

§ 3890. 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.

(1881, c. 150, § 2; G. S. 1878, v. 2, c. 36, § 178.)

§ 3891. 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.

(1881, c. 150, § 3; G. S. 1878, v. 2, c. 36, § 178a.)

²⁷ An act to introduce moral and social science in the public schools of this state. Approved March 4, 1881.

§ 3892. 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; 2^d G. S. 1878, v. 2, c. 36, § 179.)

§ 3893. 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.

(1887, c. 123, § 2; G. S. 1878, v. 2, c. 36, § 180.)

§ 3894. 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.

(1887, c. 123, § 3; G. S. 1878, v. 2, c. 36, § 181.)

§ 3895. 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.

(1887, c. 123, § 4; G. S. 1878, v. 2, c. 36, § 182.)

§ 3896. 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, 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.

(1887, c. 123, § 5; G. S. 1878, v. 2, c. 36, § 183.)

§ 3897. Purchase and sale.

The board of trustees or board of education of each and every school district in the state of Minnesota is hereby authorized and empowered to select, adopt or contract for the text books needful for the use of the school or schools under its charge; and the said board of trustees or board of education shall have power to purchase the text books selected or contracted for and provide for the loan, free of charge, or sale, at cost, of such text books to the pupils in attendance at such school or schools. Provided, that no adoption or contract shall be for a period of less than three years nor more

²⁸ 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.

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than five years, during which time the text books so selected, adopted or contracted for shall not be changed.

(1893, c. 23, § 1.2^a)

See *Curryer v. Merrill*, 25 Minn. 1.

§ 3898. Sample copy—Price.

Before any publisher, or publishers, shall enter or attempt to enter into any contract for the sale of text books, as herein provided, they shall file with the superintendent of public instruction of the state of Minnesota a list of their books, and the lowest prices at or for which they will sell any or all of such books to any board of trustees in the state of Minnesota; and they, the said publishers, shall deposit with the superintendent of public instruction a sample copy of each book so listed, which shall represent in style of binding, mechanical execution, general make up and matter, the book or books they offer to sell to the board of trustees at or for the prices so listed, and in no case shall prices be raised above said listed prices as filed.

(1893, c. 23, § 2.)

§ 3899. List of books and prices.

It shall be the duty of the state superintendent of public instruction to furnish a certified copy of the list of books and prices filed in accordance with the provisions of section two of this act to the district clerk of each common school district in the state of Minnesota.

(Id. § 3.)

§ 3900. Free text books—Meeting—Notice.

Whenever five or more legal voters of any common school district in the state of Minnesota shall petition the board of trustees to submit to the legal voters thereof the question of providing free text books to the pupils attending the schools under its charge, it shall be the duty of said board of trustees to call a meeting of the legal voters of the district, giving ten days' notice, which notice shall state that the question of free text books will be submitted at such meeting. Such question may be submitted at any annual meeting, provided that notice shall have been previously given in accordance with the provisions of this section. In case a majority of the legal voters present and voting shall vote in favor of free text books, it shall be the duty of the board of trustees to provide for the same.

(Id. § 4.)

§ 3901. Payment—Fund.

All books purchased in accordance with the provisions of this act shall be paid for out of the school funds of the respective districts; and it shall be the duty of the school districts and their school boards to see that sufficient funds are raised and set aside for the purposes of this act.

(Id. § 5.)

^aAn act to provide text books and regulating the manner of procuring the same. Approved March 24, 1893.