

## CHAPTER 156.

AN ACT to annex certain territory to Dundas independent school district number four (4) in Rice county.

*Be it enacted by the Legislature of the State of Minnesota:*

SECTION 1. That the south half of section three (3) in township one hundred and eleven (111) north of range twenty west, be and the same is hereby detached from common school district number thirty-one (31) in Rice county, and attached to and made a part of Dundas independent school district number four (4) of said county.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 4, 1881.

## CHAPTER 157.

AN ACT for the establishment and regulation of the public schools in the village of Lanesboro.

*Be it enacted by the Legislature of the State of Minnesota:*

SECTION 1. The territory within the corporate limits of the village of Lanesboro and so much of independent school district number one hundred and fifty-eight (158) as said district is now constituted as lies without the corporate limits of said village of Lanesboro, shall constitute one school district for the regulation and management of the public schools in said territory and shall be under the direction and control of a board of education and shall have the powers and shall be subject to the liabilities and limitations prescribed in this act.

SEC. 2. The present members of the board of education of the village of Lanesboro shall hold their offices the time for which they were elected, and annually hereafter there shall be elected two (2) directors who shall be residents of said district. The persons so elected within ten (10) days after their election shall qualify by taking an oath to support the constitution of the United States and of this State, and to faithfully discharge the duties of their office and shall file the same with the clerk of the board of

education. The term of office of directors shall be three (3) years and until their successors are elected and qualified and vacancies occurring within fifteen (15) days prior to any annual election of directors shall be filled at such election. All of said directors shall be elected by the electors of said district by ballot at the annual meeting on the first (1st) Saturday in September except as hereinafter provided for filling vacancies by appointment.

SEC. 3. In case of vacancy in the office of any director by death, resignation or removal from the district, the said board of education shall have power to appoint his successor who shall qualify as provided in section two (2) of this act and shall continue in office until the next succeeding annual election of directors, and any election to fill a vacancy shall be for the unexpired term only.

SEC. 4. The school directors thus chosen and qualified shall constitute the board of education of the village of Lanesboro, which shall be a body corporate in relation to all the powers and privileges conferred on them by the provisions of this act and may sue and be sued in any court in this State having competent jurisdiction, a majority of the board shall form a quorum. Their official term shall commence on the first (1st) Monday after the first Saturday in September in the year of their election and they shall visit each of the schools in said district not less than once in every three (3) months.

SEC. 5. An annual meeting of the board of education shall be held at the usual place of meeting of the board on the third (3d) Saturday in September at half past seven (7½) o'clock [P.] A. M., at which meeting the board shall annually elect a president and clerk of schools. Said president and clerk shall be chosen from the directors elected by the people. The members of the board shall perform their duties without compensation. *Provided*, that the clerk shall receive such compensation as may be fixed by the board. The president and clerk shall file in the office of the clerk of the board within ten (10) days after being chosen their written acceptance of office as such.

SEC. 6. The official term of the president and clerk shall be one (1) year, *provided*, [that] the board may at any time for satisfactory reasons remove any officer and fill vacancies.

SEC. 7. The president shall preside at the meetings of the board, shall sign all orders upon the treasurer and perform such other duties as the board may prescribe.

SEC. 8. The clerk shall keep the records and accounts of the board and shall perform such other duties as the board may prescribe, and such records and all books and papers of his office shall at all times be open to the inspection of the public, and a copy thereof or any part thereof certified by the clerk, shall be *prima facie* evidence in all courts of this State of the facts therein set forth. The clerk shall act as the clerk of the district as well as of the board (except that in his absence a clerk *pro tempore* may be chosen by the board), 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 State superintendent of schools and to the county auditor, 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 (10th) day of October in each year an attested copy of his record stating the amount of money directed by the board of education to be raised for school purposes. He shall give notice of all meetings of the district and shall by direction of the board draw and sign orders upon the treasurer of the board 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. Any failure on the part of said clerk to make report to the county auditor as provided in this act is a misdemeanor punishable by a fine not exceeding five hundred (500) dollars, for the use of the district.

SEC. 9. It shall be the duty of the clerk at such time as the board shall designate each year to prepare and transmit to the State superintendent of public instruction, a report in writing showing for that year,

*First.* The number and grade of the village public schools.

*Second.* The length of time the schools have been in operation during the preceding year.

*Third.* The number of male and female pupils who have attended such schools.

*Fourth.* The average attendance during the session.

*Fifth.* The amount of public money received.

*Sixth.* The estimated special school tax levied.

*Seventh.* The amount of special tax realized.

*Eighth.* The amount of moneys received from all other sources and from whence derived.

*Ninth.* The manner in which all moneys have been expended and moneys devoted, to special purposes shall be stated separately in the report.

*Tenth.* Such other information as may be required by the State superintendent of schools.

*Eleventh.* He shall between the first (1st) and tenth (10th) days of October in each year make and transmit to the county auditor a report in writing showing the number of persons male and female respectively residing in the district on the first (1st) day of September preceding the date of his report between the ages of five (5) and twenty-one (21) years, and the amount of money received from the county treasurer from the money apportioned by the county auditor to said district, and make to the school superintendent of the county a report of the enumeration of scholars and of other matters made necessary, to be reported to him in the manner required of other school districts, and this district shall be entitled

to apportionments of public school funds to be apportioned and drawn substantially as provided by laws in other school districts.

SEC. 10. Said board of education or such person or persons as they shall designate to perform such duty shall hold a public examination of all persons making application to teach in the public schools of said village, who shall be designated by said board of education for such examination, and such examination shall be with regard to moral character, learning, ability and aptitude to teach and shall give certificates to those so examined who may by such person or persons and the board upon his or their report be deemed suitably qualified to teach in the said schools.

SEC. 11. *The board of education shall have power and it shall be its duty.*

*First.* To establish and organize such and so many public schools in said village having due regard to the convenience of the inhabitants of said district as it shall deem requisite and expedient and to alter or discontinue the same at its pleasure.

*Second.* To purchase or hire sufficient school houses, rooms, lots and sites for school houses, to fence and improve the same, and to build, enlarge, alter, improve or repair school houses upon lots or sites owned or leased or set apart for school purposes.

*Third.* To purchase, sell, exchange, improve or repair school apparatus, furniture and appendages. To provide books for indigent pupils and fuel for the schools and to defray the contingent expenses of the schools.

*Fourth.* To have the custody, safe keeping and control of the school houses, lots, sites and appurtenances, the books, furniture and all other school property belonging to said district, and to sell and convey the same at pleasure.

*Fifth.* To contract with and employ a superintendent, all teachers in the public schools of the district and janitors for the school buildings, to fix their salaries, and at their pleasure to remove them, but no teacher shall be employed until he or she shall have procured a certificate of qualification from the person or persons designated by the board to grant such certificate as hereinbefore provided.

*Sixth.* To pay the wages of such teachers, janitors and superintendent out of the public moneys apportioned and appropriated to said district as far as the same may be sufficient, and the residue thereof from the money raised or to be raised for that purpose by special tax or otherwise.

*Seventh.* To defray the necessary contingent expenses of the schools and of the board including the salary of the clerk and superintendent.

*Eighth.* To have in all respects the control and management of the public schools in said district, with power from time to time at its pleasure to adopt, modify, alter or repeal rules and regulations for their organization, grading, government, instruction, course of study and discipline for the reception of pupils, their suspension or expulsion, their transfer from one school or grade to another, and

in all cases to decide upon the text books to be used in all the schools under their control.

*Ninth.* To allow the children of persons not residents within the district to attend any of the schools under the control of the board and to prescribe and collect such tuition fee from such pupils as they may deem just and proper, and may make vaccination a condition of attendance in the schools.

*Tenth.* To make all necessary rules and regulations for the transaction of the business of the board and to alter or repeal the same.

*Eleventh.* To prepare and report to the village council such ordinances and regulations as it may deem necessary and proper for the protection of the real or personal property appertaining to the schools, and to suggest proper penalties for the violation of such ordinances and regulations.

*Twelfth.* The financial year shall commence on the first (1st) Monday following the first (1st) Saturday in September annually.

SEC. 12. The board of education in all their expenditures and contracts shall have reference to the amount of moneys provided and authorized for the particular expenditure in question, and shall not exceed the same, and no order upon the treasurer shall be issued until the same shall be authorized by a vote of the board.

SEC. 13. Deeds of conveyance shall be in the name of the board of education of the village of Lanesboro, as grantor and shall be signed by the president and clerk of said board, and such deed shall recite that the property thereby conveyed is school property.

SEC. 14. The title to the school houses, lots, sites, furniture, books, apparatus and appurtenances and all other school property in this act mentioned shall be vested in the board of education of the village of Lanesboro, and the same while used for school purposes shall not be subject to levy or sale by virtue of any warrant or execution nor be subject to taxation for any purpose whatever, and the said board of education in its corporate capacity shall be able to take, hold and dispose as aforesaid of any real or personal property transferred to it by gift, grant, bequest or devise for the use of the common schools of said district, or to any person or persons or body for the use of said schools.

SEC. 15. The board of education shall be subject to the rules and regulations of the State superintendent of schools and the [provisions] of the general school law of the State so far as the same may be applicable to them and not inconsistent with the provisions of this act.

SEC. 16. The said board of education shall keep said schools in operation not less than thirty (30) nor more than forty-five (45) weeks in each year, determine the amount of the annual tax to be raised for the purposes in this act mentioned, including insurance on the property real and personal and on or before the tenth (10th) day of October of each year make known the amount of such tax to the auditor of the county of Fillmore, which tax shall be assessed in said district, collected and paid over to the treasurer of said board of

education, and said board shall keep an accurate account of their proceedings and of their receipts and disbursements for all purposes, and at the annual meeting for choosing members of said board, make report of such receipts and the source from which the same were derived and of said 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 may deem the interest of the same to require.

SEC. 17. Admission to said schools shall be gratuitous to the children, wards and apprentices of all actual residents in said district who may be entitled to the privileges of the public schools under the General Laws of this State.

SEC. 18. The council of the village of Lanesboro shall have power to pass such ordinances and regulations as the said board of education may report to be necessary and proper for the preservation and protection of all property belonging to or connected with the schools of said village, and to impose suitable penalties for the violation thereof, and all such penalties shall be enforced and collected in the same manner that penalties for a violation of other village ordinances are enforced and collected, and all moneys thus collected shall be paid to the treasurer of said board of education for the use of said schools.

SEC. 19. The treasurer of said board of education, before entering upon the duties of his office, shall execute a bond to the board of education in double the amount of money, as near as can be ascertained, which will come into his hands as treasurer during 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. Such bond shall be filed with the clerk of the board, and in case of any breach of 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 said district. Said board may require said treasurer to give additional security from time to time. Said treasurer shall receive, and under the direction of the board upon orders 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 is drawn, and shall keep an accurate, detailed and separate account of each fund coming into his hands in a book or books provided for the purpose. Said treasurer shall within the three days preceding the first Saturday in September 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 during the year preceding and of all his disbursements and the balances of the several funds remaining on hand. Said report shall be examined by the board (before which the treasurer shall exhibit his vouchers) before the annual meeting of the district and shall be approved or disapproved by resolution entered upon the records of said board. Said treasurer shall make such reports 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 on demand. He shall pay over to his successor in office upon demand after such successor has given bonds, as hereinbefore required, all money in his hands belonging to said district and perform such other duties as may be ordered by the board. All orders upon the treasury shall be paid in the order of their presentation, and if at the time of presentation there shall be no money with which to pay them the treasurer shall in a suitable book record the times of presentation and note same upon the order, and thereafter such orders shall be paid in the order of such record, and all orders when paid shall by the treasurer be forthwith canceled by writing thereon over his signature the word "canceled" with the date of payment.

SEC. 20. The treasurer of said board of education shall be elected annually by the board at the annual meeting, on the third Saturday in September, and his official term shall be one year. *Provided*, that the board may at any time fill vacancies in the office of treasurer occurring from any cause.

SEC. 21. 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 such payments shall be made only on the written order of the clerk countersigned by the president.

• SEC. 22. Four members of said board shall constitute a quorum for the transaction of business at any regular or special meeting.

SEC. 23. No tax shall be levied in any one year exceeding eight (8) mills on the dollar for the purpose of building a school house or school houses or procuring sites therefor.

SEC. 24. In all legal proceedings against the board of education, the process shall be served upon the clerk of the board, and whenever such suit or proceedings shall be commenced it shall be the duty of said clerk to forthwith notify the president of the board, and at the next meeting of the board thereafter, shall communicate all information he may have in relation to such suit or proceeding.

SEC. 25. Whenever any judgment shall be recovered against the board of education no execution shall issue thereon, but when such judgment shall become final and on the application of the plaintiff, his agent or attorney, the board shall audit the same as other claims are audited and shall pay the same from any moneys in the treasury not otherwise appropriated, and if there shall be no such moneys they shall include such judgment, with lawful interest, in their next estimate of expenses, and cause sufficient tax to be levied to satisfy the same.

SEC. 26. All taxes raised by virtue of this title shall be levied

and collected in the same manner and by the same officers as county taxes are levied and collected.

SEC. 27. This act shall not be repealed or affected in any manner by any subsequent act unless specially named or mentioned therein.

SEC. 28. All acts and parts of acts, so far as they relate to the village of Lanesboro and this district or the schools thereof, inconsistent with this act are hereby repealed.

SEC. 29. This act shall be construed as a public act, and shall take effect and be in force from and after its passage.

Approved February 17, 1881.

#### CHAPTER 158.

AN ACT to change the boundary of school district number sixty-six (66) in Dakota county.

*Be it enacted by the Legislature of the State of Minnesota:*

SECTION 1. That all those lands lying and being in towns of Hampton and Randolph in Dakota county constituting school district number eighty-two (82) in Dakota county, and heretofore operated, jointly with school district number eleven (11) in Goodhue county as the independent school district of Cannon Falls, be and the same is hereby set off to and included within school district number sixty-six (66) in Dakota county.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved February 9, 1881.

#### CHAPTER 159.

AN ACT to change the boundaries of Faribault school district number one (1) in Rice county.

*Be it enacted by the Legislature of the State of Minnesota:*

SECTION 1. That the north half ( $\frac{1}{2}$ ) of the north half ( $\frac{1}{2}$ ) of section nineteen (19), township one hundred and ten (110) north of range twenty (20) west, in Rice county, be detached from Faribault school district number one (1) and attached to and made a part of common school district number twenty-five of said county.