

THE *J. Rogers*
GENERAL STATUTES

OF THE

STATE OF MINNESOTA:

REVISED BY COMMISSIONERS APPOINTED UNDER AN ACT APPROVED FEBRUARY 17, 1868, AND
ACTS SUBSEQUENT THERETO, AMENDED BY THE LEGISLATURE,
AND PASSED AT THE SESSION OF 1866.

TO WHICH

THE CONSTITUTION OF THE UNITED STATES, THE ORGANIC ACT, THE
ACT AUTHORIZING A STATE GOVERNMENT, AND THE
CONSTITUTION OF THE STATE OF MINNESOTA,

ARE PREFIXED;

AND A LIST OF ACTS PREVIOUSLY REPEALED,

A GLOSSARY, AND INDEX, ARE ADDED.

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the Laws of 1866.

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1872.

Fourth. The names and residences of all other persons in the service of the institution, and their business and compensation.

Fifth. The statement of the accounts of the corporation, showing the amounts of money received and dates thereof, and its disbursements.

Sixth. Such a report from the president of the institution as is usually made from such institutions of other states.

1873-51 whole chapter changed
1869-10
1871-26

CHAPTER XXXVI.

EDUCATION.

SECTION

1. School districts declared bodies corporate.
2. May hold title to lands, &c., for school purposes.
3. Trustees shall take steps to perfect title to school lands.
4. Districts, how numbered.
5. New districts, how created—boundaries, how changed—districts, how united—parties aggrieved, how to proceed—duty of clerk when tax is voted—money, how drawn—number of scholars to be returned to auditor.
6. Districts created or changed by written order.
7. District officers, who are—notice of meeting to organize, how given.
8. Acceptance of office to be filed.
9. Neglect of official duty—penalty.
10. Trustees—their powers and duties.
11. Each trustee to visit schools in his district.
12. Trustees shall procure teachers.
13. Duties of director.
14. Duties of treasurer.
15. Treasurer shall give bond, which shall be filed—effect of failure to give bond.
16. Treasurer shall make report.
17. Duties of clerk.
18. Clerk shall give notice of meetings—special meetings, how called—what may be acted on at annual meeting.
19. Clerk shall make report to county auditor—report shall contain, what.
20. Clerk shall draw orders on treasurer—shall furnish register to each teacher.
21. Shall furnish auditor with attested copy of his record annually.
22. County auditor shall file record and levy tax—rate per cent.—shall send abstract to state superintendent—penalty for neglect—auditor's report shall contain, what.
23. Clerk failing to make report—penalty.
24. County auditor shall apportion school money.
25. County treasurer to pay over school money, when.
26. Powers of legal voters in school districts.
27. Taxes, how levied and collected.
28. County commissioners to appoint examiners of teachers.
29. Duty of examiner.
30. May re-examine teacher and revoke license.
31. Fees and compensation of examiners.
32. Every teacher to pass examination and receive certificate.

SECTION

33. Teacher to procure register—trustees may determine who may attend school from other districts, and expel scholars—penalty, for denial of admission and expulsion, in certain cases
34. Teacher to be paid out of first money in treasury.
35. Tax, how levied and collected—fines set apart for use of schools—auditor to keep account with each district.
36. School lands exempt from taxation.
37. Existing rights not affected—attorney general to give opinion, when.
38. His decisions shall be published.
39. School districts entitled to public money, when—cities not affected by provisions of title 1.
40. Secretary of state is superintendent of public instruction.
41. He shall make annual report to legislature—report shall contain, what.
42. Shall send blanks to county auditors.
43. Shall distribute registers and forms.
44. Shall apportion school funds.

COUNTY SUPERINTENDENTS.

45. Counties may adopt system provided in title 2.
46. County superintendents of schools may be appointed—term of office—duties—oath.
47. Resolutions of board to be forwarded to state superintendent.
48. County superintendent, how removed.
49. Powers and duties of county superintendents.
50. Shall hold meetings in each commissioner district for examination of teachers.
51. Applicants to teach, how examined—superintendent to issue certificates and keep record.
52. County superintendent to make report, and receive blanks from state superintendents.
53. Compensation, how fixed and paid.

INDEPENDENT SCHOOL DISTRICTS.

54. Organization of independent school districts.
55. Notice of meeting to organize, how given.
56. Meeting, how conducted.
57. Directors, how chosen—term of office—oath to be taken and filed.
58. Directors to body corporate, styled "board of education of"—their powers and duties.
59. Board of education shall organize, how
60. Compensation of clerk and treasurer.
61. Four members constitute quorum.
62. Vacancy, how filled.
63. Duties of county superintendent.

- SECTION
 64. President and clerk to file acceptance of office—duties of president.
 65. Duties of clerk—shall make report which shall show—
 66. Records of board as evidence.
 67. Treasurer to give bond—his duties.
 68. Board may hold meetings, when and where.
 69. School houses, meetings in reference to purchase or erection, how called and conducted.
 70. Board of education—their powers and duties.
 71. Shall maintain schools how long each year—send account of tax to county auditor—keep record of proceedings and make report of receipts and expenditures.
 72. Admission to schools—gratuitous.
 73. Board to appoint school examiners—powers and duties of examiners.

- SECTION
 74. Taxes, how levied and collected.
 75. Effect of adopting this title.
 76. Title 3, how repealed.
 ACTIONS BY OR AGAINST TRUSTEES.
 77. Trustees of school district may bring actions, how.
 78. Actions against trustees, how brought.
 79. Process, how served.
 80. Judgment against trustees, how collected.
 81. If not paid, certified copy of judgment to be presented to annual meeting.
 82. Tax shall be levied to pay judgment.
 83. Execution may issue, when—what property may be levied on.

TITLE I.

COMMON SCHOOLS.

1868-17

SECTION 1. Every sub-district now organized, or that has been set off as a sub-district, but not organized, in any county of this state, and each district hereafter organized under the provisions of this title, is hereby declared to be a school district and body corporate by the name and style of school district number in the county of , and by such name may contract and be contracted with, sue and be sued in any of the courts of this state having competent jurisdiction.

School districts declared bodies corporate.

SEC. 2. Every such district shall hold, in the corporate name of the district, the title of all lands and other property now held, or which may hereafter be acquired, for school district purposes in such district.

May hold lands.

SEC. 3. 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 in which such property is situated shall procure the title to such lands or other property to be vested as provided therein.

Trustees shall take steps to perfect title to school lands.

1870-1-

SEC. 4. The several districts in each county shall be numbered by the county auditor in regular order from number one upwards, and their description and boundaries shall be clearly given and well defined, a record of which and of all the alterations made from time to time, shall be made in the office of the county auditor.

Districts, how numbered.

SEC. 5. The county commissioners of the several counties of the state may create new school districts, change the boundaries of districts, or unite two or more districts, whenever a petition signed by a majority of the legal voters of the territory to be affected thereby, is presented to them requesting such organization or change. But in creating school districts, the county commissioners shall confine each district to its own town, as far as practicable: *provided*, that any five or more voters residing in the district who may feel aggrieved by the alteration, change or organization of their district, may apply to the county commissioners for a re-hearing at the succeeding session thereafter, by posting a notice of such application in three conspicuous places in the district, at least ten days before said session, on due proof of which the commissioners shall then consider the complaint, and make such order in the premises as justice requires: *provided further*, that when the district so to be formed or altered consists of territory in two or more counties, the aforesaid petition shall be presented to the commissioners of said counties, who shall cause the order for the formation or alteration of such district, to be filed in the office of the county auditors of their respective counties, and said auditors shall deliver a copy of such order to the clerk of the district. When a tax is voted by such district, the clerk shall transmit to the county audit-

New districts, how created.
 Boundaries, how changed—districts, how united.
 Parties aggrieved, how to proceed.

1869-4-

When tax is voted—duty of clerk and auditor.

or 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 to the auditor of that county in which said portion of the district is situated, and all moneys apportioned shall be drawn by the district in the same manner as when the district is in one county.

Money, how drawn.

Number of scholars to be returned to auditor.

Districts to be created or changed by written order.

SEC. 6. School districts shall be created and changed by an order in writing, setting forth the bounds thereof, and signed by the county auditor. Such order shall be recorded in the office of the county auditor, and a certified copy of such order delivered to the clerks of the several districts affected, upon application to the county auditor.

District officers— who are.

1871-25

SEC. 7. The officers of each district shall consist of a director, treasurer and clerk, who shall be elected on the last Saturday of March in each year, and shall hold their offices until their successors are elected and qualified; but when a new district is formed under the provisions of this title, a meeting for organization may be called by a notice signed by three freeholders or householders residing within the limits thereof, said notices to be posted in five conspicuous places in the district, ten days before such meeting is called, and the meeting so called shall have the same powers as annual meetings.

Notice of meeting to organize, how given.

Acceptance of office to be filed.

SEC. 8. All persons elected as district officers under this title, shall within ten days after notice thereof by the clerk, file their acceptance of the same in the office of the district clerk.

Neglect of official duty—penalty.

SEC. 9. Every person duly elected to and accepting the office of director, treasurer or clerk of any school district, who shall neglect or refuse to enter upon the duties of his office and serve therein faithfully, shall forfeit the sum of ten dollars to the use of said district, which may be collected by action before any justice of the peace in the county, to be prosecuted by the director of the district, or by any legal voter therein.

Trustees, who are—their powers and duties.
10 Min. 340.

SEC. 10. The director, treasurer and clerk of each district, shall constitute a board of trustees, and in that capacity 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 a majority of the legal voters of the district; shall build, hire or purchase a suitable school house out of funds provided for that purpose; and when directed by a majority of qualified voters at any legal meeting of the district, may sell or exchange any such site or school house.

Each trustee to visit schools in his district.

SEC. 11. Each member of the board of trustees shall visit the school at least once in each term and give such advice to the teachers as may be for the benefit of the school, and said trustees shall submit to the legal voters of their district at their annual meeting an estimate of the expenses of the district for the coming year, including in their estimate a school for at least three months, and all things necessary for such school.

Trustees to procure teachers.

1867-4

SEC. 12. The board of trustees shall hire for and in the name of the district, such teachers as have procured a certificate of qualification; and make a contract with such teacher, specifying the wages per month and time employed, as agreed upon by the parties, and file such contract in the office of the clerk.

Duties of director.

SEC. 13. The director shall provide fuel for the schools of the district, if the district make no provision for fuel at their annual meeting; shall

1867-10

furnish all things necessary for the school house during the time a school shall be kept therein; appear for and in behalf of his district in all actions brought by or against his district, whenever no other direction is given by a lawful meeting of the legal voters thereof: *provided*, that if the district has a library, the board of trustees may appoint a librarian, and make all needful rules for its circulation, preservation and increase.

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

Duties of treasurer.

SEC. 15. 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 the year, 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, 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 other 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 in case of any vacancy in the board of trustees, the vacant office shall be filled by the remaining trustees.

Treasurer to give bond.

Effect of failure to give bond.

SEC. 16. The treasurer shall present at each annual meeting, a report in writing signed by him, and containing a statement of all moneys received by him during the year preceding, and of all his disbursements, exhibiting vouchers therefor; also the amount of taxes assessed upon the taxable property of the district during the year, the purpose 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 immediately pay over such amount to his successor in office. The director and clerk shall examine said report, and if correct they shall indorse the same.

Treasurer to make report.

Director and clerk to examine report.

SEC. 17. The clerk shall record the proceedings of the district meetings and of the board of trustees in a book provided for that purpose by the district; he shall enter therein all copies of his reports made to the county auditor or state superintendent; 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 of its meetings, or if absent, record the minutes of the clerk *pro tem.*, and keep an account of all expenses of the school and school house, and of outbuildings, fences, wood, stoves, and all the conveniences of the school room, such as maps, charts, black-boards and school libraries.

Duties of clerk.

1870 - 3

1871 - 26

SEC. 18. The clerk shall give at least ten days' notice of each annual or special meeting, by posting up 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 may be called on the order of the board of trustees, or by the request of five or more freeholders or householders of the district: *provided*, 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, without its being particularly set forth in the notice.

Shall give notice of meetings.

1872 - 46

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

Shall make report to county auditor

1870 - 2
1871 - 17

Report shall contain, what.

First. The names of all persons, male and female, respectively, residing in the district on the last day of September preceding the date of his report, between the ages of five and twenty-one years.

Second. The number of those who have attended the school during the year.

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

Fourth. The amount of money received from the county treasurer from the money apportioned by the county auditor.

Fifth. The amount received from tax voted to be raised by the district; the purpose for which it was raised; the manner in which said sums have been expended; the condition of school house and grounds; the kind of books used and such other facts as the state superintendent may require, which report shall be verified by his oath.

Clerk shall draw orders on treasurer.

SEC. 20. The clerk shall draw orders on the treasurer of the district for the payment of the teacher, or for any lawful purpose, and when such orders are attested by the director, they shall be paid by the treasurer. Such order shall state the service or consideration for which it is drawn, and the person rendering such service. The clerk shall procure from the county auditor and furnish each teacher a register for his school, which register shall be deposited by the teacher with the clerk at the end of each term, and before any money shall be paid or order drawn for services as teacher.

Shall furnish auditor with attested copy of his record, annually.

SEC. 21. The clerk of the district shall furnish to the county auditor on or before the 15th of September 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.

Auditor shall file record and levy tax—rate per cent.—shall send abstract to state superintendent.

SEC. 22. And it is hereby made the duty of the county auditor to file the copy of said record, and levy the amount specified therein upon the real and personal property of the district, and to enter upon his assessment roll for the year, in a separate column, the tax levied thereon: *provided*, that the county auditor, in extending such tax, shall not be required to use as a rate per cent. any fractional part of a mill other than a half mill. And the county auditor shall report to the state superintendent, in a tabular form, an abstract of the reports of the clerks of the several districts in his county, and any failure to make due returns shall be deemed 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. Said report shall be made between the first and fifteenth of November, in each year, and stating:

Penalty for neglect.

What report shall contain.

First. The number of districts in his county.

Second. The districts which have made report to him.

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

Fourth. The amount of money received from each source for the use of schools.

Fifth. The amount disbursed to each district and the amount on hand.

Sixth. The number of persons in each district between the ages of five and twenty-one years, distinguishing between the males and females, and the number that have attended school during the year.

Seventh. The amount of money raised in the district and paid for teachers' wages in addition to the public money paid therefor; the amount of money raised for purchasing school sites, for building, hiring, purchasing, repairing, insuring and ornamenting school houses and grounds, since the date of his last report.

1869-9
1868-15719
872-52

871-20

1871-26

Eighth. The number of private schools, high schools, colleges and universities in his county, their condition and resources, and the number of teachers and pupils therein. He shall also receive from the state superintendent and forward to the several clerks of school districts such blanks, reports and circulars as are forwarded to him for that purpose.

SEC. 23. Any failure on the part of a clerk of a school district to make report to the county auditor, as provided herein, shall be punishable by a fine not to exceed fifty dollars, for the use of the district.

Clerk failing to make report—penalty.

SEC. 24. The county auditor, on the last Wednesday of March and on the last Wednesday of October of each year, shall make apportionment of the money in the county treasury for the support of schools, among the several school districts in the county, which apportionment shall be in proportion to the number of persons in the district between the ages of five and twenty-one years, as shown by the reports of the several districts, and he shall transmit to the clerk of each district a copy of the apportionment of said district.

County auditor to apportion school money.

1867-2-

SEC. 25. The county treasurer shall pay over upon the order of the county auditor to the treasurer of any school district any money in his hands belonging to such school district, by any apportionment, or by collection of any delinquent taxes, 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 section fifteen aforesaid.

County treasurer to pay over school money—when.

SEC. 26. The legal voters when lawfully assembled, not less than five being present, shall have power, by a majority of the votes of those present—

Powers of legal voters in school district.

First. To appoint a moderator.

Second. To adjourn from time to time.

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

Fourth. To designate a site for a school house.

Fifth. To vote an amount of money to be raised by a tax on the taxable property of the district, sufficient with the apportionment of the common school fund, to support a school the length of time voted by the district; to purchase or lease a site for a school house, and to build, hire or purchase such a school house when the same is necessary; to keep in repair and provide the same with the necessary furniture and appendages; to procure fuel, and to purchase or increase a library and school apparatus. But 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: *provided*, that any district, in which the above rate will not produce the sum of six hundred dollars, may raise by tax a sum not exceeding six hundred dollars.

10 Min. 340.

Sixth. To repeal or modify their proceedings from time to time. But the board of trustees have power to levy a tax sufficient to support a school three months in the year without a vote of the district, and the legal voters may vote to have a school any length of time more than three months: *provided*, the legal voters of any school district containing less than ten voters, when lawfully assembled, not less than three being present, have power, by a majority of the votes of those present, to do and perform all the acts mentioned in the several sub-divisions of this section, except that such meeting shall not vote a tax to exceed in amount more than one hundred dollars in any one year.

Taxes—how levied and collected.

SEC. 27. All taxes raised by virtue of this title, shall be levied and collected in like manner, and by the same persons, as county taxes are levied and collected.

County commissioners to appoint examiners of teachers.

SEC. 28. The county commissioners shall, at their annual meeting in September of each year, or at any other time in case of a vacancy, appoint one man in each of the commissioner districts of the county, whose duty it shall be to visit the schools in his commissioner district, and to examine persons applying to them for a certificate and license to teach in the schools of the commissioner district: *provided*, that the county commissioners in any county may appoint one person for the said county whose duty it shall be to examine the teachers and to visit the schools in the county.

Duty of examiner.

SEC. 29. Each examiner named in the preceding section shall attend at his office, or at his residence, on the last two Saturdays of April and October in each year, for the purpose of examination of teachers. To such persons who appear upon examination to be well qualified to teach reading, writing, English grammar, including orthography, arithmetic, geography and history, and can give satisfactory evidence of good moral character, such examiner shall grant his certificate and license to teach. Such certificate shall be granted according to the forms and rules furnished by the superintendent of public instruction to such examiner. Said examiner shall visit each of the schools in his district at least once in each term, and report to the county auditor the number of schools taught in his district during the year, the number of teachers employed, the number of teachers examined by him, and the number teaching without any certificate or license, and such other information as may show the condition of the schools in his commissioner district or county, and an abstract of such report shall be sent by the county auditor to the state superintendent.

May re-examine teacher.

SEC. 30. Such examiner may cite to re-examination any person holding a license, and under contract to teach any common school in his commissioner district, and being satisfied upon such re-examination, or otherwise, that such person is not of good moral character, or has not sufficient learning or ability to teach a common school, he may revoke such license, and from the time the notice of such revocation is filed in the office of the district clerk, the teacher's contract shall become void, and his wages cease; but the wages of the teacher for the time he has actually taught, and at the contract price, shall be paid as agreed.

Fees of examiner.

SEC. 31. The county examiner shall be paid out of the county treasury at the rate of two dollars per day for each day actually employed in performing the duties required in section twenty-nine of this title. But in counties where the county commissioners appoint one examiner, they may fix his compensation by resolution of the board: *provided*, that all persons asking a certificate and license to teach, may be examined at any time upon payment of fifty cents.

Every teacher to pass examination and receive certificate.

SEC. 32. No person shall be admitted to teach in any of the schools of this state, supported in whole or in part by public funds, until he has passed an examination before the district examiner and received a certificate of good moral character and sufficient ability to teach such branches as may be taught in common schools.

Teacher to procure register.

SEC. 33. 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; but older persons may attend school under any arrangement with the board of trustees: *provided*, that the board of trustees shall have sole power to determine who shall attend school from other districts, and the terms on

Trustees to determine who may attend school from other districts.

MINNESOTA STATUTES 1866

which they may attend; and no person shall have any right to attend school out of his district, unless in accordance with an arrangement with the board of trustees of the district where he proposes to attend school, who may at their discretion admit scholars from an adjoining district: *provided further*, that the board of trustees may expel any scholar from school for insubordination, immorality, or infectious disease. But if any child of suitable age is denied admission, or any scholar expelled without sufficient cause, or on account of color, social position, or nationality, the board of trustees by whose direction the offense was committed, shall forfeit and pay a fine of fifty dollars for each offense.

Expulsion of scholars.

SEC. 34. Any teacher who has complied with the provisions of this title, shall be paid out of the first moneys in the treasury, and no subsequent claim shall supersede his; and no money in any district treasury shall be applied to any purpose whatever, other than the payment of teachers, so long as there is any such claim against it.

Teachers to be paid out of first moneys in treasury.

1869-6

SEC. 35. For the purpose of maintaining common schools, the commissioners of each county shall levy an annual tax of one-fifth of one per cent. on the amount of the assessment made by the assessor for the same year, which tax so levied shall be extended upon the assessment rolls of the year, by the county auditor, in a separate column, and this shall be collected in the same manner and by the same person as other county taxes are collected, except that the school tax shall be collected in gold or silver, or United States treasury notes, and the money so collected shall be paid into the county treasury for the support of common schools, to be apportioned as provided in this title. 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 the county auditor shall open an account with each 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 or all of the books in the office of the county treasurer.

Tax, how levied and collected.

Fines to be set apart for use of schools.

Auditor to keep account with each district

SEC. 36. All lands, now held or which may be acquired by school districts for common school purposes, shall be exempt from all taxes and assessments while held according to the provisions of this title.

School lands exempt from taxation.

SEC. 37. Nothing herein in changing 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, obligation, right, or cause of action, or lien upon any such district or the property thereof: *provided*, that if any differences of opinion arise among the officers of the district, towns or counties, who are empowered to carry out the provisions of this title relative to the legal construction of the same, the attorney general, on the written application of the county auditor, submitting such questions of doubt or difference, shall give his legal opinion in writing to such auditor, 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.

Existing rights not affected.

Attorney General to give opinion, when.

SEC. 38. The superintendent of public instruction shall, from time to time, as he deems expedient, cause to be published, the decisions of the attorney general upon the school laws, and the rules and regulations of this department, and distribute the same

Decisions of attorney general shall be published.

SEC. 39. Each of the incorporated towns and cities in this state,

School district

1869-7

MINNESOTA STATUTES 1866

entitled to public money—when.

having by their several charters a common school system, which shall, by some proper officer thereof, make to the auditor of their proper county, a report of the numeration of scholars and other matters by this title made necessary to be reported, the same as is required of school districts, shall be entitled to an apportionment of public moneys, to be apportioned and drawn substantially as provided herein, or as provided by their special acts of incorporation: provided, that the special school systems of St. Paul, Winona, Minneapolis, and such other cities or towns as have their educational interests provided for by a special act, shall not be affected by the provisions of this title, except as herein specially provided.

Cities excepted from this title.

Secretary of state is superintendent of public instruction.

SEC. 40. The secretary of state shall be ex officio superintendent of public instruction, and shall perform all the duties of said office without any compensation whatever therefor.

He shall make report to legislature annually.

SEC. 41. The state superintendent shall prepare and submit to the legislature, in each year, a report containing:

1867-7

First. An abstract for the common school reports received by him from the several county auditors, showing the number of organized school districts in the state, the number of schools taught, the enumeration of persons between the ages of five and twenty-one years, distinguishing between male and female, and the whole number taught in the district schools.

Second. A statement of the condition of common 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 common schools of the state, and the school fund, the number and character of teachers, and whatsoever he may deem it expedient to communicate.

Shall send blanks to county auditors.

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

Shall distribute registers and forms.

SEC. 43. He shall prepare and distribute proper school registers for teachers, and forms necessary for the returns of county auditors and district clerks, which he is authorized to procure from the state printer.

Shall apportion school funds, when.

SEC. 44. The state superintendent shall make an apportionment of the available current school funds in the state treasury, among the several counties of this state, on the first Monday of February and the first Monday of August in each year, in proportion to the number of scholars between the ages of five and twenty-one years residing therein on the first day of October, previous, and transmit a statement thereof to the county auditor of each county.

1871-22

1869-1
1871-19
1872-51

Counties may adopt system provided in this title.

auth. Laws 1870 TITLE II.

COUNTY SUPERINTENDENTS.

SEC. 45. Such counties as elect so to do, through their county commissioners, may at any regular or special meeting of said commissioners, adopt and act in accordance with the following provisions in lieu of section twenty-eight aforesaid.

County superintendent of schools may be appointed for one year.

SEC. 46. The county commissioners of such counties as thus elect shall, at their annual meeting in September, or at any other time in case of vacancy, appoint a fitting person of high moral character and literary

1872-54

and scientific attainments, county superintendent of schools. Said officer shall enter upon the duties of his office on the first day of January succeeding his appointment, and hold the same for one year, and until his successor is elected and qualified: *provided*, that at any regular or special meeting of the county commissioners, at which it is decided to adopt this provision, a county superintendent of schools shall be appointed as above specified, who shall enter immediately upon the discharge of the duties of his office and continue therein until his successor is appointed and qualified as above described. Said officer, before entering upon the discharge of his duties as aforesaid, shall take and subscribe the customary oath of office, and deposit the same with the county auditor.

He shall be sworn.

SEC. 47. The county auditors of such counties as conform to the above provisions, shall immediately transmit an attested copy of the resolutions of the board adopting the same, to the state superintendent, together with the name of the officer appointed in pursuance thereof.

Resolutions to be forwarded to state superintendent.

SEC. 48. Such county superintendent so appointed, may be removed from office by the board of county commissioners upon satisfactory proof of incompetency or willful neglect of duty: *provided*, that no such removal shall be valid, unless the person so removed has had at least thirty days' notice of the charges brought against him, and opportunity to be heard in his own defense.

County superintendent—how removed.

SEC. 49. The county superintendent of schools shall examine and license teachers, and annul certificates on proper cause shown; visit and instruct the schools of his county at least once in each term, and give such advice to the teachers as may be requisite and necessary; he shall organize and conduct at least one institute for the instruction of teachers in each year, if he deems the same necessary; encourage teachers' associations; introduce to the notice of teachers and the people, the best modes of instruction, the most improved plans of building and ventilating school houses, and ornamenting and adapting school grounds for the cultivation of the taste and the healthful exercise of the children; stimulate school officers to the prompt and proper discharge of their duties; receive the reports of the several district clerks, and transmit an abstract of the same to the state superintendent, adding thereto a report of the condition and prospects of the schools under his charge, together with such other information and suggestions as he deems it expedient to communicate.

Powers and duties of county superintendent.

SEC. 50. The county superintendent of schools shall hold, in and for each commissioner district in his county, at least two meetings in each year, for the examination and licensing of teachers, of which meetings at least thirty days' written notice shall be given to each school district clerk in the commissioner district for which the meeting is to be held, and by him posted in some conspicuous place in his district. Such notice shall contain the names of the towns embraced in the commissioner district, and the time, place and objects of the proposed meeting. The examinations of teachers thus held shall be public, and be conducted by 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 except in accordance with the provisions of law respecting teachers' certificates: *provided*, that any teacher may be examined by the county superintendent at his office, at any time other than as above specified, on proper proof offered that such teacher was unable to be present at the public examinations above provided for, and on payment of the sum of fifty cents for such service.

Shall hold meetings in each commissioner district for examination of teachers.

1892-47
Dec-1

SEC. 51. The county superintendent shall examine any person proposing to teach a common school in the county, in orthography, reading in English, penmanship, arithmetic, English grammar, modern geography, and the history of the United States; and if he is satisfied

Examination of teachers—how conducted.

1892-47
Dec 11



Certificates issued.

Record to be kept.

County superintendent to make report.

Shall forward blanks to district clerks.

Compensation—how fixed and paid.

that such person is of good moral character, and qualified to teach all of the aforesaid branches, he shall give such person a certificate, the grade of which shall be determined by the relative merits of the examination sustained. County superintendents are authorized to issue three grades of teachers' certificates, viz: first grade, valid in the county for two years; second grade, valid in the county for one year; third grade, valid in a given district only, for six months. The county superintendent may renew such certificate at its expiration by indorsement thereon, and he may revoke the same for gross immorality, incompetency or other adequate cause. Each county superintendent shall also keep a careful record, in a book provided for the purpose, of all the candidates to whom he issues certificates, noting the date of examination, the name, sex and age of each candidate, and the grade of the certificate granted, a transcript of which record shall be included in the annual report to the state superintendent.

SEC. 52. In such counties as elect to adopt the county superintendency as above prescribed, that part of section twenty-two aforesaid, which relates to the reports of county auditors to the state superintendent, shall apply to the county superintendent, which latter officer shall make the reports therein prescribed; and the county auditor shall deliver to the county superintendent, for this purpose, the report of district clerks made to him, and such other information as shall aid him in the discharge of this duty. The county superintendent shall also receive from the state superintendent and forward to the several clerks of districts, such blanks, reports and circulars, as shall be forwarded to him for that purpose, and shall be guided generally in the discharge of his duty by the rules laid down by the state superintendent.

SEC. 53. The compensation of the county superintendent 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.

TITLE III.

INDEPENDENT SCHOOL DISTRICTS.

Independent school districts—how organized.

Notice of meeting to form organization—how given.

Meeting—how conducted.

SEC. 54. Any city, town, village, township, school district, or sub-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*, that this title shall not apply to any township, school-district, or sub-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 further*, that the provisions of this title shall not apply to any city, town or village, or any part thereof, which is now governed as to schools by any special law.

SEC. 55. In order to such organization, written notices shall be posted up in three of the most public places in the contemplated district, signed by at least six resident freeholders of the same, requesting the qualified electors in said district to assemble upon a 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 the adoption of this title, which notices shall be so posted up at least ten days next prior to said meeting.

SEC. 56. 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 the adoption of this title for said district, shall write upon their ballots "school law," and those opposed

thereto "no school law," the adoption or rejection of this title to be determined by a majority of votes to be cast in manner aforesaid.

SEC. 57. In case a majority of votes are cast for said law, the electors of said district shall assemble at the place last aforesaid, 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, of the public schools of said district, two of whom shall serve for one year, two for two years, and two for three years, the time that each shall serve, to be designated on the ballot, and annually thereafter, on the last Saturday of March, there shall be chosen, in the same manner, two directors, each of whom shall serve for three years, and until their successors are elected and qualified. The persons so elected shall, within five days after their election, file in the office of the clerk of said district, their several oaths as required by law.

Directors—how chosen—term of office.

Shall take and file oath.

SEC. 58. 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 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 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, and all moneys accruing to said city, town, village, township or district, under any law of this state for the use of the public schools therein, shall be paid over to the treasurer of said board of education.

Powers and duties of directors.

SEC. 59. Said board shall, within ten days after their election as aforesaid, and annually thereafter on the first Monday in April, meet and organize by choosing from their number 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 school superintendent, who shall hold his office during the pleasure of the board; who shall receive such compensation as may be fixed by the board. The superintendent shall be, *ex-officio*, member of the board of education, but not entitled to a 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 which he was duly notified.

Board of education shall organize—how.

1891-27

SEC. 60. No member of said board shall receive any compensation for his services, except the clerk and treasurer, whose compensation shall be fixed by the board.

Compensation of clerk and treasurer.

SEC. 61. Four members of said board constitute a quorum for the transaction of business, at any regular or special meeting.

Quorum.

SEC. 62. In case of vacancy, the board of education 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.

Vacancy—how filled.

SEC. 63. The superintendent shall visit the schools of the district and report their condition to the board, as often as the board prescribe; he shall superintend the grading of the schools and examinations for promotion, and shall perform such other duties as the board prescribe.

Duties of superintendent.

President and clerk to file acceptance of office duties of president.

SEC. 64. 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.

Duties of clerk.

SEC. 65. The clerk shall act as clerk of the district as well as of the board, (except that in his absence a clerk, pro tempore, may be chosen,) shall keep a record of the proceedings of all district meetings as well as of the meeting of the board, and of all reports made by him 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 first day of September 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, between the first and fifteenth day of October, in each year, make and transmit to the county auditor, a report in writing, showing:

1871-21

Shall make report, showing—

First. The names of all persons, male and female, respectively residing in the district on the first day of September preceding the date of his report, between the ages of five and twenty-one years.

Second. The number of those who have attended the schools during the year.

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

Fourth. The amount of money received from the county treasurer from the money apportioned by the county auditor.

Fifth. The amount of money received from taxes voted to be raised by the district; the purposes for which they were raised; the manner in which said amount has been expended; the condition of school houses and grounds; the kind of books used, and such other facts as the state superintendent may require; which report shall be verified by oath before some competent person. Any failure on the part of said clerk to make report to the county auditor as provided herein, is a misdemeanor, punishable by a fine not exceeding five hundred dollars, for the use of the district. Said clerk shall furnish to each teacher, before the commencement of any school, and as often thereafter as may be deemed necessary a school register. Said clerk shall perform such other duties as are designated by said board.

Records of board or transcript to be evidence of facts therein stated.

SEC. 66. 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.

Treasurer to give bond.

SEC. 67. 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 near as can be ascertained, which will come into his hands, as

1871-21

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 condition 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 said 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 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 that purpose. Said treasurer shall, within the three days preceding the last Saturday in March 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. 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 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.

Duties of treasurer.

SEC. 68. 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 except in pursuance of such resolution, and on the written order of the clerk, countersigned by the president.

Board may hold meetings—when and where.

SEC. 69. Whenever said board deems 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 any, and if there is no such newspaper, then by posting up written or printed 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, and the time or times when the same shall be paid, which moneys so voted, shall be thereupon certified by the board of education by its chairman and secretary, to the auditor of the county, and shall be assessed in said district, collected and paid over to the treasurer 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.

Purchase or erection of school houses, meeting to consider, how called and conducted.

SEC. 70. The board of education shall have power, and it shall be their duty:—

Powers of board of education.

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

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

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 of the schools in said district not less than once in every three months.

Ninth. To make rules and regulations respecting the protection, care and safe keeping of the property of the district, and 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 principal 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 allowance 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 said board of education may at any time order, which certificates shall severally contain the branches fixed for the several grades of certificates.

Duties of board
as to maintaining
schools.

SEC. 71. Said board of education shall keep said schools in operation not less than sixteen nor more than forty-four weeks in each year, determine the amount of the annual tax to be raised for the purposes aforesaid, including all the necessary expenses of said schools, except for the erection of school houses and the purchase of sites; and on or before the first day of September 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 sources 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 matter relating to said schools, as they may deem the interest of the same to require.

Admission to
schools gratuitous.

SEC. 72. 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.

1869-12

SEC. 73. 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, removal 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 out on such blanks as may be provided by the board of education, naming the branches in which the holder of said certificate was 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—and said examiners may, in all cases, when two of their number concur, have power to annul such certificate, and when so annulled and reported to the board of education, the person holding the same shall be discharged as a teacher of said schools; 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 other such matters as they may deem of interest, and make such suggestions and report thereupon to said board as they think proper, which report may be published at the discretion of said board, together with their annual report.

School examiners to be appointed.

Their powers and duties.

1872-49

SEC. 74. 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.

Taxes, how levied and collected.

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

Effect of adoption of this title.

SEC. 76. This title shall not be repealed or affected by any subsequent act, unless specially mentioned therein.

Repeal of this title.

TITLE IV.

ACTIONS BY OR AGAINST TRUSTEES.

SEC. 77. The trustees of any school district organized in accordance with the provisions of this chapter, may prosecute actions in their official capacity in the following cases:

Trustees of school districts may prosecute actions—how.

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 district; or,

Fourth. To recover damages for an injury to their official rights or property.

SEC. 78. An action may be brought against them in their official capacity, either upon a contract made by such officers in their official

Actions against trustees—how brought.

19 Min. 340.

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 title, may be brought by or against said trustees, upon a cause of action which accrued during the term of their predecessors, as well as during 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 substituted in the action.

Process, how served.

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

Judgment against trustees, how collected.

SEC. 80. 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 upon appeal.

If not paid, certified copy to be presented to annual meeting.

SEC. 81. 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.

Tax to be levied to pay judgment and interest.

SEC. 82. 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.

Execution may issue—when—what property may be levied on.

SEC. 83. 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.

1871-27

CHAPTER XXXVII.

1873-89

STATE NORMAL SCHOOLS.

SECTION

- 1. First State Normal School located at Winona.
- 2. Second State Normal School located at Mankato.
- 3. Third State Normal School located at St. Cloud.
- 4. Five thousand dollars donated for second normal school, state to furnish an equal sum.
- 5. Same for third normal school.
- 6. Said donations being made, schools shall not be removed for ten years—schools located elsewhere, when.
- 7. State normal board, how composed.
- 8. Directors to take oath—term of office—treasurer to give bond.

SECTION

- 9. Powers and duties of normal board.
- 10. Normal board may appoint prudential committee—their powers and duties.
- 11. Students, on what terms admitted—to be examined and receive certificate if found qualified to teach.
- 12. Normal board shall make annual report.
- 13. Normal directors shall visit and examine normal schools.
- 14. Rights of normal school at Winona not to be impaired by provisions of this chapter.

1869-12-13

1871-180-181

1874-129