

Statutes
1878

THE
GENERAL STATUTES
OF THE
STATE OF MINNESOTA,

As Amended by Subsequent Legislation.

PREPARED BY

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*An act to establish and maintain a system of public schools in the state of Minnesota. Approved February 28, 1877. (Laws 1877, c. 74.)

ORGANIZATION OF SCHOOL-DISTRICTS.

*§ 1. **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, sub-ch. 1, § 1.)

*§ 2. **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.

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. (*Id.* § 2.)

*§ 3. **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. (*Id.* § 3.)

*§ 4. **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. (*Id.* § 4.)

*§ 5. **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. (*Id.* § 5.)

*§ 6. **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. (*Id.* § 6.)

*§ 7. **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, sub-ch. 1, § 7.*)

*§ 8. **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 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. (*Id. § 8.*)

*§ 9. **Appointment and oath 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 two of this act, except that the same shall be made at least five days before the time designated for such meeting. (*Id. § 9.*)

*§ 10. **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 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, sub-ch. 1, § 10.)

See §§ Suppl. p. 62.

*§ 11. **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. (*Id.* § 11.)

And §§ 12a, 12b, 12c.

*§ 12. **Formation, alteration and union of school-districts.** The county commissioners of the several counties in this state may form new school-districts, alter the boundaries of districts, or unite districts, upon the petition of a majority of the freeholders who are legal voters, residing in each district to be affected thereby, and upon the written approval of the county superintendent endorsed upon such petition. (*Id.* § 12, as amended 1878, c. 48, § 1.)

See §§ Suppl. p. 80.
*§§ 12, 15, 16.

*§ 13. **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. (*Id.* § 13.)

*§ 14. **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 officers 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. (*Id.* § 14.)

*§ 15. **Change of district boundaries—petition, notice and service.** Upon the presentation of any petition respecting changes in the boundaries of school-districts, the county commissioners shall appoint a time and place for a hearing upon it, and shall post 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. (*Id.* § 15.)

*§ 16. **Same—hearing and order—district in more than one county—rehearing—setting-off of one petitioner—women, etc., 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, first*, that when the territory of the district or the districts to be affected by such formation, alteration or consolidation, consists of parts of two or more counties, the petition shall be presented to the commissioners of such counties, who shall, by concurrent action, hear the petition in the manner directed; and such action shall be entered upon their records in the several counties, by the several county auditors, who shall file copies thereof with the clerks of districts affected thereby, in their respective counties, in the manner directed: *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 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, said commissioners shall cause notice of a rehearing of such matter to be served upon the clerks of districts, and posted as provided in case of petitions; and at the time and place stated in such notice, 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 changes in the boundaries of school-districts may be signed by women entitled to vote in school-meetings of the district, and by persons actually resident in the district upon lands which they hold under preemption or homestead act, if such persons are voters, under the constitution, in the township containing the district in which they reside. (1877, c. 74, sub-ch. 1, § 16.)

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

ty 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: *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, sub-ch. 1, § 17.)

*§ 18. **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. (*Id.* § 18.)

MANAGEMENT OF SCHOOL-DISTRICTS.

*§ 19. **Powers of district meetings.** The legal voters of school-districts, when lawfully assembled, not less than five being present, shall have power, by a majority of votes of those present,

First.—To appoint a moderator.

Second.—To adjourn from time to time.

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

Fourth.—To designate a site for a school-house: *provided*, that the site of a school-house shall not be changed after having been designated, unless at least two-thirds of the legal voters of the district 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 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, sub-ch. 2, § 1.)

*§ 20. **District officers—election—notice—term of office—organization of new districts.** The officers of each common school-district shall be a director, a treasurer and a clerk, who shall be elected by ballot at the annual meeting, which shall be held on the first Saturday in September 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. The clerk shall, within three days after the meeting, notify such persons of their elections; and they shall enter upon their terms of office on the tenth day after such notice is received, 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, eighteen 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 till the next annual meeting; and, of the officers elected by any district at the first annual meeting after its organization, the director shall hold his office one year, the treasurer two years, and the clerk three years. (1877, c. 74, sub-ch. 2, § 2.)

*§ 21. **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. (*Id.* § 3.)

*§ 22. **Officers to qualify—vacancies caused by 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. (*Id.* § 4.)

*§ 23. **Board of trustees—constitution and powers.** 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. 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 a majority of 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 a majority of the qualified voters at any legal meeting of the district, may sell or exchange any such site or school-house:

but the site for a school-house shall not be changed, after having been designated, unless at least two-thirds of the legal voters of the district vote in favor of the change. (1877, c. 74, sub-ch. 2, § 5.)

*§ 24. Trustees may levy tax—must provide school—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. (*Id.* § 6.)

*§ 25. When trustees shall open more than one school. 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. (*Id.* § 7.)

*§ 26. District orders and bonds—conditions of issue. The trustees or board of education of any school-district in this state 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 legally called meeting of the same; said orders or bonds to be payable in such amounts and at such times, not exceeding ten years, as the legal voters thereof at such meeting shall determine, with interest not to exceed twelve per cent. per annum; which orders or bonds and coupons shall be signed by the director and countersigned by the clerk of said district, or, by the president and 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 an annual or special meeting of the legal voters of said school-district. (*Id.* § 8.)

*§ 27. Sale of bonds and use of proceeds. No 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. (*Id.* § 9.)

*§ 28. Provision for payment of bonds and interest. 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. (*Id.* § 10.)

*§ 29. Bonds, etc., since February, 1866, 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, sub-ch. 2, § 11.)

*§ 30. **Taxes, how to be 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. (*Id.* § 12.)

*§ 31. **Trustees to hire teachers—to furnish fuel, etc.—teacher to keep record, etc.** 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: *provided*, that the term month, whenever it occurs in any section of this act, shall be construed to mean four weeks of five days each. They 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. (*Id.* § 13.)

12 M. 448.

*§ 32. **Adult and non-resident scholars—visiting schools—language to be used in schools—admission, expulsion and suspension of scholars.** 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 un-
*§ 31, 32. See 1881 Stat., pp. 81, 82.

animously 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, and have not come into the same for the purpose of attending school: *provided, third*, that boards of trustees and boards of education may suspend or expel pupils for insubordination, immorality, or infectious disease. (*Id.* § 14.)

*§ 33. **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. (*Id.* § 15.)

*§ 34. **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, con-

ditioned 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, subch. 2, § 16.)

*§ 35. **Annual report of treasurer.** 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 endorse the same. (*Id.* § 17.)

*§ 35. See 1838 Sup'l. p. 63.

*§ 36. **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. (*Id.* § 18.)

*§ 37. **Clerk to keep records, and accounts of expenses.** 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 account 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. (*Id.* § 19.)

12 M. 17.

*§ 38. **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, sub-ch. 2, § 20.)

*§ 39. **Reports of clerk.** The clerk of every school-district in the state shall, on or before the tenth day of September 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. (*Id.* § 21.)

*§ 40. **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. (*Id.* § 22.)

*§ 41. **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. (*Id.* § 23.)

*§ 42. **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. (*Id.* § 24.)

*§ 43. **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, sub-ch. 2, § 25.)

*§ 44. **Districts in two counties—taxes—report of scholará.** 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. (*Id.* § 26.)

*§ 45. **Orders on treasurer, how drawn—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 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. (*Id.* § 27.)

*§ 46. **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. (*Id.* § 28.)

*§ 47. **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, sub-ch. 2, § 29.)

*§ 48. **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. (*Id.* § 30.)

STATE SUPERINTENDENT OF PUBLIC INSTRUCTION.

*§ 49. **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, sub-ch. 3, § 1.)

*§ 50. **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. (*Id.* § 2.)

*§ 51. **Salary—contingent expenses—clerk.** He shall receive annually a salary of twenty-five hundred dollars, and also all necessary contingent expenses for travelling, 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 five hundred 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. (*Id.* § 3.)

*§ 52. **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. (*Id.* § 4.)

*§ 53. **To hold 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

*§ 49. See 1881 Sup't, p. 83. *§ 50. See 1881 Sup't, p. 83. *§ 51. See 1881 Sup't, p. 83. *§ 52. See 1881 Sup't, p. 83. *§ 53. See 1881 Sup't, p. 83.

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. (1877, c. 74, sub-ch. 3, § 5.)

*§ 54. *Fund for institutes—how drawn—accounts.* 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 institutes 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. (*Id.* § 6.)

*§ 55. *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. (*Id.* § 7.)

*§ 56. *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. (*Id.* § 8.)

*§ 57. *Superintendent to prepare and distribute blanks.* 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. (*Id.* § 9.)

COUNTY SUPERINTENDENTS OF SCHOOLS.

*§ 58. **Election and 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 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, sub-ch. 4, § 1.)

*§ 59. **Vacancy in office, how filled.** 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. (Id. § 2.)

*§ 60. **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. (Id. § 3.)

*§ 61. **Compensation—contingent expenses—report of schools visited.** 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; but if the number of such districts shall exceed one hundred, the compensation shall not be less than one thousand dollars, 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. (Id. § 4.)

*§ 62. **To license teachers, conduct institutes, etc.—to report to state sup't.** 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 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, sub-ch. 4, § 5.)

*§ 63. **To hold public examinations of teachers.** 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. (*Id.* § 6.)

*§ 64. **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 it does not interfere with the session of schools. (1878, c. 95, § 1.)

*§ 65. **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. (*Id.* § 2.)

*§ 66. **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 textbooks. 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 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, sub-ch. 4, § 7.)

*§ 67. **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. (*Id.* § 8.)

*§ 68. **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. (*Id.* § 9.)

*§ 69. **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. (*Id.* § 10.)

*§ 70. **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. (*Id.* § 11.)

*§ 71. **Annual report to state superintendent.** On or before the twentieth day of October 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. (*Id.* § 12.)

*§ 72. **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. (*Id.* § 13.)

*§ 73. **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, sub-ch. 4, § 14.)

*§ 74. Assistant, when to be appointed. 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 travelling 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. (*Id.* § 15.)

STATE SCHOOL FUNDS.

*§ 75. Apportionment of current school fund—register of attendance at schools—reports of teachers. 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, in good faith enrolled in the public schools, that have had at least three months of term, within the year, by a qualified teacher, and reported to him in accordance with the following provisions: *provided, first*, that every teacher, in any public school 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 cross (×), the names of any under five or over twenty-one years of age, and of any who are charged tuition. The register shall also be kept so as to show how many have attended less than five days in any term; how many more than four, and less than ten days; how many more than nine, and less than twenty days; and how many more than nineteen, and less than forty days; and all other facts required in the register respecting the condition of the schools shall be fully and accurately recorded: *provided, second*, that every teacher in the common and independent districts in the state shall, within ten days after the close of any term of his school, 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 his school, checking, with a cross (×), the names of any under five or over twenty-one years of age, and of any who are charged tuition; and names so checked shall not be counted in the total enrolment upon which the current school fund is apportioned. All other questions on the blanks shall be accurately answered: *provided, third*, no clerk of any common or independent 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, with a separate list of the names of the pupils reported to the county superintendent of schools as entitled to apportionment from the current school fund. 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 school-districts, such blanks, furnished through the county superintendent of schools, and requiring for the

entire year the *data* that are required of common and independent 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 districts shall be kept, and reports of enrolments shall be made as in common-school districts, and the name of no scholar entitled to enrolment 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 within that year in the district where their parents or guardians reside. (1877, c. 74, sub-ch. 5, § 1.)

*§ 76. **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. (*Id.* § 2.)

*§ 77. **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. (*Id.* § 3.)

*§ 78. **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. (*Id.* § 4.)

*§ 79. **Apportionment of moneys by county auditor—liquor licenses—new 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 three months within the year by qualified teachers; which apportionments shall be made upon the number of different scholars between the ages of five and twenty-one years, lawfully enrolled in each school, as reported to him by the county superintendent of schools; and the county auditor shall transmit to the clerk or each district a copy of the apportionment to said district; and such money shall be used only in payment of teachers' wages, including board: *provided, first*, that in counties having districts under special laws that do not appropriate to the county school funds, moneys accruing from liquor licenses, held and used within their limits, the county auditor shall apportion exclusively to the rest of the districts of the county, all moneys accruing from liquor licenses held and used in such districts: *provided, second*, that any district having had, for the first time since its organization, a school by a qualified teacher for one-half the time required in a year to entitle it to apportionments from the current school fund, may report its enrolment, through the county superintendent, to the state superintendent of public instruction, and to the auditor of the county in which such district is situated; and these officers shall include such enrolment of scholars for the March apportionment of that year. An apportionment may also be made in the following October to the same district, on the enrolment of a school held for the remaining half of the term required in

a year for apportionments, and reported to the county superintendent according to law. (1877, c. 74, sub-ch. 5, § 5.)

*§ 80. **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. (*Id.* § 6.)

*§ 81. **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. (*Id.* § 7.)

*§ 82. **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. (*Id.* § 8.)

*§ 83. **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. (*Id.* § 9.)

*§ 84. **Annual tax of one mill—other moneys for the support of schools—auditor to keep account with districts.** For the purpose of maintaining public schools, the commissioners of each county shall levy an annual tax of one-tenth of one per cent. 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. 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, sub-ch. 5, § 10.)

PENALTIES OF THE COMMON-SCHOOL LAW.

*§ 85. 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, sub-ch. 6, § 1.)

*§ 86. Penalty for refusing to serve after accepting office. 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, 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. (*Id.* § 2.)

*§ 87. Penalty on district 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. (*Id.* § 3.)

*§ 88. 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. (*Id.* § 4.)

*§ 89. 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. (*Id.* § 5.)

*§ 90. 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 annua

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, sub-ch. 6, § 6.)

*§ 91. **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. (*Id.* § 7.)

*§ 92. **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, 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. (*Id.* § 8.)

*§ 93. **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. (*Id.* § 9.)

*§ 94. See 1871 Sup't, p. 83.

INDEPENDENT SCHOOL DISTRICTS

*§ 94. **Organization.** Any city, town, village, township or school-district, now or hereafter organized, may be organized into and established as an independent school-district, in the manner and with the powers hereinafter specified: *provided, first*, that this title shall not apply to any township or school-district containing less than five hundred inhabitants, unless said school-district consists, in whole or in part, of an incorporated city, town or village: *provided, second*, that the provisions of this chapter shall not apply to any city, town or village, or any part thereof, which now has any special law regulating its schools. (1877, c. 74, sub-ch. 7, § 1.)

*§ 95. **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. (*Id.* § 2.)

*§ 96. **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, sub-ch. 7, § 3.)

*§ 97. **Meeting to elect officers—notice.** In case a majority of votes are cast in favor of organization under this chapter, 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 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 first Saturday in September, 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 said clerk of said district their several oaths as required by law. (*Id.* § 4.)

*§ 98. **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. (*Id.* § 5.)

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

*§ 100. **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. (*Id.* § 7.)

*§ 101. **Quorum.** Four members of said board shall constitute a quorum for the transaction of business at any meeting. (*Id.* § 8.)

*§ 102. **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. (*Id.* § 9.)

*§ 103. **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, sub-ch. 7, § 10.)

*§ 104. **Officers to file acceptance—duty of clerk.** 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. (*Id.* § 11.)

*§ 105. **Duties of clerk.** The clerk shall act as clerk of the district as well as of the board—except that in his absence, inability or refusal to act, a clerk *pro tempore* may be chosen—shall keep a record of the proceedings of all district meetings, as well as of the meetings of the board, and of all reports made by him to the county auditor and county superintendent, and shall keep an account of the expenses of said district, and a correct and full list of the property of said district; shall furnish to the county auditor, on or before the tenth day of October, in each year, an attested copy of his record, stating the amount of money voted to be raised by the district, for school purposes, at any annual or special meeting, or by the board of education; he shall give due notice of all meetings of the district; shall, upon the order of the board, draw and sign orders upon the treasurer of the district for the payment of money, stating in every such order the consideration for which it was drawn, and the name of the person rendering such consideration, and the particular fund upon which it was drawn; and shall take a receipt for every such order from the person to whom the same is delivered, and preserve the same; he shall keep all records, books and papers belonging to his office, and deliver the same to his successor. He shall, on or before the tenth day of September, 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. (*Id.* § 12.)

*§ 106. **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. (*Id.* § 13.)

*§ 107. **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, sub-ch. 7, § 14.)

*§ 108. **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. (*Id.* § 15.)

*§ 109. **Purchase and erection of school-houses, etc.** 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. (*Id.* § 16.)

*§ 110. **Limit of tax for buildings and sites.** 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. (*Id.* § 17.)

*§ 111. **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 insuran

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 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 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, sub-ch. 7, § 18.)

*§ 112. **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. (*Id.* § 19.)

*§ 113. **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, sub-ch. 7, § 20.)

*§ 114. **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. (*Id.* § 21.)

*§ 115. **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. (*Id.* § 22.)

ACTIONS BY OR AGAINST TRUSTEES.

*§ 116. **What actions may be brought 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, sub-ch. 8, § 1.)

*§ 117. **What actions may be brought 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. (*Id.* § 2.)

*§ 118. **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, sub-ch. 8, § 3.)

*§ 119. **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. (*Id.* § 4.)

*§ 120. **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. (*Id.* § 5.)

*§ 121. **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. (*Id.* § 6.)

*§ 122. **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. (*Id.* § 7.)

COLLECTION OF DEBTS FROM DISTRICTS HAVING NO TRUSTEES.*

*§ 123. **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.)

*§ 124. **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. (*Id.* § 2.)

*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.)

*§ 125. **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.)

*§ 126. **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 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. (*Id.* § 4.)

*§ 127. **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 non-payment thereof. (*Id.* § 5.)

*§ 128. **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. (*Id.* § 6.)

STATE NORMAL SCHOOLS.

*§ 129. **Normal schools, how named.** 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, sub-ch. 9, § 1.)

*§ 130. **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 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, sub-ch. 9, § 2.)

*§ 131. **Officers of normal-school board.** The officers of the state normal-school board shall be a president and secretary. The members of the board, at their first session, and biennially thereafter, shall elect by ballot, from their own number, a president. The state superintendent of public instruction shall be the secretary of the board: *provided*, whenever, from any cause, a vacancy shall exist in the office of president of the state normal-school board, and said board shall not be in session at a regular meeting thereof, the governor may appoint one of the normal-school directors to be president of said board, who shall hold his office till the next regular meeting of said board, and until a president thereof shall be duly elected and he shall enter upon the duties of his office. (*Id.* § 3.)

*§ 132. **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. (*Id.* § 4.)

*§ 133. **Powers of normal-school board.** The state normal-school board shall have the general supervision, management and control of the state normal schools, and of all the property, real and personal, thereunto appertaining. They are hereby authorized and empowered to contract for the erection of all buildings connected with the schools under their charge, to appoint all professors and teachers in said schools, to fix the salaries of same: *provided*, that no professor or teacher shall receive more than two thousand dollars per annum for salary or services so rendered. (*Id.* § 5.)

*§ 134. **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. 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. (*Id.* § 6.)

*§ 135. **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. (*Id.* § 7.)

*§ 136. **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*, 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, subch. 9, § 8.)

*§ 137. **Tuition free to state pupils—rates for other pupils.** There shall be no charge for tuition, the use of text-books, 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 common 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 schools as in their judgment may be equitable and just. The board may fix such rates of tuition for students not intending to teach as in their judgment may be equitable and just. (*Id.* § 9.)

*§ 138. **Local members of board to be treasurers.** 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. (*Id.* § 10.)

*§ 139. **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. (*Id.* § 11.)

*§ 140. **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. (*Id.* § 12.)

*§ 141. **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. (*Id.* § 13.)

*§ 142. **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 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. (*Id.* § 14.)

*§ 143. **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. (*Id.* § 15.)

*§ 144. **Standing appropriation for normal 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 defray-

ing 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.)

*§ 145. **Standing appropriation for normal 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.)

*§ 146. **Standing appropriation for normal 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.)

*§ 147. **Standing appropriation for normal schools.** 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.)

HIGHER EDUCATION.*

*§ 148. **High school board, how constituted.** The superintendent of public instruction and the president of the university of Minnesota, *ex officio*, 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, 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. (1878, c. 92, § 1.)

*§ 149. **State aid to high schools.** Any public graded school in any incorporated village, *An act for the encouragement of higher education.* Approved March 9, 1878. (Laws 1878, c. 92.)

or in any township which has or may hereafter adopt the township system of schools, giving preparatory instruction according to the terms and provisions of this act, and admitting thereto students of both sexes from any part of the state, without charge for tuition in the same, shall be entitled to receive pecuniary aid as hereinafter specified: *provided*, however, that no such school shall be required to admit non-resident applicants to receive the said preparatory instruction free of tuition, unless the said applicant shall pass a good examination in all the branches at the date of this act prescribed by law as requisite to receiving a first-grade certificate, except algebra, plane geometry, and the theory and practice of teaching. (1878, c. 92, § 2.)

*§ 150. **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, not lower than the third or sub-freshman class.

Second.—That the said school 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. (*Id.* § 3.)

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

*§ 152. **Applications for aid—amount to each school.** 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 applications shall have been approved by the board, the sum of four hundred dollars in each year: *provided*, that the total amount of apportionment and expenses under this act shall not exceed nine thousand dollars in any one year, and no apportionment shall be paid to any school under this act prior to the close of the school year in one thousand eight hundred and seventy-nine. The sum of nine thousand dollars is hereby appropriated, to be paid out of any moneys in the treasury not otherwise appropriated, for the purpose of this act, which amount, or so much thereof as shall be necessary, shall be paid upon the warrants of said board upon the state auditor. (*Id.* § 5.)

*§ 153. **Compensation of members of board.** The members of said board shall serve without compensation, except the last-named member thereof, who shall be entitled to receive three dollars for each day actually and necessarily employed; and the actual and necessary expense 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 nine thousand dollars in any one year. (*Id.* § 6.)

*§ 154. **Rules and regulations may be adopted.** That said board shall have power to establish any necessary and suitable rules and regulations relating to examinations, reports, and other proceedings under this act. (*Id.* § 7.)

*§ 155. **Record of proceedings and report.** The said board shall keep a careful record of all their proceedings, and shall make, on or before the first day of September

*§ 152, 153, 154, 155. See 1883 Sup't, p. 64.

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 preparatory classes in each, to which report they may add such recommendations as they may deem useful and proper. (1878, c. 92, § 8.)

UNIFORM TEXT-BOOKS.*

*§ 156. *Contract with D. D. Merrill.* The governor, secretary of state and attorney general are hereby authorized and directed, on behalf of the state of Minnesota, to immediately enter into a contract with Daniel D. Merrill, of St. Paul, Minnesota, upon his giving bond, as hereinafter provided, for the faithful performance of such contract, to furnish to the state of Minnesota, in such quantities, and in the manner hereinafter provided, for the term of fifteen years, suitable text-books for use in the public schools of this state, in the following branches of study: Spelling, one book; reading, four books; arithmetic, three books; grammar, two books; geography, two books; history, one book, and such other books as may be required by the state superintendent of public instruction. The said Merrill shall, at the time of the making of such contract, execute and deliver to the governor a bond in the penal sum of \$25,000, with at least two sufficient sureties, to be approved by the governor, running to the state of Minnesota, and conditioned for the faithful performance by the said Merrill, his personal representatives or assigns, of all and singular the terms of such contract on his part to be observed. In case said Merrill, his personal representatives or assigns, shall at any time fail to fulfil any of the terms of said contract on his part to be observed, the entire penal sum thereof shall at once become due and owing to the state, and it shall be the duty of the governor to cause suit to be instituted in the name of the state, to enforce the liability, on such bond, of the principal and sureties thereon. (1877, c. 75, § 1.)

*§ 157. *Quality and size of books—restrictions on change.* The foregoing books shall be equal in size and quality, as to matter and material, to the following text-books now in general use, to wit: The speller, to Parker & Watson's national speller; the first, second, third and fourth readers, equal to Harvey's first, second, third and fourth readers; the first and second grammars; equal to Clark's brief grammar and Clark's practical grammar; the three books of arithmetic, equal to Robinson's primary, intellectual and practical arithmetic; the two books of geography, equal to Cornell's primary and intermediate geography; the one book of history, equal to Barnes's brief history. The quality in matter and material of the books to be furnished under such contract, with the corresponding books in this section specified, shall be determined by a commission to be composed of the state superintendent of public instruction for the time being, Sanford Niles, late county superintendent of common schools of Olmsted county, and William Beuson, county superintendent of common schools for the county of Carver, or in case either of the persons last named should be unwilling or unable to act, or should a vacancy occur, such other person as may be appointed in his stead, or to fill such vacancy, by the governor, secretary of state, and attorney general. Such commission shall convene at St. Paul, for the purpose of performing the duties imposed upon them by this act, at such time or times as the said contractor or superintendent of public instruction shall request it to do so. And the persons composing such commission, other than the state superintendent of public instruction, shall each receive five dollars per day for each day actually occupied in performing the duties imposed by this act. The concurrence of a majority of such commission shall be sufficient for the determination of any question

* *An act to provide uniform and cheap text-books for the public schools of Minnesota.* Approved February 23, 1877. (Laws 1877, c. 75.)

coming before it under the provisions of this act. The text of all the books to be furnished under such contract shall be subject, not oftener than once in each period of five years, to such revision and alterations thereof as the state superintendent of public instruction for the time being shall direct. (1877, c. 75, § 2.)

*§ 158. **Prices to be paid by the state.** The prices to be paid by the state for the above named text-books shall be for the

Speller, not to exceed 15 cents (the present price is 25 cents.)

First Reader, not to exceed 10 cents (the present price is 20 cents.)

Second Reader, not to exceed 20 cents (the present price is 45 cents.)

Third Reader, not to exceed 30 cents (the present price is 60 cents.)

Fourth Reader, not to exceed 40 cents (the present price is 90 cents.)

First Grammar, not to exceed 25 cents (the present price is 60 cents.)

Practical Grammar, not to exceed 50 cents (the present price is \$1.)

First Arithmetic, not to exceed 12 cents (the present price is 25 cents.)

Second Arithmetic, not to exceed 25 cents (the present price is 40 cents.)

Third Arithmetic, not to exceed 50 cents (the present price is 94 cents.)

First Geography, not to exceed 50 cents (the present price is 80 cents.)

Second Geography, not to exceed 80 cents (the present price is 150 cents.)

Book of History, not to exceed 60 cents (the present price is 150 cents.)

And for other books than those in this section named, a proportional price, and no more, shall be paid by the state. (*Id.* § 3.)

*§ 159. **Lists of books by clerks—forwarding of lists—requisitions on contractor—returns of sales.** It shall be the duty of each district clerk of the several school-districts of the state of Minnesota, to make out an estimate of the number of school-books required for one year's supply of his school-district, designating the number of books of each kind wanted, and forward the same, on or before the fifteenth day of March of each year, to the county superintendent of his county; and it is hereby made the duty of the county superintendent of each county of this state, upon receiving the estimates from the school-district clerks of his county, to make out his requisition, on or before the fifteenth day of April following, upon the state superintendent of public instruction, for the total number of books of each kind required by his county; said books to be forwarded to the county auditor of his county. The state superintendent of public instruction shall, on or before the fifteenth day of May, make his requisition upon the contractor for the whole number of books required throughout the state. *§§ 159, 160. See 1333 SUP'L. P.D. 63, 66.

The clerk of each school-district shall make returns quarterly to the director, of the number and amount of books sold, and shall pay over to the treasurer the amount of money received from such sales. He shall keep a detailed account of the books received and sold, and on or before the fifteenth day of March of each year, shall transmit to the county superintendent a statement showing the number and amount sold, and the number of each kind of books on hand. It shall be a misdemeanor for the clerk to refuse or neglect to perform the duties above designated, punishable by a fine not to exceed twenty-five dollars, or imprisonment not to exceed thirty days. (*Id.* § 4.)

*§ 160. **Duties of the contractor—payments to him.** It shall be the duty of the contractor, as soon as possible after receiving the requisition of the state superintendent for the books ordered by the several county superintendents, to forward the number of books required to the several county auditors of the state, and upon the filing of the requisitions, and the delivery of the shipping receipts for the same to the superintendent of public instruction, it shall be the duty of said superintendent to certify the amount due to the contractor, and the state auditor shall thereupon issue his warrant upon the state treasurer for the amount so certified, payable out of the school text-book fund hereinafter provided for. (*Id.* § 5.)

*§ 161. **Price of books to include freight.** The superintendent of public instruction shall fix a price upon each book which will cover the cost of transmitting them to the several counties of this state. (1877, c. 75, § 6.)

*§ 162. **Statement of price—payment by counties.** The state superintendent shall send to the county auditor of each county, and also to the state auditor, a statement of the price fixed upon each book, and the total cost of the number of books sent; and it shall be the duty of the board of county commissioners of each county, at their next meeting, to make provision for the payment of the price of such books; and the county treasurer of each county shall immediately thereupon remit the amount of the cost of such books to the state treasurer. (*Id.* § 7.)

*§ 163. **Duties of county auditors—payments by districts.** It shall be the duty of the said county auditor to transmit to the clerk of each school-district in his county, the number of books estimated and ordered by the clerk of such school-district; and before the next semi-annual settlement of the treasurer of the county with such school-district, the county auditor shall notify the county treasurer of the indebtedness of such district on account of the text-books sent; and it shall be the duty of the county treasurer, in such settlement, to deduct the amount of such indebtedness from the state school-tax fund due such district. (*Id.* § 8.)

*§ 164. **Printed lists of prices to be furnished clerks—cities and villages.** It shall be the duty of the state superintendent of public instruction to have printed lists prepared, and to supply each school-district with the same; and it shall be the duty of the district clerk of each school-district to sell such books, at such cost prices, to the pupils of his school-district; *provided*, that in incorporated villages and cities, the clerk of the board of education shall notify the county superintendent of the number of books required, and shall receive such text-books from the county auditor of his county, and shall notify the treasurer of such board of education of the number of books received, and the cost of the same, whereupon the said treasurer of such board shall pay the amount of the cost of such books, out of the funds in his hands belonging to such board of education, to the county treasurer of his county: *provided, further*, that such board of education may designate a place in the village or city as a depository for such text-books, and employ some person to sell such books to the pupils of such village or city, at the actual cost of the same, with five per cent. added, to pay for the handling of such books. (*Id.* § 9.)

*§ 165. **Books to be used in all the schools of the state—exceptions.** Within one year after the state text-books are printed and furnished to the state superintendent of public instruction, and for the period of fifteen years thereafter, no text-books shall be used in the public schools of this state, in incorporated cities and villages, as well as in the state at large, other than the state text-books prepared under the provisions of this act: *provided*, that this act shall not be construed to prevent pupils who have advanced beyond the studies embraced in said books from using other books, or to prevent a revision of the text of said books, at the expiration of five years after their introduction: *provided, further*, that this shall not be obligatory upon boards of education acting under special charters. (*Id.* § 10.)

*§ 166. **Penalties on districts refusing to use books.** After two years from the time the county auditor of any county has received the number of text-books required for the district-schools of his county, from the superintendent of public instruction, the treasurer of such county shall pay no part of the state school-tax fund belonging to a district of his county, to the treasurer of such district, until such treasurer produces his certificate in writing of the county superintendent of public schools in his county, certifying to the fact that the state text-books have been introduced into the school or schools of such dis-

district, and are used in such school to the exclusion of any other series of text-books. (1877, c. 75, § 11, as amended 1878, c. 2, § 7; post, § 174.)

*§ 167. Appropriation of \$50,000, as a revolving fund. For the purpose of carrying out the provisions of this act, there is hereby appropriated and set apart the sum of fifty thousand dollars, to be used as a revolving fund, to be designated "the school-text-book fund." This fund shall at all times be subject to the warrants of the state auditor, issued to the contractor in payment for school-books delivered on the order of the state superintendent; and all payments of money into the treasury of the state by the county treasurers, on account of school text-books delivered to their several counties, shall be credited by the treasurer of state to the school-text-book fund herein provided for. (*Id.* § 12.)

SUPPLEMENT TO UNIFORM-TEXT-BOOK ACT.*

*§ 168. Estimates of clerks to be filed with county auditors, etc. As soon as may be, after any county superintendent shall have received from any district clerk the estimate of the number of books required for the supply of his district, as provided for by section four of the said act to which this act is supplementary, it shall be the duty of such county superintendent to file a true copy thereof, certified under his hand, with the county auditor of his county; and thereupon such county auditor shall make out, and lodge with the county treasurer of the county, a statement specifying the total cost of all the books included in such estimate of the district clerk, at the prices named in section three of the said act to which this act is supplementary, with five per centum added thereto to meet any expenses which may be incurred in the transmission of such books from St. Paul to such school-district. (1878, c. 2, § 1.)

*§ 169. Treasurer to retain amount from funds of districts. Upon the receipt by any county treasurer, from the county auditor of his county, of any such statement as is mentioned in the last preceding section, it shall be the duty of such county treasurer to retain the total sum specified therein, out of any moneys belonging or payable to such school-district, arising from taxation, then in his hands, or which thereafter may come to his hands. (*Id.* § 2.)

*§ 170. Disposition of amounts so retained. The moneys retained by the county treasurer, in pursuance of the next preceding section, shall be applied to the repayment to the county of the amount paid by it into the state treasury, on account of the books furnished for the school-district to which the moneys so retained belong or are payable. In case any portion of the money so retained should remain after the county shall have been fully repaid the amount so paid by it into the state treasury, and the amount paid for the transmission of said books, such surplus shall be paid over to the proper school-district. Wherever the words "state school-tax fund, or funds" occur in the act to which this act is supplementary, they shall be construed to mean and apply to school funds arising from taxation. (*Id.* § 3.)

*§ 171. Payment for estimates made prior to passage of this act. The county treasurer of any county which has heretofore paid, or which may hereafter pay, into the state treasury, in pursuance of the said act to which this act is supplementary, any sum of money on account of books furnished for any school-district, upon any estimate of the clerk of such district made prior to the passage of this act, shall retain out of any moneys in his hands, or out of the first moneys thereafter coming to his hands, arising from taxation, and belonging or payable to such school-district, the amount so by the county paid into the state treasury. (*Id.* § 4.)

*§ 172. Payment of money received by clerks. The moneys received by the clerk or agent of any school-district, for books by him sold in pursuance of the provisions of

*An act supplementary to an act entitled an act to provide uniform and cheap text-books for the public schools of the state of Minnesota, approved February twenty-third, one thousand, eight hundred and seventy-seven. Approved March 8, 1878. Laws 1878, c. 2.

the said act to which this act is supplementary, shall be paid to the treasurer of the same district, for the use and benefit of such district. (1878, c. 2, § 5.)

*§ 173. **Bond of clerk—blanks—failure to make requisitions.** It shall be the duty of the school-district clerk of each school-district, before any money or property shall be received by him under the provisions of this act, or of the said act to which this act is supplementary, to give his bond, running to his school-district in its corporate capacity, with two good and sufficient sureties, to be approved by the director and treasurer of the school-district, (who shall also fix the amount of such bonds,) conditioned for the faithful performance of his duties, and the prompt payment of all moneys coming into his hands as school-district clerk to the treasurer of his school-district, as provided by this act, and by the act to which this act is supplementary. Such bond shall be filed with the county auditor within ten days after the execution of the same. And it is hereby made the duty of the state superintendent of public instruction, within twenty days after the passage of this act, to procure, and forward to the county superintendent of each county, blanks for district-clerk bonds, and all other blanks required for the execution of this act, and of the said act to which this act is supplementary. And it shall be the duty of the county superintendent to immediately transmit such blanks to the officers required to use the same: *provided*, that if any district clerk shall fail to make his requisition for books on or before the fifteenth day of March, in any year, as provided for in the said act to which this act is supplementary, it shall be his duty to make such requisition as soon thereafter as may be; and in case said district clerk shall fail or refuse to make such requisition, the director or treasurer of the district shall have the right to perform such duty. (*Id.* § 6.)

*§ 174. **District agents—bonds—orders upon contractor—depositories.** A majority of the electors of any school-district may, at the annual school-meeting, designate, for the ensuing year, some person to act as the agent of such district to sell the books furnished for the district in pursuance of the provisions of this act, and of the said act to which this act is supplementary; and such agent shall be entitled to add to the price of such books, fixed by the state superintendent of public instruction, a commission for his own services, not to exceed ten per centum of the price thereof fixed by the state superintendent of public instruction, the amount of such commission to be fixed by the electors at said annual meeting. The district may demand of such agent a bond, with two sufficient sureties, to be approved by the board of trustees of the school-district, in such amount as said trustees shall prescribe, conditioned for the faithful discharge of his duties as such agent, and for payment to the district of the price of all books sold by him during the period of his agency, as fixed by the state superintendent of public instruction, and also for the return of all books remaining unsold at the termination of the period of his agency. Such bond shall be filed with the district clerk: *provided further*, that whenever any district clerk shall have ordered a less number of books than is actually needed by the pupils in said district, the said clerk or any citizen of said district shall have the right to order such books so needed, directly from the contractor, at the state list prices; and the said contractor shall designate at least one person in each organized county in this state, the county commissioners of which shall, by a vote of the majority of all the members thereof, demand the same; and said person so designated shall act as a depository to whom the said contractor shall furnish a supply of said text-books at the state list prices; and said depositories shall be entitled to charge a commission, not to exceed ten per cent., for handling the same: *provided further*, that the period of "one year" named in the first line of section eleven of the act to which this act is supplementary, is hereby amended to read "two years." (*Id.* § 7.)

*§ 175. **Submission of act and contract to people.** The question of the further continuance in force of the said act to which this act is supplementary, and of this act, shall be submitted to the legal voters of this state, at the general annual election to be holden in the year one thousand eight hundred and eighty; and if, at such election, a majority of the electors present and voting at such election shall vote against the further continuance in force of the said acts, in the manner in this section provided, then and in that case the said acts shall cease to be of further force and effect from and after the time of the declaration of the result of such vote by the board of canvassers of votes for state officers. All electors voting at such election, upon the said question, in favor of the further continuance in force of the said acts, shall have written or printed, or partially written and partly printed, upon their ballots, the words, "In favor of the text-book acts," and all electors voting at such election, upon said question, against the further continuance in force of said acts, shall have written or printed, or partly written and partly printed, upon their ballots, the words, "Against the text-book acts." The votes so cast shall be canvassed and returned in the same manner as votes cast for state officers; *provided*, that the electors residing in districts not subject to the provisions of the said acts shall not be entitled to vote upon the said question, at such election.

At the general election of the year eighteen hundred and eighty-five, the question of the continuance of the text-book contract provided for in this act, and the act to which this act is supplementary shall be submitted to a vote of the legal voters of the state; and if two-thirds of those voting upon that question shall vote against the continuance of said contract in the manner provided in this section, then and in that case the said contract shall cease to be in force as soon as the result of said vote shall be determined and announced by the canvassers of votes for state officers, whose duty it shall be to canvass the vote herein provided, and to announce the result, at the time and in the manner observed in canvassing and announcing the result as to election of state officers. At the polls in each voting precinct, a separate ballot-box shall be provided by the proper officers; the votes herein provided for shall be upon a separate ticket, and voters favoring a continuance of said contract, have written or printed, or partly written and partly printed, on their tickets, the words, "For Book Contract," and voters opposing such continuance shall have upon their tickets, in the same manner, the words, "Against Book Contract," &c., &c. (1878, c. 2, § 8.)

*§ 176. **When to take effect—exceptions.** This act shall take effect and be in force from and after its passage: *provided*, that the state text-book contractor shall file within sixty days with the secretary of state his written acceptance of the same: *provided, further*, that this act shall not be construed to apply to or be obligatory upon boards of education acting under special charters. (*Id.* § 9.)