

Statutes
1878

THE
GENERAL STATUTES
OF THE
STATE OF MINNESOTA,

As Amended by Subsequent Legislation.

PREPARED BY
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OF 1878, AND CHAPTER 67 OF THE LAWS OF 1879.

FOURTH EDITION.

WITH SUPPLEMENTS,
CONTAINING ALL THE GENERAL LAWS IN FORCE UP TO THE END OF
THE LEGISLATIVE SESSION OF 1883.

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CHAPTER XXXVII.*

UNIVERSITY OF MINNESOTA.†

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*§ 1. **Object of the university.** The object of the university of Minnesota, established by the constitution, at or near the Falls of Saint Anthony, shall be to provide the means of acquiring a thorough knowledge of the various branches of literature, science and the arts, and such branches of learning as are related to agriculture and the mechanic arts, including military tactics, and other scientific and classical studies. (1868, c. 1, § 1.)

*§ 2. **Departments of the university.** There shall be established in the university of Minnesota, five or more colleges or departments, that is to say, a department of elementary instruction, a college of science, literature and the arts, a college of agriculture, including military tactics, a college of the mechanic arts, a college or department of law, and also a college or department of medicine. The department of elementary instruction may be dispensed with, at such rate and in such wise as may seem just and proper to the board of regents. (*Id.* § 2, as amended 1872, c. 10, § 1.)

*§ 3. **Government—board of regents.** The government of the university shall be [invested] in a board of ten regents, of which the governor of the state, the state superintendent of public instruction, and the president of the university shall be members *ex officio*, and the seven remaining members thereof shall be appointed by the governor, by and with the advice and consent of the senate. Whenever a vacancy therein occurs for any cause, the same shall be filled for the unexpired term in the same manner. Of the regents thus appointed, two shall be commissioned and hold their offices for one year, and two for two years, and three for three years. Their successors shall be appointed in like manner, and shall hold their office for the full term of three years from the first Wednesday of March succeeding their appointments, and until their successors are appointed and qualified. The president of the university shall have the same rights, powers and privileges as other members, except the right of voting, and he shall be, *ex officio*, the corresponding secretary of the board of regents (*Id.* § 3, as amended 1872, c. 10, § 2.)

*NOTE. In the original edition of the General Statutes, this chapter was entitled "State Normal Schools." The provisions of the General Statutes on this subject are superseded by the School Law of 1877. (see *ante*, c. 36, §§129-142); and the vacancy thus occasioned in this chapter is filled, in this edition, with the laws relating to the University, passed since 1866.

† An act to reorganize and provide for the government and regulation of the university of Minnesota, and to establish an agricultural college therein. Approved February 13, 1868. (Laws 1868, c. 1.)

*§ 4. **Corporate name, quorum of regents.** The regents of the university shall constitute a body corporate under the name and style of "University of Minnesota;" and by that name may sue and be sued, contract and be contracted with, make and use a common seal, and alter the same at pleasure. A majority of voting members shall constitute a quorum for the transaction of business, and a less number may adjourn from time to time. (1868, c. 1, § 4, as amended 1872, c. 10, § 3.)

*§ 5. **Officers of board—bonds of president and treasurer.** The board of regents shall elect from the members of the board, a president of the board, recording secretary, and treasurer, who shall hold their respective offices during the pleasure of the board. And the president and treasurer, each, before entering upon the duties of his office, shall execute a bond in the penal sum of fifty thousand dollars, with at least two sufficient sureties, to the state of Minnesota, to be approved by the governor, conditioned for the faithful and honest performance of the duties of his office according to law, which bonds, when so approved, shall be filed in the office of the secretary of state. (*Id.* § 5, as amended 1872, c. 10, § 4.)

*§ 6. **By-laws—president, professors, etc.—requirements for admission, etc.** The board of regents shall have power, and it shall be their duty, to enact by-laws for the government of the university of Minnesota in all its departments, to elect a president of the university, and, in their discretion, a vice-president, and the requisite number of professors, instructors, officers and employes, and to fix their salaries; also the term of office of each; and to determine the moral and educational qualifications of applicants for admission; and in the department of professors, instructors and other officers and assistants of the university, and in prescribing the studies and exercises thereof, and in all the management and government thereof, no partiality or preference shall be shown to one sect or religious denomination over another, nor shall anything sectarian be taught therein; and the board of regents shall have power to regulate the course of instruction, and prescribe the books and authorities to be used, and also to confer such degrees and grant such diplomas as are usual in universities, in their discretion. It shall be the duty of the recording secretary to record all the proceedings of the board, and carefully preserve all its books and papers, and, before entering upon the duties of his office, he shall take and subscribe an oath to perform his duties honestly and faithfully as such officer. It shall be the duty of the treasurer to keep an exact and faithful account of all moneys, bills receivable and evidences of indebtedness, and all securities and property, received or paid out by him, and, before entering upon his duties, he shall take and subscribe an oath that he will well and faithfully perform the duties of treasurer thereof. It shall be the duty of the president to preside at the meetings of the board; and in case of his inability to preside, the board may appoint a president *pro tempore*. (*Id.* § 6, as amended 1872, c. 10, § 5.)

NOTE. Laws 1872, c. 10, § 5, purports to amend Laws 1868, c. 1, § 5, but was evidently intended to amend section 6, and not section 5.

*§ 7. **Income of fund—sales of agricultural-college lands.** In addition to all the rights, immunities, franchises and endowments heretofore granted or conferred to or upon the university of Minnesota for the endowment, support and maintenance thereof, there shall be and is hereby inviolably appropriated and placed at the disposal of the board of regents thereof, to be drawn from the state treasury upon the order of the president, drawn upon the state auditor, countersigned by the secretary of the board, and payable to the order of the treasurer of the board, all the interest and income of the fund to be derived from the sales of all the lands granted and to be granted to the state of Minnesota, by virtue of an act of congress, entitled, "An act donating lands to the several states and territories which may provide colleges for the benefit of agriculture and the mechanic arts," approved July 2d, A. D. 1862; and also all such gifts,

grants and contributions to the endowment thereof as may be derived from any and all sources. (1868, c. 1, § 7.)

*§ 8. **Annual and special meetings of regents.** The first meeting of the board of regents, under the provisions of this act, shall be holden at the university building, on the first Wednesday of March, 1868, at which meeting the officers of the board shall be elected; and the annual meetings of the board shall be holden on the second Tuesday of December in each and every year thereafter. Special meetings of the board shall be called and holden at such times and in such manner as the board of regents shall determine. (*Id.* § 9.)

*§ 9. **Privilege of endowing a professorship.** Any person or persons contributing a sum of not less than fifteen thousand dollars shall have the privilege of endowing a professorship in the university, the name and object of which shall be designated by the board of regents. (*Id.* § 10.)

*§ 10. **Regents to have control of books and property.** The said board of regents shall succeed to and have the control of the books, records, buildings, and all other property of the university; and the present board of regents shall be dissolved immediately upon the organization of the board herein provided for: *provided*, that all contracts made and at that time binding upon the board then dissolved; shall be assumed and discharged by their successors in office. (*Id.* § 11.)

*§ 11. **To provide experimental farm.** It shall be the duty of the board of regents herein provided for to make arrangements for securing suitable lands, pursuant to the act of congress above mentioned, in the vicinity of the university, for an experimental farm; and, as soon as may be thereafter, to make such improvements thereon as will render the same available for experimental purposes in connection with the course in the agricultural college; and for such purpose the board of regents is hereby authorized to expend a sum not exceeding the amount specified in the act of congress aforesaid. (*Id.* § 12.)

*§ 12. **Annual report of board of regents.** On or before the second Tuesday of December in each and every year, the board of regents, through their president, shall make a report to the governor, showing in detail the progress and condition of the university during the previous university year—the wants of the institution in all its various departments—the nature, costs and results of all improvements, experiments and investigations—the number of professors and students—the amounts of money received and disbursed—and such other matter, including industrial and economical statistics, as they may deem important or useful. One copy of the said report shall be transmitted to each of the other colleges which shall be endowed under the provisions of said act of the congress, and one copy to the secretary of the interior. (*Id.* § 13, as amended 1872, c. 10, § 6.)

*§ 13. **Duties of president of university—reports.** The president of the university shall be the president of the general faculty, and of the special faculties of the several departments or colleges, and the executive head of the institution in all its departments. As such officer, he shall have authority, subject to the board of regents, to [give] general direction to the practical affairs and scientific investigations of the university, and, in the recess of the board of regents, to remove any employe or subordinate officer not a member of the faculty, and supply, for the time being, any vacancies thus created. He shall perform the customary duties of a corresponding secretary, and may be charged with the duties of one of the professorships. He shall make to the superintendent of public instruction, on or before the second Tuesday in December in each and every year, a report, showing in detail the progress and condition of the university during the previous university year, the number of professors and students in the several departments, and such other matters relating to the proper educational work of the institution as he shall deem useful. It shall also be the duty of the president of the university to make to the board of regents, on or before

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EXPERIMENTAL FARM FOR FRUIT CULTURE.

*§ 11a. **Purchase of farm—extent—cost.** That the board of regents of the state university is hereby authorized to purchase and use as a part of the experimental farm of the agricultural department of said university, a tract of land of one hundred and sixteen acres, situated near Lake Minnetonka in Hennepin county in this state, at a cost of not to exceed two thousand dollars; the said land to be paid for out of the funds of the said state university, and to be subject to the supervision of said board of regents. (1878, c. 82, § 1.)

*§ 11b. **Use and conduct of farm.** That the said tract of land or so much thereof as may be necessary, shall be used for the growth of apple and other fruit trees, and for experimenting therein especially with a view to hybridizing the crabs and hardy seedling apples with long-keeping standard apples to develop [hardy] long-keeping varieties of the apple tree suitable to this climate; and said experiment shall be conducted by some person to be designated by the governor, and who shall receive annually the sum of one thousand dollars as compensation for his services, and to pay for such [necessary] labor as he may employ in conducting the said experiments. He shall report annually to the board of regents of the state university, who shall transmit said report to the governor. (*Id.* § 2.)

the second Tuesday in December in each and every year, a report, showing in detail the progress and condition of the university during the previous university year, the nature and results of all important experiments and investigations, and such other matters, including economical and industrial facts and statistics, as he shall deem useful. (1868, c. 1, § 14, as amended 1872, c. 10, § 7.)

*§ 14. **Sale of liquor prohibited near university.** It shall be unlawful for any person to sell or dispose of any spirituous, vinous or malt liquors, within a distance of three-quarters of a mile of the university of Minnesota, as now located in the city of Minneapolis. (1876, c. 80, § 1.)

*§ 15. **Same—penalty.** Any person violating the provisions of the foregoing section, shall, upon conviction, be fined not less than fifty nor more than one hundred dollars for every such offence, or shall be imprisoned in the county jail of the county of Hennepin for a period of not less than two nor more than twelve months. (1876, c. 80, § 1.)

*§ 16. **Standing appropriation for university.** There is hereby annually appropriated to the university of Minnesota, from any money in the state treasury not otherwise appropriated, belonging to the fund for the support of state institutions, the sum of thirty-one thousand dollars; nineteen thousand dollars thereof to be used to aid in the support of said university; and twelve thousand dollars to be applied to the reimbursement of the permanent university fund for moneys heretofore used for the support of said university, arising from the sales of stumpage on university lands. All moneys hereby appropriated shall be drawn upon orders of the board of regents of the university, and the state auditor is hereby authorized to draw warrants on the state treasury on the presentation of such orders. (1874, c. 124, § 1.)

GEOLOGICAL AND NATURAL-HISTORY SURVEY.*

*§ 17. **Geological and natural-history survey.** It shall be the duty of the board of regents of the university of Minnesota to cause to be begun, as soon as may be practicable, and to carry on, a thorough geological and natural-history survey of the state. (1872, c. 30, § 1.)

*§ 18. **Geological survey.** The geological survey shall be carried on with a view to a complete account of the mineral kingdom as represented in the state, including the number, order, dip and magnitude of the several geological strata, their richness in ores, corals, clays, peats, salines and mineral waters, marls, cements, building stones, and other useful materials, the value of said substances for economical purposes, and their accessibility; also an accurate chemical analysis of the various rocks, soils, ores, clays, peats, marls, and other mineral substances, of which complete and exact records shall be made. (*Id.* § 2.)

*§ 19. **Natural-history survey.** The natural-history survey shall include, *first*, an examination of the vegetable productions of the state, embracing all trees, shrubs, herbs and grasses, native or naturalized in the state; *second*, a complete and scientific account of the animal kingdom as properly represented in the state, including all mammalia, fishes, reptiles, birds and insects. (*Id.* § 3.)

*§ 20. **Order of survey and examination—assistants.** The said surveys and examinations shall be made in the manner and order following: *First*, the geological survey proper, together with the necessary and implied mineralogical investigations, all of which shall be undertaken so soon as may be practicable, and be carried forward with such expedition as may be consistent with economy and thoroughness; *second*, the botanical examinations; *third*, zoological investigations; *provided*, however, that whenever the said board of regents may find it most economical to prosecute different portions of the surveys in conjunction, or that the public interest demands it, they may, in their discretion, depart from the above-prescribed order. And in the employment of assistants in the said

*An act to provide for a geological and natural history survey of the state, and entrust the same to the university of Minnesota. Approved March 1, 1872. (Laws 1872, c. 30.)

surveys, the said board of regents shall at all times give the preference to the students and graduates of the university of Minnesota, provided the same be well qualified for the duties. (1872, c. 30, § 4.)

*§ 21. *Meteorological statistics.* The said board of regents shall also cause to be collected and tabulated such meteorological statistics as may be needed to account for the varieties of climate in the different parts of the state; also to cause to be ascertained, [by] barometrical observation or other appropriate means, the relation, elevations and depressions of the different parts of the state; and also, on or before the completion of the said surveys, to cause to be compiled, from such actual surveys and measurements as may be necessary, an accurate map of the state, which map, when approved by the governor, shall be the official map of the state. (*Id.* § 5.)

*§ 22. *Specimens to be prepared—how disposed of.* It shall be the duty of the said board of regents to cause proper specimens, skilfully prepared, secured and labelled, of all rocks, soils, ores, coals, fossils, cements, building stones, plants, woods, skins and skeletons of animals, birds, insects and fishes, and other mineral, vegetable and animal substances and organisms, discovered or examined in the course of said surveys, to be preserved for public inspection, free of cost, in the university of Minnesota, in rooms convenient of access and properly warmed, lighted, ventilated and furnished, and in charge of a proper scientific curator; and they shall also, whenever the same may be practicable, cause duplicates, in reasonable numbers and quantities, of the above-named specimens, to be collected and preserved for the purpose of exchanges with other state universities and scientific institutions, of which latter the Smithsonian Institute at Washington shall have the preference. (*Id.* § 6.) See *post*, § 30.

*§ 23. *Geological map.* The said board of regents shall cause a geological map of the state to be made, as soon as may be practicable, upon which, by colors and other appropriate means and devices, the various geological formations shall be represented. (*Id.* § 7.)

*§ 24. *Annual report—memoirs and final reports.* It shall be the duty of the said board of regents, through their president, to make, on or before the second Tuesday in December in each and every year, a report showing the progress of the said surveys, accompanied by such maps, drawings, and specifications as may be necessary and proper to exemplify the same, to the governor, who shall lay the same before the legislature; and the said board of regents, upon the completion of any separate portion of the said surveys, to cause to be prepared a memoir or final report, which shall embody in a convenient manner all useful and important information accumulated in the course of the investigation of the particular department or portion, which report or memoir shall likewise be communicated through the governor to the legislature. (*Id.* § 8.)

*§ 25. *Standing appropriation.* To carry out the provisions of this act, the sum of one thousand dollars per annum is hereby appropriated, to be drawn and expended by the [said] board of regents of the university of Minnesota, (*Id.* § 9.) See *post*, § 29.

SALT-SPRINGS AND PEAT DEPOSITS.*

*§ 26. *Salt lands transferred to regents of university.* The state lands known as "state salt-lands," donated by the general government to aid in the development of the brines in the state of Minnesota, shall be transferred to the custody and control of the board of regents of the university of Minnesota. By said board of regents these lands may be sold, in such manner, or in such amounts, consistent with the laws of the state of Minnesota, as they may see fit, the proceeds thereof being held in trust by them, and only disbursed in accord-

*An act to aid the geological and natural history survey of the state, and to amend chapter thirty-three of the general laws, approved March first, eighteen hundred and seventy-two, authorizing such survey. Approved March 10, 1873, (Laws 1873, c. 133.)

ance with the law ordering a geological and natural-history survey of the state. (1873, c. 133, § 1.)

*§ 27. Full investigation and report to be made. It shall be the duty of the said board of regents, as soon as practicable, to cause a full and scientific investigation and report on the salt-springs of the state, with a view to the early development of such brine deposits as may exist within the state. (*Id.* § 2.)

*§ 28. Investigation of peat deposits. The board of regents of the university of Minnesota shall cause the immediate survey and investigation of the peat deposits of the state of Minnesota, accompanied by such tests and chemical examinations as may be necessary to show their economical value, and their usefulness for the purposes of common fuel, a full report thereon to be presented to the legislature as soon as practicable. (*Id.* § 3.)

*§ 29. Standing appropriation. The sum of two thousand dollars is hereby appropriated annually (in lieu of one thousand dollars) for the purposes of the geological and natural-history survey, until such time as the proceeds of the sales of the salt lands shall equal that amount, when such annual appropriation shall cease. (*Id.* § 4.)

*§ 30. Number of specimens required. It shall be the duty of the board of regents of the university of Minnesota to cause duplicate geological specimens to be collected, and to furnish to each of the three normal schools, suites of such specimens, after the university collection has become complete. (*Id.* § 6.)

See *ante*, § 22.

*§ 31. Final report of survey—statement of sales of salt lands. When the geological and natural-history survey of the state shall have been completed, the final report on the same by the said board of regents shall give a full statement of the sales of the salt lands hereby given into the custody and control of the board of regents of the university of Minnesota, together with the amount of moneys received therefrom, and of the balance, if any, left in the hands of the said board of regents. (*Id.* § 7.)