

# CHANGES

—IN THE—

General Statutes of 1878,

EFFECTED BY THE

GENERAL LAWS OF 1879 AND 1881,

Arranged with reference to the Chapter and Section Amended.

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SAINT PAUL:  
WEST PUBLISHING COMPANY.  
1883.

## SCHOOLS FOR IDIOTS AND IMBECILES.\*

\*§ 64. **Establishment of school.** There is established in connection with the Minnesota institute for the deaf and dumb and blind, at Faribault, in Rice county, Minnesota, a department styled the Minnesota School for Idiots and Imbeciles. (1881, c. 145, § 1.)

\*§ 65. **Who to have charge and control.** Said school shall be under the control of the board of directors of said institute, who shall have the same power to organize, direct, and supervise the said department for idiots and imbeciles as it now has the departments of the deaf, dumb, and blind; and the several officers of the said board of directors shall extend their duties to the administration of the affairs of said school, and said board of directors shall properly provide for the care and custody of the idiotic, and the training and education of the feeble minded entrusted to their care. (*Id.* § 2.)

\*§ 66. **Who may be received into the school.** All imbeciles and idiotic children and youth actual residents of the state for one year, of suitable age and condition, may be received into said school upon recommendation of the superintendent of said school and approval of the board of directors, under such rules and regulations for furnishing clothing and transportation as such board may make as a condition of admission, not to exceed in amount or value the sum of forty dollars per annum for each person so received: *provided*, that no persons shall be received into said school for care and training until the state shall have provided accommodations therefor, except such as are regularly assigned thereto from the hospital for the insane of the state. (*Id.* § 3.)

\*§ 67. **When children to be discharged.** Whenever any such children or youth so received shall be otherwise provided for, or shall in the opinion of the superintendent of said school become capable of self-support, or when no provision shall be made to comply with the conditions of their admission, they shall be discharged from said school. (*Id.* § 4.)

\*§ 68. **Children charge upon county.** All imbeciles and idiots who are proper subjects for this school, who have no parents or guardians known to the authorities, or are the children of indigent persons unable to provide for them, are hereby made a charge upon the several counties where they reside, and from which they may be sent, for the expenses mentioned in the third section of this act, which facts of destitution and indigence shall be established *prima facie* by the certificate thereto of the judge of probate and a majority of the county commissioners of such counties respectively; and upon the presentation of a certificate of the superintendent of this school, attested by the secretary of the board of directors, to the auditor of any county, that any such destitute or indigent idiot or imbecile is a regular and proper inmate of this school from his county, such county auditor shall annually draw his order on the treasurer of his county in favor of the treasurer of such board of directors for such sum of money as has been fixed as the condition of admission to such school, so long as such subject shall remain at such school, and the county treasurer upon whom such order shall be drawn shall pay the same upon presentation. (*Id.* § 5.)

See page 464.

## CHAPTER XXXVI.

## EDUCATION.

## ORGANIZATION OF SCHOOL-DISTRICTS.

Change last sentence of section 9, page 467, so as to read:

Such notice shall be served in the same manner provided in section eight (8) of this act, except that the same shall be made at least five (5) days before the time designated for such meeting. (*As amended* 1881, c. 41, § 1.)

(\*An act to organize a school for idiots and imbeciles. Approved February 14, 1881.)

\*§ 12. **Formation, alteration, and union of school-districts.** The board of county commissioners of the several counties in this state may form new school-districts, alter the boundaries of districts, or unite districts, upon a petition of a majority of the freeholders who are legal voters, residing in each district to be affected thereby: *provided*, that before final action on such petition by said board, the same shall be submitted to the county superintendent of schools of such county, who shall speedily report the same to said board, with his opinion, in writing, as to the propriety of granting such petition. (*Id.* § 12, as amended 1878, c. 48, § 1, and 1879, c. 28, § 1.)  
See page 468.

\*§ 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 one notice thereof, setting forth the substance of the petition, and the time and place of such hearing, in some public place in each district to be affected by the proposed change, and cause to be served a copy thereof upon the clerk of each district to be affected, at least ten days before the time appointed for such hearing. The posting of such notice shall be verified by the affidavit of the person posting the same, which said affidavit shall state the time and place of posting, and the serving of said copy of notice upon the clerk of each district shall be verified by the certificate of the county auditor. (*Id.* § 15, as amended 1881, c. 14, § 1.)  
See page 468.

Substitute for first proviso, \*§ 16, p. 469:

*Provided, first*, that when the territory of the district or districts to be affected by such formation, alteration, or consolidation consists of parts of two or more counties, the petition shall be in duplicate or more; as the case may be, and one presented to the commissioners of each of such counties, who shall severally proceed to hear the petition in the manner directed. That to effect the formation, alteration, or consolidation in such petitions desired shall require the concurrent action of the commissioners of each of such counties. The determination of such commissioners in each county shall be entered upon their records in the several counties by the several county auditors, who shall file the copies thereof with the clerks of the districts affected thereby in their respective counties, in the manner directed, and also with the county auditors in each of the counties petitioned. (*As amended* 1879, c. 43, § 1.)

For fourth proviso, \*§ 16, p. 469, read:

*Provided, fourth*, that petitions and remonstrances respecting the formation of school-districts and changes in their boundaries may be signed by women, who are freeholders in the district and are entitled to vote in its school meetings: *and provided, further*, that all persons actually residents in the district upon said lands, which they hold under homestead or pre-emption, or under contract with the state of Minnesota, shall be deemed freeholders within the meaning of this act. (*As amended* 1881, c. 41, § 2.)

Add to second proviso, § 17, p. 470:

In case a common school district becomes extinct, or has heretofore become extinct, in consequence of having all its territory attached to other districts, any funds in the county treasury, or in the hands of the treasurer of such extinct district, after the payment of all debts of such district properly and legally payable out of such funds, shall be distributed by the county auditor to the districts to which its territory has been annexed, in proportion to the valuation of the real property so annexed to each. (*As amended* 1881, c. 51, § 1.)

#### MANAGEMENT OF SCHOOL DISTRICTS.

Add to § 20, p. 471:

*Provided, second*, if an annual meeting is not held, or if for any reason a trustee is not elected to an office, the term of which expires at the regular annual meeting

of that year, the incumbent of such office shall hold over until the next annual meeting in the following year, and until his successor is duly elected at a regular annual meeting. (1877, c. 74, *subc.* 2, § 2, *as amended* 1881, c. 41, § 6.)

\*§ 23. **Board of trustees—constitution and power—contracts.** The director, treasurer, and clerk of each common school district shall constitute a board of trustees; and any two of such board may make any contract or perform any act which the board as such is authorized to make or perform, except as provided in section thirty-one (31) as amended March 6, 1879. But no contract shall be made or authorized without due notice to all the members of the board of a meeting of the trustees called for the transaction of such business. The board of trustees shall have the general charge of the interests of schools and school-houses in their district; shall lease or purchase in the corporate name of the district a site for a school-house designated by the legal voters of the district; shall build, hire, or purchase a suitable school-house with the funds provided for that purpose, and when directed by the legal voters of the district, at any legal meeting of the same, may sell or exchange any such site or school-house. (1877, c. 74, *subc.* 2, § 5, *as amended* 1879, c. 17, § 1, and 1881, c. 41, § 3.)

\*§ 23a. **Permitting school-house to be used for purpose other than schools.** That the trustees of any common school district may, when petitioned therefor by a majority of the legal voters of said district, permit and authorize the school-house in their district to be used for purposes of divine worship, Sabbath schools, and such other purposes as in their judgment will not interfere with the use of the school-house for school purposes. (1881, c. 127, § 1.)\*

\*§ 23b. **Bond to be taken.** Before authorizing or permitting the use of the said school-house for any of the purposes named in the foregoing section, the trustees may take from some responsible party a bond in the penal sum of one hundred (100) dollars, conditioned for the proper use of said school-house, the payment of all rent, and the repair of all damages that may be occasioned during their use of the same. (*Id.* § 2.)

\*§ 23c. **Rent to be charged.** The said trustees shall charge and collect from the person or persons obtaining the use of the school-house, as provided in section one (1) of this act, such reasonable compensation as in their judgment shall be proper, said moneys to be paid to the treasurer of said school-district for school purposes. (*Id.* § 3.)

\*§ 23d. **Repealing clause.** All acts and parts of acts inconsistent with this act are hereby repealed. (*Id.* § 4.)

See page 472.

\*§ 26. Change words "not to exceed twelve per cent.," in eighth line thereof, to "not to exceed ten per cent." (1881, c. 41, § 4.)

\*§ 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, or the refunding of the bonded indebtedness of such district. (*Id.* § 9, *as amended* 1879, c. 14, § 1.)

See page 472.

\*§ 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; (but no contract shall be made with any teacher who is related by blood or marriage to any member of the school board, without the concurrence of all the members of the board of trustees, by vote duly entered on the clerk's record of pro-

(\*An act in relation to the use of school-houses in common school districts. Approved February 17, 1881.)

ceedings;) *provided*, that the term "month," wherever it occurs in any section of this act, shall be construed to mean four weeks of five days each.

The trustees shall provide fuel for the schools of the district; if the voters of the district make no provision for fuel at their annual meeting, shall furnish all things necessary for the school-house during the time a school shall be taught therein, which shall be at least three months in each school year, and such further time as the district by vote may direct. Every teacher shall procure a register for his school from the clerk of the district, keep a daily record of attendance, and of such other matters as may be required, in such register, and receive all persons sent to him, between the ages of five and twenty-one years, residing in the district, and such other persons as may attend school under any arrangement with the board of trustees. (*Id.* § 13, *as amended* 1879, c. 17, § 2.)

\*§ 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 unanimously in favor thereof: *provided, second*, that admission to any school organized under the provisions of this act, or any special school law of this state, sustained in whole or in part by state school funds, shall be gratuitous to the children of all actual residents in the district wherein such school is taught, between the ages of five and twenty-one years, and to all other persons between the same ages who may be in good faith living in said district: *provided, third*, that boards of trustees and boards of education may suspend or expel pupils for insubordination, immorality, or infectious disease. (*Id.* § 14, *as amended* 1881, c. 41, § 5.)

See page 473.

#### STATE SUPERINTENDENT OF PUBLIC INSTRUCTION.

Add to \*§ 53, p. 478:

*Provided, third*, that whenever any county will pay for two (2) weeks the salary and expenses of a person selected by the county superintendent of schools to give instruction in a teacher's institute for the county, and will provide free of charge to the state a suitable room for such institute, the superintendent of public instruction shall supply and meet the expenses of an institute instructor to teach for two weeks in such institute, under the joint direction of himself and the superintendent of the county, the latter of whom shall make all necessary local arrangements for the institute, and preside at its sessions: *provided, further*, that the trustees or the board of education in any school district shall have power to permit any teacher in its school to attend a teacher's institute to be held in the county for a period of not more than two (2) weeks in any school year, and to continue the salary of the teacher while attending such institute. (*As amended* 1881, c. 41, § 7.)

See page 478.

#### COUNTY SUPERINTENDENTS OF SCHOOLS.

\*§ 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, to be reckoned *pro rata* for the year from the time of the commencement of the first school in the district, and may be any higher sum

that the county board of commissioners shall determine, not exceeding eighteen hundred dollars per annum. County superintendents of schools shall be furnished by county auditors, at the expense of the county, with stationery needed in the examination of teachers, and for official correspondence. The county shall also pay itemized and attested bills for postage incurred in official correspondence, and in forwarding official documents to teachers, clerks, and to the state superintendent of public instruction; and also express charges on packages sent by this officer for use in the county. Such bills for printing notices, circulars, lists of questions, and annual reports, as the county superintendent may deem necessary, shall also be paid by the county: *provided*, that county superintendents shall, on the first day of July, October, January, and April, in each year, file with county auditors a statement of the number of schools visited within the preceding quarter, which statement shall contain the numbers of the districts, the dates of visitation, and shall be verified by oath or affirmation. (*Id.* § 4, *as amended* 1881, c. 41, § 8.)

See page 479.

(Payment of salary of county superintendent. See 1831, c. 126, § 1; *ante*, p. 11.)

#### PENALTIES OF COMMON-SCHOOL LAW.

\*§ 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, or shall refuse or neglect to perform any of the duties prescribed by law, shall forfeit the sum of ten dollars to the use of said district, which may be collected by any action before any justice of the peace in the county, to be prosecuted by the director of said district, or by any freeholder in said district. (*Id.* § 2, *as amended* 1879, c. 41, § 1.)

See page 485.

#### INDEPENDENT SCHOOL-DISTRICTS.

§ 94, page 486, add following:

*Provided, third*, that the territorial limits of no independent district hereafter organized shall exceed six (6) miles square. (*As amended* 1881, c. 41, § 9.)

\*§ 97. **Meeting to elect officers—notice.** In case a majority of votes are cast in favor of organization under this provision for independent districts, the electors of said district shall assemble at the place where such votes were cast within twenty days thereafter, of which at least ten days' previous notice shall be given by said chairman and clerk in the manner aforesaid, and shall then and there choose by ballot six directors, who shall hold their offices until their successors are elected and qualified, as hereinafter provided; on the first Saturday of September, occurring more than twenty (20) days after the organization of such district, there shall be chosen in the same manner six (6) directors, two of whom shall serve for one year, two for two years, and two for three years and until their successors are elected and qualified,—the time that each shall serve to be designated on the ballot; and annually thereafter, on the first Saturday in September, there shall be chosen two directors, whose terms of office shall be three years, and until their successors are elected and qualified. (*As amended* 1881, c. 41, § 10.)

See page 487.

#### STATE NORMAL SCHOOLS.

\*§ 137. **Tuition free to state pupils—rates for other pupils.** There shall be no charge for tuition or for incidental expenses to the students of any normal school who shall have filed with the principal thereof a declaration of intention to engage in the work of teaching in the public schools of this state for not less than two years after his or her connection with said school shall cease. The board may fix such rates of tuition for pupils in the model school and for students not intending to

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teach as in their judgment may be equitable and just. (*Id.* § 9, as amended 1881, c. 41, § 11.)

See page 495.

\*§ 147*a*. **Additional standing appropriation for normal schools.** That the sum of eight thousand (8,000) dollars, in addition to the sum now allowed by law for the year one thousand eight hundred and eighty-one, (1881,) and annually thereafter, be and the same is hereby appropriated out of any money not otherwise appropriated for defraying the current expenses of the state normal schools, as follows:

For the state normal school at Winona, the sum of two thousand (2,000) dollars; for the state normal school at Mankato, the sum of three thousand (3,000) dollars; for the state normal school at St. Cloud, the sum of three thousand (3,000) dollars, such money to be expended under the direction of the state normal school board, as provided by law. (1881, c. 190, § 1.)\*

\*§ 147*b*. **Instruction for teachers' institutes.** The state normal school board shall appoint one (1) teacher for each normal school especially qualified to give instruction in teachers' institutes; the salary of such teacher to be paid out of the money appropriated by section one (1) of this act. (*Id.* § 2.)

See page 496.

## HIGHER EDUCATION.†

\*§ 148. **High school board—how constituted.** The governor, superintendent of public instruction, and the president of the University of Minnesota, *ex-officio*, are hereby constituted a board of commissioners on preparatory schools for the encouragement of higher education in this state. This board shall be called the "high school board," and shall perform the duties and have and exercise the powers hereinafter mentioned. (1881, c. 144, § 1.)

\*§ 132*a*. See 1883 Sup't, p. 64.

\*§ 149. **State aid to high schools.** Any public graded school in any city or incorporated village or township, organized into a district under the so-called township system, which school shall give preparatory instruction according to the terms and provisions of this act, and shall admit students of either sex from any part of the state without charge for tuition, shall be entitled to receive pecuniary aid, as hereinafter specified: *provided, however*, that no such school shall be required to admit non-resident pupils unless they shall pass an examination in all the branches prescribed by law as requisite to a third-grade county certificate. (*Id.* § 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.

*Second.* That the said schools receiving pecuniary aid under this act shall at all times permit the said board of commissioners, or any of them, to visit and examine the classes pursuing the said preparatory courses. (*Id.* § 3.)

\*§ 151. **Visitation of schools.** The said board of commissioners shall cause each school receiving aid under this act to be visited at least once in each school year by a committee of one or more members, who shall carefully inspect the instruction and discipline of the 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 examined by the board, and the work of the school approved by vote of 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 application shall be received and acted upon in the order of their reception. The said board shall appor-

(\*An act to increase the standing appropriations for normal schools, and to provide for the payment of the salaries of institute teachers therefrom. Approved February 24, 1881.)

†(An act for the encouragement of higher education. Approved March 3, 1881.)

tion to each of said schools which shall have fully complied with the provisions of this act, and whose application shall have been approved by the board, the sum of four hundred dollars (\$400) in each year: *provided*, that the total amount of apportionments and expenses under this act shall not exceed twenty thousand dollars (\$20,000) in any one year. The sum of twenty thousand dollars (\$20,000) is hereby appropriated annually, to be paid out of any moneys in the treasury not otherwise appropriated, for the purposes of this act, which amount, or so much thereof as shall be necessary, shall be paid upon the warrants of said board upon the state auditor. (*Id.* § 5.)

\*§ 153. **Compensation of members of board.** The members of said board shall serve without compensation, but the actual and necessary expenses of the board, and of any examiner appointed by them, shall be paid in the same manner as those of state officers: *provided*, that the total expenses, including the apportionments to the schools aforesaid, shall not exceed twenty thousand dollars in any one year. (*Id.* § 6.)

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

\*§ 155. **Record of proceedings—report.** The said board shall keep a careful record of all their proceedings, and shall make, on or before the first day of September in each year, a report covering the previous school year, to the superintendent of public instruction, showing in detail all receipts and disbursements, the names and number of schools receiving aid, and the number of pupils attending the classes in each, to which report they may add such recommendations as they may deem useful and proper. (*Id.* § 8.)

See page 496.

#### UNIFORM TEXT-BOOKS.

Add to \*§ 163, p. 500:

Who shall transmit duplicate receipts for said amount; one to the treasurer and one to the auditor of the proper county. (*As amended* 1881, c. 17, § 1.)

#### INSTRUCTION IN MORAL AND SOCIAL SCIENCE.\*

\*§ 177. **Instruction in elements of moral and social science.** That all school officers in the state may introduce, as part of daily exercises of each school in their jurisdiction, instruction in the elements of social and moral science, including industry, order, economy, punctuality, patience, self-denial, health, purity, temperance, cleanliness, honesty, truth, justice, politeness, peace, fidelity, philanthropy, patriotism, self-respect, hope, perseverance, cheerfulness, courage, self-reliance, gratitude, pity, mercy, kindness, conscience, reflection, and the will. (1881, c. 150, § 1.)

\*§ 178. **Manner in which instruction may be given.** That it may be the duty of the teachers to give a short oral lesson every day upon one of the topics mentioned in section one of this act, and to require the pupils to furnish illustrations of the same upon the following morning. (*Id.* § 2.)

\*§ 179. **Emulation between pupils to be cherished.** That emulation may be cherished between pupils in accumulating facts in regard to the noble traits possible, and in illustrating them by daily conduct. (*Id.* § 3.)

See page 503.

### CHAPTER XXXVII.

Note to \*§ 11:

(Sale of experimental farm authorized. 1881, c. 101.)

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

Ch. XXXVI, §§ 155a, 155b, 155c, 163, 179, 150, 131. See 1883 Sup't, pp. 64, 6, 67. And Ch. XXXVII, § 11. 1883 Sup't, p. 67.