

CHANGES

IN THE

General Statutes of 1878,

OF THE

STATE OF MINNESOTA,

EFFECTED BY THE GENERAL LAWS OF THE EXTRA
SESSION OF 1881, AND THE REGULAR
SESSION OF 1883.

Arranged with reference to the Chapter and Section Amended.

SAINT PAUL:
WEST PUBLISHING COMPANY.
1883.

to justify the admission of said incorrigible infant into the reform school unless such commitment be approved by the judge of the district court of the district to which the county from which such infant is committed belongs, and no other consent or approval of any officer whatever shall be necessary to authorize the commitment; but in all cases of conviction before a justice of the peace, whether for incorrigibility or any other crime, the justice shall reduce all the evidence taken by him to writing, and state the name, age, and residence of each witness examined, and transmit the same forthwith to the judge of the district court aforesaid, whose duty it shall be to examine the same and approve or disapprove of such conviction. If the conviction of the justice is approved, the minor shall forthwith be committed to the said board of managers; if disapproved, no other proceeding shall be had. (*Id.* § 2.)

*§ 47. **Expense—how to be paid.** That the children received by said managers, under the conviction of any court within this state, shall be clothed, maintained, and instructed by said managers at the public expense of the state: *provided*, however, that when such conviction is solely from incorrigibility, then such infant shall be so clothed, maintained, and instructed by said managers at the public expense of the proper county from which such infant is sent; and the account of all infants so committed for incorrigibility shall be kept by the managers in an intelligible and proper manner. (*Id.* § 3.)

See page 461.

BOARD OF FUEL COMMISSIONERS.

*§ 69. **Fuel commissioners—board—how constituted.** The governor, state auditor, and state treasurer are hereby constituted a board of fuel commissioners, whose duty it shall be to purchase such an amount of coal as may be necessary for the use of the various state institutions. (1883, c. 118, § 1.)

*§ 70. **Board to advertise for bids for coal.** The said board of fuel commissioners shall annually, on or before the first day of July in each and every year, give notice in such newspaper as [they] may deem necessary, for thirty days, that sealed proposals will be received at the office of the state auditor, until a day specified in said notice, for the delivery of coal for the use of the various state institutions, at such times and at such places, and in such amounts, as the said board may designate. (*Id.* § 2.)

*§ 71. **Trustees to report estimate to board.** It shall be the duty of the trustees of each of the state institutions using coal as fuel, to report to the said board of fuel commissioners, on or before the nineteenth day of June in each year, an estimated amount of coal necessary for such institutions for the fiscal year next ensuing. (*Id.* § 3.)

See page 464.

CHAPTER XXXVI.

EDUCATION.

ORGANIZATION OF SCHOOL-DISTRICTS.

*§ 12a. **Unorganized counties—schools may be established in.** The county commissioners of counties to which unorganized counties are attached shall have power to establish common schools in such unorganized counties in the manner prescribed in section number twelve of chapter number thirty-six, General Statutes, relating to the establishment of common schools. (1883, c. 117, § 1.)

*§ 12b. **Jurisdiction of county superintendent over.** The school superintendents of such organized counties shall have jurisdiction over the schools of unorganized counties attached to their respective counties. (*Id.* § 2.)

*§ 12a. **Such schools on same footing as others.** Schools established under this act shall be on the same footing in all respects with schools in organized counties. (*Id.* § 3.)

See page 468.

MANAGEMENT OF SCHOOL-DISTRICTS.

Note to *§ 23a, (Supp. 1881, p. 81:)

By 1881, Ex. Sess. c. 35, § 1, the act relating to use of school-houses in common-school districts is made applicable to "all independent, special, or free-school districts also."

See page 472.

Note to *§ 26, p. 472:

By chapter eighty-eight, Laws eighteen hundred and eighty-three, bonds of independent districts, issued since October first, eighteen hundred and eighty-two, under vote of district, for longer term than ten years, are legalized.

See, also, page 1008.

*§ 35. Add the following:

Whenever any school-district is united to another school-district, the treasurer shall, upon demand, pay over to the treasurer of the consolidated district all moneys in his hands. (1881, Ex. Sess. c. 30, § 1.)

See page 474.

STATE SUPERINTENDENT OF PUBLIC INSTRUCTION.

*§ 51a. **Assistant superintendent—salary.** That the superintendent of public instruction be required to appoint an assistant, who shall be known as assistant superintendent, to perform such services in the department as may be assigned him by the superintendent, and that his salary be fifteen hundred dollars per annum. (1883, c. 145, § 1.)

*§ 51b. **Clerk hire—limit of.** That the superintendent of public instruction be allowed to employ necessary clerical assistance, at a rate not exceeding fifty dollars per month, or six hundred dollars for any year. (*Id.* § 2.)

See page 477.

*§ 53a. **Appropriation additional for state institutes.** That the sum of two thousand dollars, in addition to the sum now allowed by law, be appropriated for the year one thousand eight hundred and eighty-three, and annually thereafter, out of any moneys not otherwise appropriated, for defraying the current expenses of state institutes under the direction of the superintendent of public instruction. (1883, c. 137, § 1.)

*§ 53b. **School to be closed, when.** Any school that may be in session in a county at the time of holding a state institute for that county, shall be closed for one week, upon the requirement of the superintendent of the county, for the purpose of allowing the teacher to attend the institute; and the teacher shall be allowed to make up [the time so lost, upon presenting to the clerk of] the district a certificate of the county superintendent attesting said teacher's attendance at the institute. (*Id.* § 2.)

See page 478.

STATE SCHOOL FUNDS.

*§ 75. Change the words "three months" to "four months." (1883, c. 54, § 1.)

See page 482.

*§ 79. Change the words "three months" to "four months," line 6, page 483. (*Id.* § 2.)

For the words "for the March apportionment of that year," in second proviso, substitute "in the next apportionment thereafter." (1881, Ex. Sess. c. 7, § 1.)

Add at end of section:

Provided, third, that districts shall be entitled to the state apportionments for

MINNESOTA STATUTES 1883 SUPPLEMENT

three years after their organization, upon condition that they support schools for three months of each year. (1883, c. 54, § 2.)

See page 483.

*§ 84. After words "in his said county," in line 12, add:

Provided, that if, in any case, the county commissioners shall neglect, refuse, or fail to make such levy as herein provided for, the county auditor shall levy and extend the same upon the tax lists of the year, the same as if such levy had been made by the county commissioners. (*As amended* 1883, c. 53, § 1.)

See page 484.

STATE NORMAL SCHOOLS.

*§ 131. **Officers of normal school board.** The officers of the board shall be a president and secretary. The annual meeting of the board shall be held on the first Tuesday of June of each year. The members of the board, at their annual meeting in the year one thousand eight hundred and eighty-three, and biennially thereafter, shall elect by ballot from their number a president. The state superintendent of public instruction shall be secretary of the board. Whenever, from any cause, a vacancy shall exist in the office of president of the board, and said board shall not be in session at an annual meeting thereof, the governor may appoint one of the directors to be president of the board, who shall hold his office till the next annual meeting of the board, and until a president thereof shall be duly elected and shall enter upon the duties of his office. (1877, c. 74, subc. 9, § 2, *as amended* 1883, c. 12, § 1.)

See page 494.

*§ 144a. **Additional standing appropriation.** That the sum of one thousand dollars, in addition to the sum now allowed by law for the year one thousand eight hundred and eighty-three, and annually thereafter, be and the same is hereby appropriated out of any money in the state treasury, or which shall come into the state treasury, not otherwise appropriated for defraying the current expenses of the normal school at Winona. (1883, c. 169, § 2.)

See page 495.

HIGHER EDUCATION.

*§ 152a. **Additional standing appropriation.** The sum of three thousand dollars, in addition to the sum now allowed by law, be and is hereby appropriated out of any money not otherwise appropriated for the year one thousand eight hundred and eighty-three, and annually thereafter, for the support of high schools, under chapter one hundred and forty-four of the General Laws of one thousand eight hundred and eighty-one, for the encouragement of higher education, approved March third, one thousand eight hundred and eighty-one. (1883, c. 151, § 1.)

See page 497, and Supp. 1881, p. 85.

*§ 155a. **Discretionary powers of board.** The high-school board shall have full discretionary power to consider and act upon applications of schools for state aid, and to prescribe the conditions upon which said aid shall be granted; and it shall be its duty to accept and aid such schools only as will, in its opinion, if aided, efficiently perform the service contemplated by law; but not more than five schools shall be aided in each county in any one year. Any school once accepted and continuing to comply with the law, and regulations of the board made in pursuance thereof, shall be aided not less than three years. (1881, *Ex. Sess.* c. 61, § 1, *as amended* 1883, c. 40, § 1.)

See page 497.

*§ 155b. **Assistant examiner—compensation.** Any assistant examiner appointed by the high-school board, as authorized by law, shall be entitled to receive such compensation as the board may allow, not exceeding three dollars a day or fifty

cents an hour: *provided*, that no such compensation shall be paid to any person receiving a salary from any state institution. (1881, *Ex. Sess.* c. 61, § 2.)

See page 497.

UNIFORM TEXT-BOOKS.

*§ 159. **Duty of officers as to text-books, etc.** It shall be the duty of the county superintendent of schools of each county to ascertain the number and kind of books unsold in the hands of the district clerks and agents of districts, and the agents appointed under this act, and of the number and kind in addition thereto needed in the school-districts of the county, and make a requisition for the total number of each kind of the books provided for in the preceding sections, together with such others as may be from time to time required of the contractor, and added to the state list by the state superintendent of public instruction, which will be needed to fully supply all the schools with text-books, and all the scholars in all the schools in said county for one year, and forward the same to the state superintendent of public instruction on or before the first day of June in each and every year, and he shall file a duplicate or copy of the same with the county auditor of his county. Whenever there is a deficiency of books of any kind in any agency so established, the county superintendent shall make a like requisition to supply the same, and if there is remaining for more than one year a surplus of any kind of books in any agency, he shall notify the county auditor thereof, who shall cause such surplus to be transmitted to any other agency in his county where there is a deficiency thereof; and he shall, also, at the request of the trustees of any district, cause all books now in the hands of the clerk or agent of such district to be transferred to the agencies created under this act, and adjust the accounts accordingly. The state superintendent of public instruction shall immediately, upon the receipt of any such requisition, make out his own requisition for the same books and forward it to the contractor. It is hereby made the duty of the board of county commissioners in each and every county, at their first meeting after the passage of this act, and annually thereafter, to appoint in one or more places in each county one or more persons who shall act as agents for the sale of such books. As soon as such agent or agents are appointed in any county, the county auditor shall notify the contractor of such appointment, and give him the full names and correct post-office address of such agent or agents, and notify him of any changes thereafter made of such agents. The county auditor of each county shall immediately, upon receipt of the copy or duplicate of the order of the county superintendent upon the state superintendent, notify the contractor to whom to send the books, and in case of there being more than one such agent in the county, he shall state the number or proportion of each of the kinds of said books to be sent to each agent, and in case of a failure to receive such information the contractor shall forward all the said books required for such county to the county auditor. The contractor shall send to each agent a memorandum bill of the books sent to him, and also a duplicate thereof to the county auditor of the county. Each of the agents herein provided for shall, before entering upon his duties, give a bond with one or more sureties, to be approved by the county auditor, running to the said county, in such a sum as the county commissioners or the county auditor and treasurer shall determine, conditioned for the faithful performance of the duties imposed upon such agents by this act. Each agent shall sell the said books at the prices fixed by the state superintendent of public instruction. The said agent shall account to the county auditor once in each quarter year for all books received by them, and shall then pay over to the county treasurer all moneys received for those sold. Each agent shall be entitled to and shall receive for his service the sum of eight per cent. of the amount of his sales as shown by him at each accounting, [and] the county auditor at the time of each settlement shall draw his warrant upon the county treasurer for said sum, which amount shall be paid by said treasurer out of the school funds arising from county taxation. Any person purchasing books from the agents may sell the same at an advance, equal to an average of ten per cent. above the state superintendent's list prices, and no more. It shall be a misdemeanor for any person to sell any of said

books which have been previously purchased from any such agent or agents, or from the contractor, at prices greater than herein provided, punishable by a fine not to exceed twenty-five dollars or imprisonment not to exceed thirty days for each offense; and it shall be a misdemeanor for any officer to refuse to perform any duty imposed upon such officer by this act, or the acts to which this act is amendatory, punishable by a fine of not less than twenty-five nor more than one hundred dollars, or imprisonment for not less than thirty days nor more than ninety days, for each offense; and justices of the peace in the several counties shall have jurisdiction to try and determine such offenses. (1877, c. 75, § 4, as amended 1883, c. 39, § 1.)

See page 499.

*§ 160. Strike out from line four the words "county auditors of the state" and insert the words "agents or county auditors, as hereinbefore provided." (*Id.* § 2.)
See page 499.

*§§ 163, 164, *stricken out*, and *§§ 165, 166, respectively, substituted and renumbered—the latter to be amended as follows:

Strike from line five the words "state school tax fund" and insert "school funds arising from taxation." (*Id.* § 2.)

See page 500.

*§ 167, p. 501, is also renumbered, and takes the place of *§ 165, while *§ 171 becomes *§ 166, amended to read:

*§ 166. **Duty of county treasurer and state superintendent.** The county treasurer of any county which has heretofore paid, or may hereafter pay, into the state treasury 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 money in his hands arising from taxation, and belonging and payable to such school-district, the amount so by the county paid into the state treasury, and all moneys received by the clerk or agent of any school-district for books by him sold, shall be paid to the treasurer of the same district for the use and benefit of such district; and it is hereby made the duty of the state superintendent of public instruction, within twenty day after the passage of this act, to procure and forward to the county superintendent of each county all blanks required for the execution of this act; and it shall be the duty of the county superintendent to immediately transmit such blanks to the officers required to use the same. (*Id.* § 2.)

See page 500.

NOTE.—All parts of *supplement to uniform text-book act* [*i. e.*, 1878, c. 2] not reenacted by 1883, c. 39, are repealed. (*Id.* § 3.)

WEBSTER'S DICTIONARY FOR SCHOOLS, ETC.

*§ 179. **Schools, state institutions, etc.—how to be furnished with dictionaries.** The superintendent of public instruction is hereby authorized to furnish to any school-district, or any school or district department thereof, in any city, village, or town, one copy of Webster's Unabridged Dictionary, on receipt of an affidavit of the district clerk, the school superintendent, or secretary of the board of education of such village, city, or town, that such school or department has not yet been supplied under the provisions of this act, or that the dictionary heretofore furnished to said school or department has been lost or is unfit for use, and on payment in advance of the cost price to said superintendent of public instruction; and the superintendent of public instruction is further authorized to sell at cost price to the state educational institutions, on a written requisition being made by the officer in charge of such institution, as many copies of Webster's Unabridged Dictionaries, not exceeding the number of school departments in the institution under his charge, as may be necessary for the educational purposes of the same; and the superintendent

of public instruction is further authorized to furnish said Webster's Unabridged Dictionary at cost price to members of the legislature and state officers, not exceeding one copy to each such person. (1883, c. 115, § 1.)

See page 503.

*§ 180. **Appropriation for purchase of same.** The superintendent of public instruction is hereby authorized to purchase, from time to time each year, at a cost not exceeding seven dollars per copy, delivered at his office in St. Paul, a sufficient number of copies of Webster's Unabridged Dictionary to carry out the provisions of this act; and there is hereby appropriated from the state treasury, out of funds not otherwise appropriated, the sum of two thousand four hundred dollars, or so much thereof as may be necessary to carry into effect the provisions of this act. (*Id.* § 2.)

*§ 181. **Sums received constitute revolving fund.** The superintendent of public instruction shall pay over to the state treasurer all money received on account of dictionaries sold as aforesaid, and render an account of all dictionaries sold, in his report to the legislature: *provided*, that all sums so turned into the state treasury by said superintendent of public instruction shall be and remain a fund from which said superintendent of public instruction is hereby authorized to draw such sums as may be necessary for future purchases under the provisions of this act. (*Id.* § 3.)

See page 503.

CHAPTER XXXVII.

UNIVERSITY OF MINNESOTA.

*§ 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 and a recording secretary. They shall also elect a treasurer, who may or may not be a member of the board. All of said officers shall hold their 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. (1863, c. 1, § 4, *as amended* 1872, c. 10, § 3, *and* 1881, *Ex. Sess.* c. 46, § 1.)

See page 505.

Note to *§ 11:

(Proceeds of sale of experimental farm to be invested in new farm. 1883, c. 13, § 1.)

See page 506.

*§ 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 one mile of the main building of the University of Minnesota, as now located in the city of Minneapolis: *provided*, that the provisions of this section shall not apply to that part of the city of Minneapolis lying on the west side of the Mississippi river. (1876, c. 80, § 1, *as amended* 1883, c. 71, § 1.)

See page 507.