

CHAPTER 75.

AN ACT TO PROVIDE UNIFORM AND CHEAP TEXT-BOOKS
FOR THE PUBLIC SCHOOLS OF MINNESOTA.*Be it enacted by the Legislature of the State of Minnesota :*

SECTION 1. 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.

Contract between the State and D. D. Merrill.

Name of books to be furnished

Bond to be executed.

SEC. 2. 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

Quality and size of books.

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 Benson*, 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 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.

SEC. 3. 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 \$1.00.)

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.)

Commissioners
to determine.

When to con-
vene.

Text when
subject to
change.

Prices to be
paid by the
State.

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.

SEC. 4. 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.

District clerks to make out list of books for a year's supply.

County superintendents to forward same to State Superintendent.

State Superintendent to make requisition on contractor.

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.

Quarterly returns of sales to be made by clerk.

Penalty for neglect or refusal.

SEC. 5. 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.

Duties of the contractor.

Manner of payment to contractor.

SEC. 6. The Superintendent of Public Instruction shall fix a price upon each book which will cover the cost of transporting them to the several counties of this State.

Transportation to be charged on books.

SEC. 7. The State Superintendent shall send to the

State Superintendent to fix selling price.

Manner of payment by counties.

Duties of county auditors.

Payment by districts.

Printed lists of prices to be furnished clerks.

Proviso, relating to incorporated villages and cities.

Books to be used in all the schools of the State.

Proviso relieving boards of education acting under special charter.

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.

SEC. 8. 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.

SEC. 9. 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.

SEC. 10. 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.

SEC. 11. After one year 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 district, and are used in such school to the exclusion of any other series of text-books.

Districts neglecting to introduce the State text-books—penalty

SEC. 12. 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.

Appropriation of \$50,000, as a revolving fund.

SEC. 13. All acts and parts of acts inconsistent with this act are hereby repealed.

SEC. 14. This act shall take effect and be in force from and after its passage.

When act to take effect.

Approved February 23, 1877.

CHAPTER 76.

AN ACT PROVIDING FOR A STAY OF EXECUTION IN JUDGMENTS RENDERED IN THE DISTRICT COURTS, OF THIS STATE FOR THE RECOVERY OF MONEY ONLY.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. Execution upon any judgment, rendered for the recovery of money only, in any district court of this State, may be stayed for the period of six (6) months. *Provided*, that, in order to obtain such stay, the party applying therefor shall, within ten (10) days after judgment is rendered

Stay of execution allowed in District Court.