

other acts and parts of acts inconsistent with this act are hereby repealed, except that all rights heretofore acquired, under any act hereby repealed shall not be affected hereby; and all rights heretofore acquired under chapter eleven of the general statutes, or any other act repealed by chapter one of the general laws of one thousand eight hundred and seventy-four, are hereby revived and continued in force to the same extent as when such rights were acquired; and the payment and collection of all taxes heretofore assessed and levied, shall be enforced in accordance with the provisions of this act.

SEC. 121. This act shall take effect and be in force from and after its passage.

Approved March 11, 1878.

Repeal of former acts, reserving rights.

## CHAPTER 2

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 (23d), ONE THOUSAND EIGHT HUNDRED AND SEVENTY-SEVEN (1877).

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

SECTION 1. 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 (4), 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 this 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 (3), of the said act, to which this act is supplementary with five (5) 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.

Estimates of clerks to be filed with county auditors.

Statement of cost of books to be made by auditor to treasurer.

SEC. 2. 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

Treasurer to retain sum from district funds.

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.

Amount retained for repayment to the county for money paid to the state.

SEC. 3. 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 moneys 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.

State school tax.

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.

Relating to payment for estimates made prior to passage of this act.

SEC. 4. 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.

Money received by clerks to be paid to treasurer of district.

SEC. 5. The moneys received by the clerk or agent of any school district for books by him sold in pursuance of the provisions of 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.

Clerk to give bond, to be filed with county auditor.

SEC. 6. 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 (2) 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 (10) days after the execution of the same. And it is hereby made the duty of the State Superintendent of Public Instruction, within twenty (20) 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 (15th) 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.

Failure or neglect of clerk to make requisition.

Districts may elect an agent.

Agent to give bond.

Books may be ordered direct from the contractor.

Contractor to designate depositories, when required.

Relating to withholding funds from districts not complying with law.

SEC. 7. 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 (10) 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 (2) 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 (1) 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 (10) per cent. for handling the same.

*Provided further*, That the period of "one (1) year" named in the (1) first line of section eleven (11) of the act to which this act is supplementary, is hereby amended to read "two (2) years."

SEC. 8. 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

Text book acts to be submitted to a vote in 1880.

the general annual election to be holden in the year one thousand eight hundred and eighty (1880), 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 the 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.

Districts exempted not to vote.

*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.

To be submitted to a vote in 1885.

At the general election of the year eighteen hundred and eighty-five (1885), 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.

When to take effect.

SEC. 9. 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 (60) 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.

Boards of education under special charter.

Approved March 8, 1878.