

## CHAPTER 39.

AN ACT TO AMEND CHAPTER SEVENTY-FIVE (75) OF THE GENERAL LAWS OF ONE THOUSAND EIGHTH HUNDRED AND SEVENTY-SEVEN (1877), AND CHAPTER TWO (2), OF THE GENERAL LAWS OF ONE THOUSAND EIGHT HUNDRED AND SEVENTY-EIGHT (1878).

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

SECTION 1. Chapter seventy-five (75), of the general laws of one thousand eight hundred and seventy-seven (1877), be, and the same is hereby amended as follows: Strike out section four (4), and substitute in lieu thereof the following:

“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 (1st) 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

Duty of county superintendent, in regard to text books.

Deficiency in text books; how supplied, and surplus how transferred.

State Superintendent to make requisition.

County commissioners to appoint 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 postoffice 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 (1) 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 ( $\frac{1}{4}$ ) 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 (8) per cent. of the amount of his sales as shown by him at each accounting, to [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 (10) 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 (\$25.00), or imprisonment not to exceed thirty (30) 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 (\$25) nor more than one hundred (\$100) dollars, or imprisonment for not less than thirty (30) days nor more than ninety (90) days for each offense; and justices of the peace in the several counties shall have jurisdiction to try and determine such offenses."

Duty of county auditor.

Agents to give bond.

Agents' compensation.

Misdemeanor and penalty therefor.

SEC. 2. Section five (5) of said chapter is hereby amended by striking out, in line five (5), the words "county auditors of the state," and inserting in lieu thereof the words "agents or county auditors as hereinbefore provided;" and section eleven (11) of said chapter seventy-five (75) is hereby amended by striking out in line five (5) the words "state school tax fund," and inserting in lieu thereof the words "school funds arising from taxation." Said chapter is further amended by striking out sections eight (8) and nine (9) and renumbering section ten (10) as section eight (8) and section eleven (11) as section nine (9) and section twelve (12) as section ten (10), and by inserting in lieu of section eleven (11) the following:

Duty of county treasurer.

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 or 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 (20) days 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.

State Superintendent to provide blanks.

SEC. 3. All parts of chapter two (2) of the General Laws of one thousand eight hundred and seventy-eight (1878) not re-enacted herein, are hereby repealed.

SEC. 4. 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.

Approved March 6, 1883.