

court in Cook county, and inserting in lieu thereof the words, Third Monday in June; so that the portion of said chapter referring to the terms of the district court in the eleventh judicial district shall read as follows:

“Eleventh judicial district.—Carlton county: First Tuesday in April; third Tuesday in October. St. Louis county: First Wednesday in January, March, May, September and November. Lake County: First Wednesday in June and December. Cook County: Third Monday in June.”

Sec. 2. Nothing contained in this act shall affect chapter one hundred and twenty-six (126) of the General Laws of the State of Minnesota for the year 1909, providing, among other things, for the holding of general terms of the district court at the city of Virginia, and for the adjournment thereof to the village of Hibbing.

Approved March 22, 1911.

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#### CHAPTER 43—H. F. No. 94.

*An Act to regulate the price of school text books in the schools of the state, to provide for their adoption, and to repeal Sections 1427 and 1428 of Chapter 14 of the Revised Laws of Minnesota for 1905.*

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

**Persons, companies or corporations to comply with certain conditions.**—Section 1. Before any person, company, or corporation shall offer any school text book for adoption, sale, or exchange, in the State of Minnesota, said person, company or corporation shall, comply with the following conditions:

First. File a copy of such text book in the office of the state superintendent of public instruction, with a sworn statement of the usual list price, the lowest wholesale price, and the lowest exchange price, based on five-year adoption periods, at which said book is sold, or exchanged for an old book in the same subject of like grade and kind, but a different series, to any school board, school corporation or school text book commission anywhere in the United States.

Second. File with the state superintendent of public instruction a written agreement (1) to furnish said book or books to any school board in the State of Minnesota at the said lowest prices so filed, and to maintain said prices uniformly throughout the state. (2) To reduce such prices automatically in Minnesota whenever reductions are made elsewhere in the United States, and guarantee that at no time shall any book so filed by said

person, company or corporation be sold in Minnesota at a higher price than is received for such book elsewhere in the United States. (3) That all text books offered for sale in Minnesota shall be equal in quality to those deposited in the office of the state superintendent of public instruction as regards paper, binding, print, illustrations, subject matter and all points that may affect the value of said text books.

Third. File with the state superintendent of public instruction a surety bond of not less than two thousand (\$2,000) and not more than ten thousand (\$10,000) dollars, said bond, in an amount to be fixed by the state superintendent of public instruction, shall run to the State of Minnesota, and be approved by the attorney general. Upon compliance with the foregoing conditions, said person, company or corporation shall be licensed to sell school text books in the State of Minnesota.

**Failure to comply—Duties of county superintendent.—Sec. 2.** If in any case said person, company or corporation shall furnish to any district, books inferior in any particular to the samples on file with the state superintendent, or charge a higher price than was filed with the state superintendent or than the same are sold elsewhere in the United States, then it shall be the duty of the county superintendent on written complaint filed with him by the school board of such district, or of the city superintendent of a district having a state high school, or of the principal of schools of a district having a state graded school to inform the state superintendent of the failure of said person, company or corporation to comply with the terms of his contract. The state superintendent shall thereupon notify the said person, company or corporation of said complaint, and if said person, company or corporation shall disregard the notification and fail to comply immediately with the terms of agreement filed with the state superintendent, then the bond of said person, company or corporation shall be forfeited and the attorney general shall upon written request of the state superintendent proceed to collect the full amount of the bond of said person, company or corporation.

**Books to be chosen from printed list.—Sec. 3.** It shall be the duty of the state printer to print and of the state superintendent of public instruction to distribute annually to the school authorities of the state, a complete list of the books thus filed with him giving the usual list price, the lowest wholesale price and exchange price of each; and all books used in the public schools of the state may be chosen from this list, and whenever the publisher shall prepare an abridged or special edition of any of his books listed with the state superintendent and shall supply such special edition elsewhere at a lower wholesale price than the wholesale price scheduled with the state superintendent, the publisher must agree to furnish such special edition at the whole-

sale price at which it is furnished elsewhere, so long as it is supplied at the said lower price anywhere outside of Minnesota; and it shall be understood that the bond given by the publisher shall cover this provision as to special edition. In case an action is brought upon such bond, the state, if successful, shall recover the full amount of the bond, which amount shall be paid into the state school fund.

**School board to furnish free text books.**—Sec. 4. The school board of any school district shall, when directed by a vote of the district, or when the board deems it advisable, provide for the free use of school text books by the pupils of their school or schools, or provide for the sale of them to pupils at cost. But no such adoption or contract shall be for less than three (3) or more than five (5) years, during which time such books adopted shall not be changed.

**Proposition to be submitted to voters of the district.**—Sec. 5. Whenever five or more legal voters of any common school district shall petition the school board to submit to such district the question of providing free text books to pupils attending its schools, it shall be the duty of such board to submit the same to the legal voters of such district. Such question may be submitted at a special meeting by giving ten days' notice thereof, or at any annual meeting. But in any case the notice of such meeting shall call attention to the fact that such question will be submitted, and in case a majority at such meeting shall vote in favor of such free text books, it shall be the duty of the board to provide the same.

**School boards to have authority to purchase.**—Sec. 6. The school boards of each school district shall have authority to purchase all necessary books for indigent pupils and pay for the same out of the funds of the district.

**Attempted combinations illegal—Duty of attorney general.**—Sec. 7. If at any time any publisher shall enter into any understanding, agreement or combination to control the prices or to restrict competition in the adoption or sale of school books, then the attorney general shall institute and prosecute legal proceedings for the forfeiture of the bond of said publisher and for the revocation of his license to sell school books in this state, and each and every contract made by said publisher under this article shall thereupon become null and void at the option of the other parties thereto.

**Samples to be placed on file with state superintendent.**—Sec. 8. Any publisher who shall sell or offer for sale or adoption in the state, school text books of any kind without first placing samples of the same on file with prices and obtaining a

license therefor from the state superintendent of public instruction, shall be guilty of a gross misdemeanor, and, upon conviction, shall be fined not less than five hundred dollars and not more than two thousand dollars.

**Superintendent to be a disinterested party—Penalty for violation.**—Sec. 9. If the state superintendent of public instruction, his assistant or any employee connected with his office or any member of any school board who shall accept or receive any money, gift or any property, or favor whatsoever, from any person, firm or corporation offering for sale any text books, or any agent thereof, or from any person in any way interested in the sale of text books, shall, upon conviction, be punished by a fine not exceeding five hundred (500) dollars or by imprisonment in the county jail for not more than six months, or by both such fine and imprisonment.

**Teachers, county and city superintendent to be disinterested persons—Penalty for violation.**—Sec. 10. Any teacher in the public schools of Minnesota, or any county or city superintendent of schools, or any member of any school board or board of education, or any person or persons connected with the public school system of Minnesota in any capacity, who shall in any way be interested in the profits, proceeds or sale of any school text books used in the schools of Minnesota under his charge, or with which he is connected in any official capacity, shall be liable to a fine of not less than fifty (\$50) dollars, nor more than two hundred (\$200) dollars, *provided* that this shall not apply nor have reference to royalties or profits received by a person from the sale of school books of which he is himself the author.

**Certain acts repealed.**—Sec. 11. Sections 1427 and 1428 of chapter 14 of the Revised Laws of Minnesota for 1905 are and the same are hereby repealed.

Sec. 12. This act shall take effect and be in force from and after August 1st, 1911.

Approved March 24, 1911.

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#### CHAPTER 44—H. F. No. 202.

*An Act to amend Section 3632 of Chapter 74 of the Revised Laws of 1905 relating to Judges of Probate.*

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

**Judge of probate to have office other than that with a practicing attorney.**—Section 1. That section 3632 of chapter 74 of the Revised Laws of 1905 be and the same is hereby amended to read as follows: