

torney of the proper county to prosecute therefor. The certificate of the * * * board showing any such delinquency shall be presumptive evidence of the facts therein stated and of the liability to such forfeiture.

SECTION 2. This act shall take effect upon passage and publication.

Approved May 12, 1925.

No. 277, S.]

[Published May 14, 1925.

CHAPTER 126.

AN ACT to authorize and direct the delivery of a certified check now held by the Highway Commission.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The state highway commission shall and is hereby authorized and directed to deliver to Hayes, Fountain and Hayes, of Janesville, Rock county, Wisconsin, a certain check certified by the First National Bank of Janesville, dated April 21, 1924, in the sum of ten thousand dollars payable to Hayes, Fountain & Hayes, and now held by the highway commission upon payment to the commission of a penalty in a sum to be determined by them, but not to exceed ten per cent of the face value of the certified check.

SECTION 2. This act shall take effect upon passage and publication.

Approved May 12, 1925.

No. 321, A.]

[Published May 14, 1925.

CHAPTER 127.

AN ACT to amend section 40.35 of the statutes, relating to the sale, prices and manner of supply of school textbooks, encyclopedias and other reference books and providing a penalty.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section 40.35 of the statutes is amended to read:
40.35 No person shall offer any school textbook *or any encyclopedias or other reference books sold either in sets or in series* for adoption, sale or exchange in the state of Wisconsin until he shall have complied with the following conditions:

(1) (a) He shall file copies of all textbooks *and also of all encyclopedias and other reference books sold in sets or in series*, proposed to be sold in the state of Wisconsin by the company manufacturing such book *or books*, in the office of the state superintendent of public instruction with a sworn statement of the list price, the lowest wholesale price, and the lowest exchange price at which said book *or books are sold in sets or series* is sold or exchanged for an old book *or books* on the same subject *and* of like grade and kind but of a different series in states of the United States including the state of Wisconsin.

(b) The state superintendent of public instruction shall annually on the first day of June publish a list of the new books filed during the school year and a list of all books heretofore filed, the prices of which have been legally charged by the publishers during the year, and send to the county and city superintendents a sufficient number of copies thereof to enable each county or city superintendent to supply the school clerks under his jurisdiction.

(c) School districts are hereby authorized to purchase textbooks from the publishers at the prices listed with the state superintendent of public instruction as hereinbefore provided and to sell said books to the pupils at said listed prices or at such prices as will include the cost of transportation and the cost of handling.

(2) He shall file with the state superintendent of public instruction a bond running to the people of the state of Wisconsin, with a responsible surety company authorized to do business in the state of Wisconsin as surety thereon, in a penal sum to be determined by the state superintendent of public instruction, of not less than two thousand dollars nor more than ten thousand dollars, conditioned as follows:

(a) That he will furnish any of the books *and also encyclopedias and other reference books sold either in sets or series* listed in said statement and in any other statement subsequently filed by him within five years, to any school district, to any school corporation and to any person or corporation in the state of Wiscon-

sin at the lowest price contained in said statement and that he will maintain said price uniformly throughout the state;

(b) That he will reduce such prices automatically in *the state of Wisconsin* whenever reductions are made elsewhere in the United States, so that at no time shall any *text book or any encyclopedias or other reference books sold either in sets or series* and so filed and listed by him be sold in the state of Wisconsin at a higher net price than is received for such book elsewhere in the United States;

(c) That all textbooks *and also all encyclopedias and other reference books sold in sets or series* offered for sale, adoption or exchange in the state of Wisconsin 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 other particulars that may affect the value of such
* * * books;

(d) In case he shall prepare an abridged or special edition of any of the books so listed by him, and shall sell such special edition elsewhere at a lower wholesale price than the wholesale price scheduled with the state superintendent, he shall file a copy of such special edition, together with the price therefor, as above stated, with the state superintendent of public instruction;

(e) He shall not enter into any understanding, agreement or combination to control the prices or to restrict competition in the sale of school textbooks *or of encyclopedias or other reference books sold in sets or series.*

(3) Such bond shall be approved by the attorney-general and shall continue in force for the period of five years after its filing, at or before the expiration of which period a new bond shall be given, or the right to continue business within the state shall be forfeited.

(4) It shall be the duty of all teachers and principals of schools in the several districts of this state, to notify the city or county superintendent of schools of the school district corporation in which they respectively reside, of any violation of any of the conditions contained in said bond that shall come to their knowledge, and it shall thereupon be the duty of such city or county superintendent of schools to investigate the alleged violation, and if he shall determine that there is good ground for believing that said conditions have actually been violated, he shall forth-

with report the matter to the state superintendent of public instruction, who shall thereupon notify the person guilty of such violation to comply with the conditions of his said bond and to make good any loss or injury that may have been occasioned by such violation within a reasonable time to be inserted in said notice. If the person so notified shall fail to comply with the requirements of the notice, the said superintendent of public instruction may thereupon suspend his right to sell school textbooks *and also encyclopedias and other reference books sold either in sets or in series* within the state of Wisconsin until he shall so comply. In case any person who has given the bond aforesaid shall refuse to comply with the provisions thereof, or shall violate the same the second time, the said superintendent of public instruction shall declare his bond forfeited and the attorney-general shall bring suit thereon in any court having jurisdiction thereof. In case judgment shall be rendered in favor of the state on such bond, judgment shall be entered and damages assessed for the penal amount thereof, and when paid, it shall be placed to the credit of the state school fund for the common schools of the state of Wisconsin. In case judgment is rendered against the principal in such bond, he shall be barred from further continuance of his business within the state of Wisconsin for a period of five years.

(5) No person shall secure or attempt to secure the sale of any school textbooks *or encyclopedias or other reference books sold either in sets or in series* in any school district in this state by rewarding or promising to reward any teacher in any school in the state or by securing for him any position in any other school. No person shall offer or give any emolument, money or other valuable thing, promise of work or any other inducement to any teacher or school officer in any school district for any vote or promise of vote or for the use of his influence for any school textbooks *or any encyclopedias or other reference books sold either in sets or in series* to be used in this state; provided, that nothing in this section shall be construed to prevent any person from giving, or any school officer or teacher from receiving a reasonable number of sample copies of school textbooks for examination with a view to obtaining information as to the book or series of books for which such officer shall give his vote.

(6) The word "person" as used in this section shall include firms, associations and corporations.

(7) Any person violating any of the provisions of this section shall, on conviction thereof, be punished by fine not exceeding five hundred dollars, or by imprisonment not exceeding three months, or by both such fine and imprisonment at the discretion of the court.

SECTION 2. This act shall take effect upon passage and publication.

Approved May 12, 1925.

No. 154, A.]

[Published May 14, 1925.

CHAPTER 128.

AN ACT to repeal section 39.28 and subsection (1) of section 39.30; to renumber subsections (2), (3) and (4) of section 39.30 to be subsections (1), (2) and (3) of section 39.30; to create a new section to be numbered section 39.28, and to amend sections 39.285, 39.29, 39.30 and 20.23 of the statutes, relating to the powers and duties of the state board of teachers' examiners and making an appropriation to the state superintendent of public instruction.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section 39.28 and subsection (1) of section 39.30 of the statutes are repealed.

SECTION 2. Subsections (2), (3) and (4) of section 39.30 are renumbered to be subsections (1), (2) and (3), respectively, of section 39.30.

SECTION 3. A new section is added to the statutes to be numbered and to read: 39.28 The state superintendent is authorized to conduct an examination annually for all applicants for state certificates at such places as he shall prescribe. He shall determine in what branches of study, in addition to those prescribed by law, the applicant for a limited and for an unlimited state certificate shall be examined, and shall prescribe the rules governing the manner of conducting such examination. He may appoint properly qualified persons to prepare questions for such