

A BILL

FOR AN ACT TO ESTABLISH A UNIFORM SYSTEM OF TEXT BOOKS FOR USE IN THE COMMON SCHOOLS OF THE STATE OF IOWA, AND TO REDUCE THE COST OF THE SAME; DEFINING THE DUTIES OF CERTAIN OFFICERS NAMED THEREIN, AND PROVIDING CERTAIN PENALTIES FOR A VIOLATION OF THE PROVISIONS THEREOF.

Be it enacted by the General Assembly of the State of Iowa:

SECTION 1. That the state educational board of examiners shall constitute a commission for the purpose of making a selection for use in the common schools of this state, of a series of school text books in the the following branches of study, namely:

Spelling, reading, arithmetic, geography, English grammar, physiology, history of the United States, and a graded series of writing books.

The speller to be equal in size and quality to Shoups spelling book; readers to standard readers; arithmetics to Greenleaf's; geographies to Harper's or Niles'; grammars to Harvey's; history to Swinton's; physiology to Steele's; copy books to Spencerian copy books.

SEC. 2. The said commission shall on the taking effect of this act, advertise in such newspapers as they may designate, for a period of six weeks, that at a time and place fixed in said notice, not later than six months after the first publication thereof, the commission will receive sealed proposals on the following:

First. From publishers of school text books for furnishing books to the school boards of district townships or independent districts in the state of Iowa for a period of five years; stating specifically in such bid, the price at which each book will be furnished and accompanying such bid with specimen copies of each and all of said books.

Second. From authors or owners of manuscript of books not published, and the price and terms for which they will sell the same and the copyright thereof. *Provided*, that all bids by publishers herein provided for, must be accompanied by bond in the sum of fifty thousand dollars, approved by the governor of this state, and conditioned that the bidder shall fulfill his contract to the satisfaction of the commission, and *provided* further, that no bid shall be considered unless accompanied by an affidavit of the publisher that he is not a party to any trust or syndicate, to prevent the benefits of competition.

And such commission shall have the right to reject any or all bids, or reject any bid as to a part of such books and to accept the same as to the residue thereof.

SEC. 3. It shall be the duty of such commission to meet at the time and place mentioned
2 in said notice, and open and examine all sealed proposals received in pursuance of the pub-
3 lished notice, and determine under which of said proposals the school books could be fur-
4 nished to the people of the state, at the lowest price, taking into consideration the size, qual-
5 ity, material and subject matter of such books.

SEC. 4. Said commission shall not contract with anyone for such books at prices in excess
2 of the following, including charges for carriage and delivery to the several county superin-
3 tendents of the state:

- 4 Spelling book, 15 cents.
- 5 First reader, 10 cents.
- 6 Second reader, 15 cents.
- 7 Third reader, 25 cents.
- 8 Fourth reader, 30 cents.
- 9 Fifth reader, 40 cents.
- 10 Arithmetic, Intermediate, 35 cents.
- 11 Arithmetic, Complete, 45 cents.
- 12 Geography, Elementary, 35 cents.
- 13 Geography, Complete, 80 cents.
- 14 Grammar, Elementary, 30 cents.
- 15 Grammar, Complete, 50 cents.
- 16 History of the United States, 65 cents.
- 17 Physiology, 50 cents.
- 18 Copy books, 6 cents each.

SEC. 5. If, on examination of such proposals, the commission should be of the opinion
2 that such books could be furnished cheaper by procuring and publishing manuscripts of any
3 or all of said books, it shall then be their duty to advertise for sealed proposals for the publi-
4 cation of said manuscripts and provide for the compensation of the owner and publisher of
5 said manuscript.

SEC. 6. It shall be the duty of all persons awarded contracts under this act to file with
2 each county superintendent in the state a specimen copy of the book or books to be fur-
3 nished, and if any contractor shall furnish any books inferior or different in quality from
4 such specimen copies, he shall forfeit his contract and be liable on his bond for any loss occa-
5 sioned thereby.

SEC. 7. It shall be an express stipulation in every contract made in pursuance of this
2 act, that the state of Iowa shall not be liable for any sum to any contractor hereunder, and
3 such contractors shall receive their compensation solely from the proceeds of sales as pro-
4 vided for in this act.

SEC. 8. As soon as such commission shall have entered into any contract for the furnishing of school books, it shall be the duty of the governor to issue his proclamation announcing such fact, and within thirty days thereafter and at such other times as may be necessary the school boards in the several districts shall certify to the county superintendent of their respective counties the number and kind of text-books required in their district. Such county superintendent shall forthwith make requisition for the books required upon the superintendent of public instruction, who shall immediately order said books from the contractor, and said contractor shall within ninety days ship the books so ordered directly to the several county superintendents. Upon receipt of such books such county superintendents shall immediately notify all secretaries of school boards to immediately take charge of books assigned to their several districts, and he shall take their several receipts therefor. On receipt of said books by such secretary of school board, he shall furnish them, on demand of the school patrons or school children of his district, at the contract price fixed by the commission; and said school officers shall have the power to sell said books for cash only, and if they should sell any books other than for the cash price they shall be liable personally and on their official bond therefor.

SEC. 9. Whenever, in the judgment of the board of directors of any school district, there are indigent children or children of indigent parents in their districts, such children may be furnished with such school text-books free of cost, and the board is authorized to draw on the contingent fund to pay for the same.

SEC. 10. Nothing in this act shall prevent the several school boards or the State commission from making arrangements for the sale or exchange or other distribution of such books as may be owned by the pupils at the time of the taking effect of this act.

SEC. 11. At the expiration of three months after the receipt of such books from the county superintendent, and every three months thereafter, it shall be the duty of each secretary of the school board receiving books under this act, to report under oath to the county superintendent the number of books sold, the amount of money received therefor, and shall pay over all moneys collected from such sales, and return all books unsold to said county superintendent, and in case of the failure of any secretary of such school board to make such reports, he shall be liable on his official bond for an accounting, and it shall be the duty of the county superintendent to institute suit for the recovery of such moneys in the name of the county.

SEC. 12. It shall be the duty of the several county superintendents within thirty days from the issuing of the proclamation by the governor to enter into a bond in a sum equal to one hundred dollars for each thousand inhabitants in their respective counties, as shown by last preceding census, said bond to be approved by the board of supervisors and conditioned in the honest and full accounting for all moneys and books which may come into their hands under the provisions of this act.

SEC. 13. Each county superintendent in this state, within ten days after the quarterly
2 reports hereinbefore provided for, shall make a full, detailed and verified report to the con-
3 tractor of all books sold in his county by the school officers thereof, accompanied by all cash
4 received by him for such books, and a duplicate of such report shall be filed in the office of
5 the county auditor. On the failure of such county superintendent to make such report and
6 transmit the cash as required by this section, a right of action shall accrue to the contractor
7 against such superintendent and the sureties on his bond for the recovery of moneys not ac-
8 counted for or transmitted, and any damages resulting, and said judgment may include a
9 reasonable attorney fee for the prosecution of such suit.

SEC. 14. If any school officer shall demand or secure for any book more than the contract
2 price for school books, he shall be deemed guilty of a misdemeanor, and on conviction thereof
3 shall be fined in any sum not more than a hundred dollars, or imprisoned in the county jail
4 not to exceed sixty days.

SEC. 15. Any school officer who shall fraudulently fail or refuse at the expiration of his
2 term of office, upon due notice, to pay over and deliver to the person by law entitled thereto,
3 all moneys or books which have come into his hands by the provisions hereof, shall be
4 deemed guilty of embezzlement and punished accordingly.

SEC. 16. The sum of one thousand dollars, out of the funds of the state treasury not
2 otherwise appropriated, is hereby appropriated for carrying out the provisions of this act.

SEC. 17. This act being deemed of immediate importance shall take effect on and after
2 its publication.