

A BILL

FOR AN ACT CREATING A BOARD OF SCHOOL TEXT-BOOK COMMISSIONERS TO ARRANGE, BY CONTRACT OR OTHERWISE, A WAY BY WHICH THE PEOPLE OF THE STATE OF IOWA CAN BUY, AT REASONABLE PRICES, A SUITABLE SERIES OF TEXT-BOOKS FOR USE IN THE COMMON SCHOOLS.

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

SECTION 1. That the executive council of the state of Iowa, together with the educational board of examiners, shall constitute a state board of commissioners for the purpose of making a selection or procuring the compilation for use in the common schools of the state of Iowa, of a series of text-books in the following branches of study, namely: Spelling, reading, arithmetic, geography, English grammar, physiology, history of the United States, word analysis, and a graded series of writing books. The matter contained in the readers shall consist of lessons commencing with the simplest expressions of the language and by a regular gradation, advancing to and including the highest styles of composition, both in poetry and prose. *Provided*, that none of said text-books shall contain anything of a partisan or sectarian character, and *provided further*, that the foregoing books shall be at least equal in size and quality as to matter, material, style of binding and mechanical construction to the text-books now in general use in the common schools in the state of Iowa.

SEC. 2. The said board of commissioners shall, within sixty days after the taking effect of this act, meet in the office of the superintendent of public instruction of the state of Iowa, the governor to send to each member a written notice of said meeting, giving to each ten days' notice. At said meeting they shall organize and prepare for business, and immediately thereafter they shall advertise for thirty consecutive days in two daily papers published in this state having the largest circulation, and in one newspaper of general circulation in the cities of New York, Philadelphia, Cincinnati, Chicago and St. Louis, that at a time and place to be fixed by said notice, and not later than six months after the first publication thereof, said board will receive sealed proposals on the following:

First—From publishers of school text-books for furnishing books to the county superintendents of the state of Iowa for use in the common schools of this state as provided in this act for a term of five years; stating specifically in such bid the price at which each book

13 will be furnished, and accompanying such bid with five specimen copies of each and all books
14 proposed to be furnished in such bid.

15 *Second*—From authors of school text-books who have manuscripts of books not published;
16 for prices at which they will sell their manuscripts, together with the copyright of such books,
17 for use in the public schools of the state of Iowa.

18 *Third*—From persons who are willing to undertake the compilation of a book or books or
19 a series of books, as provided for in section one (1) of this act; the price at which they are
20 willing to undertake such compilation of any or all of such books, to the acceptance and sat-
21 isfaction of the said board of commissioners. *Provided*, that any and all bids by publishers
22 herein provided for must be accompanied by a bond in the penal sum of fifty thousand dol-
23 lars with resident freehold security, to the acceptance and satisfaction of the governor of this
24 state, conditioned that if any contract be awarded to any bidder hereunder such bidder will
25 enter into a contract to perform the conditions of his bid to the acceptance and satisfaction
26 of said board; and *provided, further*, that no bid shall be considered unless the same be ac-
27 companied by the affidavit of the bidder that he is in no wise directly or indirectly connected
28 with any other publisher or firm who is now bidding for books submitted to such board, nor
29 has any pecuniary interest in any other publisher or firm bidding at the same time, and that
30 he is not a party to any compact, syndicate or other scheme, whereby the benefits of competi-
31 tion are denied to the people of this state; and be it *further provided*, that if any competent
32 author or authors shall compile any one or more books of the first order of excellence, and
33 shall offer the same as a free gift to the people of this state, together with the copyright of the
34 same and the right to manufacture and sell such works in the state of Iowa for use in the pub-
35 lic schools, it shall be the duty of such board of commissioners to pay no money for any manu-
36 script or copyright for such book or books on the subject treated of in the manuscript so do-
37 nated; and such board shall have the right to reject any and all bids, and at their option such
38 board shall have the right to reject any bid as to a part of such books and to accept the same
39 as to the residue thereof.

SEC. 3. It shall be the duty of such board of commissioners to meet at the time and place
2 mentioned in such notice and open and examine all sealed proposals received, pursuant to the
3 notice provided for in section 2 of this act; and it shall be the further duty of such board to
4 make a full, complete and thorough investigation of all such bids or proposals and to ascertain
5 under which of said propositions or proposals the school books could be furnished to the people
6 of the state of Iowa for use in the common schools at the lowest price, taking into considera-
7 tion the size and quality as to matter, material, style of binding and mechanical execution of
8 such books. *Provided always*, that such board shall not in any case contract with any author,
9 publisher or publishers for the furnishing of any book manuscript, copyright, or books which
10 shall be sold to patrons for use in the public schools of this state at a price above or in excess
11 of the following, which prices shall include all cost and charges for the transportation and de-

12 livery to the several county school superintendents in this state, or any railway station that
13 said county superintendent may name in his order as a convenient place for the delivery of said
14 books to the consumers, namely: For a spelling book, ten (10) cents; for a first reader, ten (10)
15 cents; for a second reader, fifteen (15) cents; for a third reader, twenty-five (25) cents; for a
16 fourth reader, thirty (30) cents; for a fifth reader, forty (40) cents; for an arithmetic, interme-
17 diate, thirty-five (35) cents; for an arithmetic, complete, forty-five (45) cents; for an arithmetic,
18 primary, fifteen (15) cents; for a geography, elementary, thirty (30) cents; for a geography,
19 complete, seventy-five (75) cents; for an English grammar, complete, forty (40) cents; for a
20 physiology, thirty-five (35) cents; for a history of the United States, fifty (50) cents; for copy
21 books, each five (5) cents.

22 The foregoing books, upon which prices are fixed, shall be at least equal in size and quality
23 as to matter contained therein, also material, style of binding, mechanical construction, and
24 equal in value to the following named books, viz: Appleton's, Swinton's or McGuffey's series
25 of readers, Ray's new or Robinson's arithmetic, Swinton's or Harvey's grammar, Eclectic
26 spelling book, Steele's or Cutter's physiologies; Swinton's or Eclectic geographies, Ridpath's
27 or Barnes' history.

SEC. 4. If upon the examination of such proposals it shall be the opinion of such board of
2 commissioners that such books can be furnished cheaper to the patrons for use in the com-
3 mon schools in the state by procuring and causing to be published the manuscript of any or
4 all of said books it shall be their duty to procure such manuscript and to advertise for sealed
5 proposals for publishing the same in like manner as hereinbefore provided and under the
6 same conditions and restrictions, and such contract may be let for the publication of all of
7 such books or for any one or more of such books separately, and it shall be the further duty
8 of such board of commissioners to provide in the contract for the publication of any such
9 manuscript for the payment by the publisher of the compensation agreed upon between such
10 board and the author or owner of any such manuscript for such manuscript together with
11 the cost or expense of copyrighting the same.

SEC. 5. It shall be part of the terms and conditions of every contract made in pursuance
2 of this act that the state of Iowa shall not be liable to any contractor hereunder for any sum
3 whatever; but that all such contractors shall receive their pay and compensation solely and
4 exclusively from the proceeds of the sale of the books as provided for in this act.

SEC. 6. As soon as such board shall have entered into any contract for the furnishing
2 of books for use in the public schools of this state pursuant to the provisions of this act, it
3 shall be the duty of the governor to issue his proclamation announcing such fact to the peo-
4 ple of the state.

SEC. 7. When such proclamation shall have been issued it shall be the duty of each
2 county superintendent to order, within thirty days, such books as have been contracted for
3 and in such quantities as are required within his respective county, and thereafter shall

4 order from time to time such books as are needed, and immediately notify the state super-
5 intendent of public instruction, who shall ship to said county superintendent the books
6 ordered. Should the state superintendent fail to have said books on hand, he shall order the
7 manufacturer or person furnishing the same to ship said books to the county superintend-
8 ent ordering them.

SEC. 8. The county superintendents of this state shall arrange in the different towns and
2 villages in their respective counties with some proper person to handle school books, who
3 shall be entitled to add to the cost of said school books, ten per cent to cover the shipping
4 charges and commission for handling the same. Any person buying these school books of the
5 county superintendent shall pay no more than the contract price as proclaimed by the gov-
6 ernor in his proclamation.

SEC. 9. The county superintendent shall be responsible to the state superintendent for
2 all books shipped to said county, and the state superintendent of public instruction shall be
3 liable to the state of Iowa for all books sold within the state, and each county superintend-
4 ent to be liable to the superintendent of public instruction for all books received upon his
5 order.

6 The county superintendents of the state of Iowa, and the superintendent of public in-
7 struction shall give such additional bonds as the executive council of the state of Iowa shall
8 direct, and it is hereby made the duty of the executive council to see that proper bonds are
9 given.

SEC. 10. The superintendent of public instruction shall pay over to the manufacturer or
2 the person furnishing said school books, every fifteen days, or semi-monthly all moneys col-
3 lected by him for school books sold within the state of Iowa, as the state board of commis-
4 sioners may direct. Said superintendent of public instruction shall on the first day of each
5 month make out a sworn statement as to the number of books sold, on hand, ordered and re-
6 ceived during the past month, said sworn statement shall also show the amount of money col-
7 lected, paid over and on hand, said sworn statement to be placed on file with the secretary
8 of state.

SEC. 11. If there are any indigent children in the state of Iowa who are unable to pursue
2 their studies in the common schools of the state by reason of an insufficient supply of suit-
3 able books it shall be the duty of the subdirector or secretary of an independent school dis-
4 trict after being apprised of such indigent children to notify the county superintendent of
5 his respective county, and said county superintendent shall make reasonable inquiry, and if
6 he find the facts to exist shall immediately order for said indigent children such books as
7 he deems necessary, and order them charged to the county and the county to pay for all
8 books so ordered.

SEC. 12. Any person charged with the sale of any school books under the provisions of

2 this act, who shall directly or indirectly demand or receive any money for any book or books
3 in excess of the contract price as hereinbefore provided shall be deemed guilty of a misde-
4 meanor and upon conviction thereof shall be fined in any sum not less than ten nor more
5 than one hundred dollars, to which may be added imprisonment in the county jail for a
6 term not exceeding sixty days.

SEC. 13. All necessary expenses incurred by said board of school book commissioners to
2 be paid by the state of Iowa, in such a manner as said commission may direct, providing no
3 claim be paid unless approved by the governor.

SEC. 14. A majority of said board shall constitute a quorum for the transaction of busi-
2 ness, all acts to receive the sanction of the governor, otherwise to be null and void.

SEC. 15. All acts or parts of acts conflicting with this act are hereby repealed.