

# A BILL

## FOR AN ACT PROVIDING FOR A UNIFORM SYSTEM OF SCHOOL TEXT BOOKS, AND ESTABLISHING A BOARD OF SCHOOL BOOK COMMISSIONERS.

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

SECTION 1. That Governor, with the approval of the Executive Council, shall on or before  
2 the first day of June A. D. 1886, appoint two competent electors of this State, who, together  
3 with the Superintendent of Public Instruction, shall constitute a State Board of School Book  
4 Commissioners. The persons so appointed shall hold their offices for one and two years  
5 respectively. The Governor shall in like manner, on or before the first day of June in each  
6 year thereafter appoint one Commissioner to serve for a period of two years and until his  
7 successor shall have been appointed and qualified. If a vacancy shall occur by resignation  
8 or otherwise the Governor shall in like manner fill such vacancy. Any Commissioner so  
9 appointed may be removed at any time in the discretion of the Governor and Council.

SEC. 2. It shall be the duty of said Commissioners to compile and prepare a series of  
2 text-books to be used in the common schools of the State, which include two spellers, four  
3 readers, three arithmetics, two grammars, two geographies, two histories, and such other  
4 school books as said Commissioners may determine upon. The manuscript of the said text-  
5 books shall be completed and ready for publication by the first day of January, A. D. 1887.  
6 In the preparation of the said manuscripts, the Commissioners are empowered to employ the  
7 assistance of as many competent and learned persons as may be deemed necessary, who  
8 shall receive such compensation as may be agreed upon by the Commissioners, and approved  
9 by the Executive Council.

SEC. 3. When said manuscripts are ready for publication, the Commissioners shall im-  
2 mediately notify the Executive Council thereof, who shall cause six weeks notice to be  
3 given in the Iowa State Register and Iowa State Leader, that sealed proposals will be re-  
4 ceived at the office of the Secretary of State for printing and publishing the said text-  
5 books for the term of ten years from the first day of January, A. D. 1887, at certain rates to  
6 be plainly stated in said proposals and in accordance with the provisions of this act.

SEC. 4. Each bidder shall deposit with the State Treasurer the sum of one thousand dol-  
2 lars before making his proposal, to be forfeited to the State in case he shall not make a con-  
3 tract according to his proposal if accepted, and according to the requirements of this act, and  
4 shall take a receipt therefor from said Treasurer and deposit the same with his proposal,

5 and upon entering into the contract herein provided, or upon the rejection of the proposal,  
6 the said sum shall be returned.

SEC. 5. The successful bidder shall enter into a contract that he will publish the said  
2 text-books of the quality, style and character in all respects and in the quantities as  
3 stated in his proposal, and within such time, as may be agreed upon, after the delivery of  
4 said manuscripts to him for publication; that he will stereotype the same and procure new  
5 stereotype plates whenever the original plates shall become defaced or destroyed; and the  
6 said contract shall fully provide for the carrying into effect of all the provisions of this act,  
7 and shall be made within thirty days after he is notified of the acceptance of his proposal.

SEC. 6. The successful bidder shall, at the time of making his contract, execute and file  
2 with the Treasurer of State a bond in the penal sum of twenty-five thousand dollars, con-  
3 ditioned to fulfill such contract in all particulars, with at least three sureties, residents of  
4 this State, to be approved by the Executive Council. If the successful bidder shall fail to  
5 complete his contract or shall forfeit the same from any cause, the Executive Council shall  
6 relet the contract as soon thereafter as practicable in the manner provided in this act.

SEC. 7. The contract of the successful bidder required by this act shall contain, among  
2 others, the following covenants on his part.

3 *First.* That he will not take out in his own name, or procure to be taken out in  
4 the name of any person other than the Secretary of State of this State, a copyright upon  
5 any volume of the said text-books published under said contract, and that upon any  
6 breach of this covenant he will pay to the Treasurer of this State the sum of ten thous-  
7 and dollars, liquidated damages.

8 *Second.* That in case it shall be determined in any action upon the bond of such con-  
9 tractor that he has failed in any respect to comply with the provisions of this act or his  
10 contract, the Executive Council may declare the contract forfeited; and that upon such  
11 forfeiture so declared, such contractor will, upon demand, transfer to the Secretary of  
12 State of this State, for the use of the State, the stereotyped plates of each volume of  
13 said text-books published under such contract, or in default thereof will pay to the  
14 Treasurer of this State two thousand dollars for each volume, as liquidated damages;  
15 for a failure to make such transfer, and such failure will be deemed a breach of the  
16 conditions of said bond, and such liquidated damages may be recovered by action on  
17 said bond.

SEC. 8. The copyright of all text-books prepared and published under the provisions of  
2 this act shall be property of the State.

SEC. 9. That said text-books so published shall be supplied to the State Board of Commis-  
2 sioners by the contractor, on their own requisitions, and in such quantities as they may  
3 designate therein; and the said Board shall certify to the Auditor of this State, quarterly,

4 the number and style of books received by them from the contractor during such quarter  
5 and the amount due him thereon, whereupon the State Auditor shall execute and deliver to  
6 the contractor a warrant on the State Treasurer therefor, in accordance with the terms of  
7 the contract.

SEC. 10. That the said Commissioners shall furnish to each county in the State, out of  
2 the supplies in their hands, the text-books required for use in the common schools therein,  
3 upon the requisition of the county superintendent thereof, whose duty it shall be to keep  
4 at all times, from and after the first day of June, A. D. 1887, in his office or in some suitable  
5 place within the county, to be provided by the county board of supervisors, a supply of the  
6 said text-books adequate to meet the demand of the common schools of his county, and to  
7 furnish the said text-books to all pupils applying therefor at cost, all books to be disposed  
8 of for cash only.

SEC. 11. The county superintendent shall keep a full and complete account of all books  
2 received and sold by him, and shall make semi-annual reports to the Superintendent of  
3 Public Instructions embracing such facts as may be designated and required by said Board.  
4 The county superintendent shall be responsible for all books, money and property coming  
5 into his hands by reason of this act. He shall execute a bond in the penal sum of five  
6 thousand dollars to be approved by the Board of Commissioners. And he shall on the first  
7 day of January and July of each year deposit in the State treasury all moneys received by  
8 him from the sale of books, take the Treasurers receipt therefor and file it with the Superin-  
9 tendant of Public Instruction. He shall have such additional compensation as the board  
10 of supervisors may allow for his extra services.

SEC. 12. That it shall be discretionary with the board of directors of any district town-  
2 ship or independent school district whether the school books so prepared by said Commis-  
3 sioners be used in the schools of such district township or independent district.

SEC. 13. The said Commissioners shall meet within twenty days after their appointment  
2 at the office of the Superintendent of Public Instruction and organize by the election of a  
3 President and Secretary. The Commissioners so appointed shall receive as their compensa-  
4 tion the sum of two thousand dollars per annum, the same to be paid as the salaries of  
5 other State officers. The said Board shall be provided, at the expense of the State, with  
6 necessary office furniture and stationery. It shall be the duty of the Secretary to keep a  
7 complete record of all the proceedings of said Board, and do such other work as he may be  
8 called upon to do, and shall receive as his full compensation the sum of fifteen hundred  
9 dollars per annum.

SEC. 14. The Commissioners shall, by the first day of December, 1885, and biennially  
2 thereafter, make a report in writing to the Governor, of the labors performed and transac-

3 tions had by them, and showing, as far as practicable, the operation and results of this act,  
4 to which they may add such suggestions as they deem proper and necessary.

SEC. 15. The Commissioners and Secretary shall each execute to the State a bond in the  
2 penal sum of ten thousand dollars, in accordance with the provisions of chapter 5, title V  
3 of the Code, which shall be approved by the Executive Council, and filed in the office of the  
4 Secretary of State.

SEC. 16. That for the purpose of carrying into effect the provisions of this act, and to  
2 provide a fund with which to pay the warrants drawn in favor of the contractor, there  
3 shall be appropriated the sum of one hundred thousand dollars as a revolving fund, which  
4 shall be known as the common school text-book fund.

SEC. 17. That all provisions of the statute in conflict with the provisions of this act, be  
2 and the same are hereby repealed.

SEC. 18. This act being deemed of immediate importance, shall take effect and be in  
2 force from and after its publication in the Iowa State Register and Iowa State Leader,  
3 newspapers published at Des Moines, Iowa.