

Law
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THE TEXT-BOOK LAW

OF

WEST VIRGINIA.

CHAPTER XXXVII, ACTS OF 1895.

“AN ACT providing for a series of text books to be used in the public schools of the State, providing for contracting for the same, establishing a school book board and defining its powers and duties, establishing depositaries for the sale of school books, providing for a penalty for any violation of this act, and repealing all other acts or parts of acts inconsistent with this act.”

[See note by the State Superintendent of Free Schools on second page of cover, and the Certificate of the Clerk of the House of Delegates and Keeper of the Rolls, appended at the end of this chapter.]

Printed for Distribution by the Department of
Free Schools.



CHARLESTON:

MOSES W. DONNALLY, PUBLIC PRINTER.

1895.

NOTE BY THE STATE SUPERINTENDENT.

To School Officers and others whom it may concern:

In accordance with section 65 of chapter 45 of the Code (the School Law), which provides that the State Superintendent "shall cause as many copies of this chapter and other school laws in force, with such forms, regulations and instructions as he may judge expedient thereto annexed, to be from time to time published," this pamphlet is printed and distributed to such persons as may be entitled to receive it. It contains the full text of the Text-Book Act as it was passed by the Legislature, February 22, 1895.

VIRGIL A. LEWIS,

State Superintendent of Free Schools.

THE SCHOOL BOOK LAW.

CHAPTER XXXVII.

ACTS OF 1895.

An Act providing for a series of text-books to be used in the public schools of the State, providing for contracting for the same, establishing a school book board and defining its powers and duties, establishing depositaries for the sale of school books, providing for a penalty for any violation of this act, and repealing all other acts or parts of acts inconsistent with this act.

Be it enacted by the Legislature of West Virginia:

1. That on and after the first day of July, 1896, the following text-books, and no others, except as hereinafter provided, shall be used in the primary and graded schools throughout the State, and the prices of said books shall be and remain the same as are named in this section.

Orthography.

	Contract Price.
* McGuffey's Revised Eclectic Spelling Book	10c. (ten cents.)

Reading.

	Contract Price.
McGuffey's Revised First Eclectic Reader	10c. (ten cents.)
McGuffey's Revised Second Eclectic Reader	18c. (eighteen cents.)
McGuffey's Revised Third Eclectic Reader	25c. (twenty-five cents.)
McGuffey's Revised Fourth Eclectic Reader	30c. (thirty cents.)
McGuffey's Revised Fifth Eclectic Reader	45c. (forty-five cents.)

Penmanship.

- Contract Price.
- Ginn & Co.'s Grammar Course, Nos. 1, 2, 3, 4,
5, 6 and 7, 32 pages to each number, Nos.
1 and 2 having two copies to each page... 5c. each (five cts.)
Ginn & Co.'s Tracing Books, Nos. 1, 2 and 3.. 4c. each (four cts.)

Mathematics.

- | | Contract Price. | Contract Ex-
change Price. |
|---------------------------------------|--------------------------|-------------------------------|
| Ray's New Primary
Arithmetic..... | 10c. (ten cents.) | |
| Brooks' New Mental
Arithmetic..... | 22c. (twenty-two cents.) | 15c. (fifteen cts.) |

Contract Price.

- Ray's New Practical Arithmetic..... 35c. (thirty-five cents.)
 Ray's New Higher Arithmetic..... 60c. (sixty cents.)
 Ray's New Elementary Algebra..... 60c. (sixty cents.)
 Ray's New Higher Algebra..... 75c. (seventy-five cents.)
 Evans' School Geometry for beginners,... 40c. (forty cents.)

English Grammar.

- | | Contract Price. | |
|---------------------------------------|---------------------------|--|
| Hyde's Language Lessons, Part I..... | 25c. (twenty-five cents.) | |
| Hyde's Language Lessons, Part II..... | 43c. (forty-three cents.) | |

Contract Price.

Contract Ex-
change Price.

- | | | |
|--|-----------------------------|-----------------------------|
| Advanced Lessons in English
(Hyde), for high schools..... | 36c. (thirty-six
cents) | 25c. (twenty-five
cents) |
| Harvey's Revised English Gram-
mar (Harvey), for high schools | 47c. (forty-seven
cents) | |

Physiology.

- | | Contract Price. | |
|---|---------------------------|--|
| Cutter's Beginner's Anatomy, Phys-
iology and Hygiene..... | 20c. (twenty cents.) | |
| Cutter's Intermediate Physiology and
Hygiene..... | 35c. (thirty-five cents.) | |
| Cutter's Comprehensive Physiology
and Hygiene..... | 60c. (sixty cents.) | |

History.

	Contract Price.	Contract Exchange Price.
General History—Myer's General History	\$1.10 (one dollar and ten cents.)	82c. (eighty-two cents.)
United States—Leading Facts of American History (Montgomery)	65c. (sixty-five cents.)	50c. (fifty cents.)
The Beginner's American History (Montgomery)	43c. (forty-three cents.)	35c. (thirty-five cents.)
State History—History and Government of West Virginia (Lewis)	80c. (eighty cents.)	

Geography.

	Contract Price.	Contract Exchange Price.
Mitchell's New Primary Geography	thirty-five cents per copy.	
Mitchell's New Intermediate Geography	eighty cents per copy.	
Knote's Geography of West Virginia	thirty cents per copy.	
Maury's Physical Geography	75c. (seventy-five cents.)	25c. (twenty-five cents.)
Butler's New Physical Geography	75c. (seventy-five cents.)	25c. (twenty-five cents.)

Single Entry Book-keeping.

	Contract Price.	Contract Exchange Price.
Meservey's Book-keeping	35c. (thirty-five cents.)	20c. (twenty cents.)
Meservey's Book-keeping Blanks (optional), per set	35c. (thirty-five cents.)	

Civil Government.

The American Citizen (Dole),	65c. (sixty-five cents.)	43c. (forty-three cents.)
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Provided, That "Dole's American Citizen" shall not be con-

tracted for under the provisions of this act, either as a work on civil government or as a reader, until the same has been changed so as to conform with the Senate resolution offered by Mr. Finley and adopted by the Senate on February 14th, 1895.

Maps.

Rand, McNally & Company's wall maps and school globes, 40 per cent. off retail price.

Miscellaneous.

	Contract Price.
Dictation Blanks, (O'Neill), Nos. 1, 2, and 3, each.....	4c. (four cents).
Globe Practical Spelling Tablet 36 pages.....	3c. (three cents).

Optional Studies in Schools of all Grades.

Object Drawing.

	Contract Price.
Jacob's and Brower's Elementary, Nos. 1, 2, 3, 4, per copy.....	8c. (eight cents).
Advanced, Nos. 5, 6, 7, per copy.....	11c. (eleven cents).
Teachers' Manual.....	30c. (thirty cents).

Music.

	Contract Price.
Cecilian Series of Study and Song, No. 1.....	25c (twenty-five cents.)
Cecilian Series of Study and Song, No. 2.....	35c (thirty-five cents.)
Cecilian Series of Study and Song, No. 3.....	50c (fifty cents.)
Cecilian Series of Study and Song, No. 4.....	50c (fifty cents.)

Supplementary Reading.

	Contract Price.
Nature Readers, Book I. (Wright).....	18c (eighteen cents.)
Nature Readers, Book II. (Wright).....	25c (twenty-five cents.)
Nature Readers, Book III. (Wright).....	38c (thirty-eight cents.)
Nature Readers, Book IV. (Wright).....	45c (forty-five cents.)

*Works of Reference.***Dictionaries.**

(1) Webster's Common School.....	50c (fifty cents.)
(2) Webster's Academic.....	\$1.00 (one dollar.)
(1) Worcester's New School.....	55c (fifty-five cents.)
(2) Worcester's Academic.....	\$1.00 (one dollar.)
Peter's Tellurian with Instruction Book	\$5.00 (five dollars.)

Provided. That no pupil or school shall be required by any board of education, teacher or trustee to use the supplementary reading books, dictation blanks, Cecilian Series of Study and Song, Peter's Tellurian with Instruction Book, Globe Practical Spelling Tablet, Rand, McNally & Co.'s wall maps, or object drawing, unless the parent or guardian of said pupil elect to do so, and no depositary shall be required to keep the same on hands for sale.

2. The State Superintendent of Schools shall, on or before the first day of September, one thousand eight hundred and ninety-five, contract with the several publishers for the text-books named in the preceding section, or that may be adopted under the provisions of this act, for supplying such books for use in the free schools of the State.

3. The text-books selected and prescribed under the provisions of this act shall be sold by said publishers to any board of education, depositary, teacher, pupil, parent or guardian or other person of this State at a price not exceeding the net contract price named in connection with and opposite each of said books in section one of this act. Such contract shall be made for a period of five years, beginning with the first day of July, eighteen hundred and ninety-six, and shall also provide that said publishers will supply such books in sufficient quantities and in quality of paper, typography and binding equal to the sample copies exhibited to the committees on education of the session of the Legislature of this State of 1895, and shall provide that said publishers shall deposit with said State Superintendent similar copies of said books, to be properly marked and safely kept by him. No revision of such books shall be introduced into the free schools of this state during the life of the contract, except that the publishers of said geographies may make such changes therein, but not so as to alter the arrangement thereof, as may be necessary to cause such books to conform to the facts of later explorations, the changes in form of government and political divisions, and the discoveries of science. Said contract shall also provide that said publishers shall print for the information of county superintendents, boards of education and for general circulation, a full schedule of the contract prices and exchange prices agreed upon, and furnish to each county superintendent so many copies of such schedule as may not be less than the aggregate number of school houses and places in the county where such

books are sold. Such contracts with the publishers of books not now used in the schools of this state, shall provide for furnishing such books at the exchange prices named opposite said books in section one (1) of this act; and that said publishers shall make no charge to boards of education or depositaries or other persons for the boxing or cartage of such books, but shall deliver the same free on board cars at the place of publication; and that the said publishers shall at the end of the life of any contract that may be made under the provisions of this act, take back all copies of their books that may be in the hands of said depositaries and in good condition, and refund the amount paid therefor; also that if any of said publishers shall hereafter furnish any of said books to any state, county, district or township, city or town, at less than the foregoing prices, then such decreased prices shall also be established as a part of any contract made under the provisions of this act.

4. The several publishers of the said described school books shall each, on or before the first day of September, one thousand eight hundred and ninety-five, execute and file with the State Superintendent of Schools, a bond to be approved by the Governor, in the penalty of ten thousand dollars, payable to the State of West Virginia, conditioned according to law for the faithful performance of the contract and agreement made in pursuance with this act. And upon a breach of any of the conditions of such bond, the State Superintendent shall, in the name of the State, institute suit thereon to recover for the same. All moneys so recovered, after the payment of the costs of such proceedings, shall be paid into the general school fund and be distributed with it as provided by law.

5. If any publishers of any of said text-books, or series of such books as are published in a series, shall fail or refuse on or before the first day of September, 1895, to agree and contract, and execute and file bond as hereinbefore required, it shall be the duty of the Governor to appoint three persons, citizens of this State, not more than two of whom shall be of the same political party, to be known as the State School Book Board, to solicit proposals from any publisher for the furnishing of such books not contracted for as may be required to complete the list of text-books for use in the free schools of the State; and from the books so offered, they shall select such as in their judgment are best adapted to be used in said schools, and to contract before the first day of July, 1896, for the furnishing of the same in conformity with the provisions of this act.

Provided, That said School Book Board shall not contract for any text-book at a price exceeding the price named in section one of this act for books on the same subject, but may, in their discretion, require publishers to exchange books so contracted for on a free or even exchange for those now in use.

The said State School Book Board shall each receive four dollars per day each day, not to exceed twenty-five days, they are necessarily employed in carrying out the provisions of this act, and actual necessary traveling expenses, to be paid by the auditor out

of the general fund, on the certificate and order of said State School Book Board. Any vacancy in said board shall be filled by the Governor.

6. At the first meeting after the 30th day of June, 1896, the board of education of every district in this state, shall appoint one or more depositaries in each district, and when practicable one or more depositaries at or near each postoffice, whereat shall be kept at all times a sufficient supply of text-books to supply the free schools of the neighborhood. Each depositary shall execute a bond in the penalty of double the value of the books which he will probably have on hand at any time, but in no event of a less penalty than two hundred dollars; which bond shall be approved by the board of education and filed with the secretary thereof.

7. Each depositary shall, on or before the first day of September following, unless the board of education shall name an earlier date, make out a list of the text-books, in sufficient quantity in his judgment, to supply the schools of his neighborhood for a period of six months, and from time to time thereafter each depositary shall make out additional lists of such books so that he may at all times have a sufficient supply on hand; such lists, when approved by the board of education, or the president thereof, shall be signed by him and the secretary thereof, and by the secretary forwarded to the address of the publishers of the books therein named.

8. It shall be the duty of said publishers promptly to forward the books therein named to such depositary, and to make out two invoices or bills therefor, one of which shall be forwarded to the depositary and the other to the secretary of the board of education. The board of education shall supply the secretary with a proper book in which to keep the accounts of all the depositaries in the district. On the receipt of each invoice the secretary shall charge the amount thereof against the depositary receiving the books therein named in said account book, and file or preserve the invoice or bill. If there be any error in such invoice or bill, the depositary receiving the same shall promptly notify the publisher making the same, and if such publisher fail to correct such error within ten days thereafter, such depositary shall notify the secretary of the board of education thereof, and the board of education shall investigate the same and take such action therein as may be proper and just. Each depositary shall pay to the sheriff of the county, at the end of each sixty days, or oftener if required, and whenever required by the board of education, the amount of money received by him from the sale of such text-books, since his last previous payment, less his commission, not exceeding twelve per cent. on the account of such sales.

The sheriff shall give duplicate receipts therefor to such depositary, wherein shall be stated the total amount of such sales and the amount paid by such depositary to the sheriff, one of which receipts shall be filed by such depositary with the secretary of the board of education; and upon receiving the same, said secretary shall credit the account of said depositary with the amount appear-

ing thereby to have been so paid by him, and the amount of said commission, by separate items; and said secretary shall charge against the account of the sheriff, which he is hereby required to keep, the amount paid by such depository to such sheriff, to be accounted for by the sheriff in his annual settlement with the board of education. The amounts received from the sales of such books, shall be credited to the building fund of the district. Each depository shall be allowed a commission not to exceed twelve per cent. on the amount of all sales made by him, out of which commission he shall be required to pay all charges for transportation.

9. The board of education of each district shall be liable in its corporate capacity for the whole amount of all such text-books furnished to the depositaries in the manner hereinbefore prescribed, and shall within sixty days from the date of any invoice or bill of text-books supplied by the publishers thereof to any depository in the district, in the manner prescribed in the preceding section, cause an order to be issued in favor of such publishers, payable out of the building fund of the district, and cause such order to be forwarded by mail to such publishers. On presentation of such order to him the sheriff shall pay the amount thereof to the party entitled to receive the same, if there be in his hands sufficient funds due the building fund of said district; but if the sheriff have not sufficient of such funds to pay the same, he shall endorse on the back thereof the words "Presented for payment," with the date of such presentation, and said order shall draw interest from that date. If the sheriff shall fail or refuse to pay such order when he has funds in his hands, or should by law have the same, with which to do so, he shall be liable as provided in section forty-six of chapter forty-five of the code.

10. The board of education shall pay the cost of such text-books out of the building fund of the district, and shall lay an annual levy for the same upon the taxable property of the district, in the manner and at the time that other levies are laid for said fund.

11. It shall be the duty of the State Superintendent of Schools to prepare and have printed a form of bond to be executed by the depositaries, blank order lists for books, which shall contain the names and titles and prices of all books contracted for under the provisions of this act, and the names and addresses of the publishers thereof, and also such other blanks, and also such instructions as in his judgment may be deemed necessary to cause the provisions of this act to be carried out in a proper manner. He shall furnish to each County Superintendent a sufficient supply thereof for his county.

12. It shall be the duty of the County Superintendent of every county, on or before the first day of July, eighteen hundred and ninety-six, to furnish to every publisher of text-books contracted with under the provisions of this act, the names and post-office addresses of all the presidents and secretaries of boards of education in his county; and he shall notify such publishers of any

changes in such names and addresses as soon as they shall come to his knowledge.

13. The board of education may remove any depositary in its district at any time, and appoint another in his stead; may require him to execute a new bond, or additional bond, whenever in their opinion they shall deem it necessary, and may cause to be made at any time an invoice of said text-books in the possession of any such depositary. It shall be the duty of every depositary, whenever the board of education shall so order, to turn over to his successor, or such other person as the said board may name, all such text-books in his possession.

14. Depositories shall receive from any resident of this State copies of the books that are or may be superseded by the provisions of this act, at the contract exchange prices, named in section one (1) of this act or as provided for under the provisions of section five (5) of this act, to be applied on payment of the prescribed books. Each depositary shall turn over all such old books to the board of education at such times as said board may direct, and shall be credited on his account with the value thereof. Said old books shall be held by the board of education subject to the orders of the publishers, for a period of not longer than three months.

15. If any teacher in a primary or graded school of the free school system of the State use or cause to be used in such primary or graded school, any text-books not herein authorized, then in any such case or instance, any publisher of a text-book which should have been used in the place of such unauthorized text-books may apply to the State Superintendent of Free Schools for an order signed by him, to be directed to such teacher requiring the use of such unauthorized class-book to be discontinued; which order it shall be the duty of the State Superintendent of Free Schools to give to such publisher upon his affidavit or that of his agent setting forth the name of the teacher, the location and character of the school, the title or the name of the unauthorized text-book, and stating that such teacher is using such unauthorized text-book in such school.

16. If the State Superintendent of Free Schools shall refuse to give to any publisher entitled thereto, such an order within fifteen days after application made therefor, such publisher shall, if the facts stated in the affidavit are true, be entitled to a mandamus from the Supreme Court of Appeals to compel the State Superintendent of Free Schools to give such order. In any proceedings in mandamus brought hereunder, it shall be the duty of the Attorney General to act as counsel for the State Superintendent of Free Schools, but such proceedings shall be at the cost of such publisher, and in no case shall costs be recovered against the State Superintendent or against any teacher.

17. If any teacher shall disobey any order issued by the State Superintendent of Free Schools under the provisions of section four of this act, such teacher shall forfeit ten dollars, and it shall be the duty of the board of education of the district where the

teacher is employed to retain that amount out of the salary of such teacher, which amount so forfeited shall be paid into the teachers' fund of such district.

18. Hyde's Lesson Books I. and II., and Hyde's Advanced Lessons in English, are hereby declared to be English grammars within the meaning of all the provisions of chapter forty-five of the code of West Virginia.

19. Any publisher, school officer, teacher or other person violating any of the provisions of this act, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be fined for each offense not less than ten dollars or more than fifty dollars.

20. Sections 58 and 58a of chapter 45 of the code of West Virginia, and all other acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

CLERK'S OFFICE, HOUSE OF DELEGATES, }
CHARLESTON, W. VA. }

I have compared the foregoing with the original act of the Legislature, entitled, "An act providing for a series of text-books to be used in the public schools of the State, providing for contracting for same, establishing a school book board and defining its powers and duties, establishing depositaries for the sale of school books, providing for a penalty for any violation of this act, and repealing all other acts or parts of acts inconsistent with this act," and hereby certify the same to be a true copy thereof and of the whole of said original act. And I further certify that the said original act was passed February 22, 1895, and became a law without the approval of the Governor, and takes effect after the expiration of ninety days after its passage.

All of which appear from the records on file in my office.

Given under my hand at the city of Charleston, the capital of the State, this the 12th day of April, 1895.

WM. M. O. DAWSON,

Clerk of the House of Delegates and keeper of the Rolls.

