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THE FREE TEXTBOOK MOVEMENT
IN NEW MEXICO

WAYMON A. STEPHENSON

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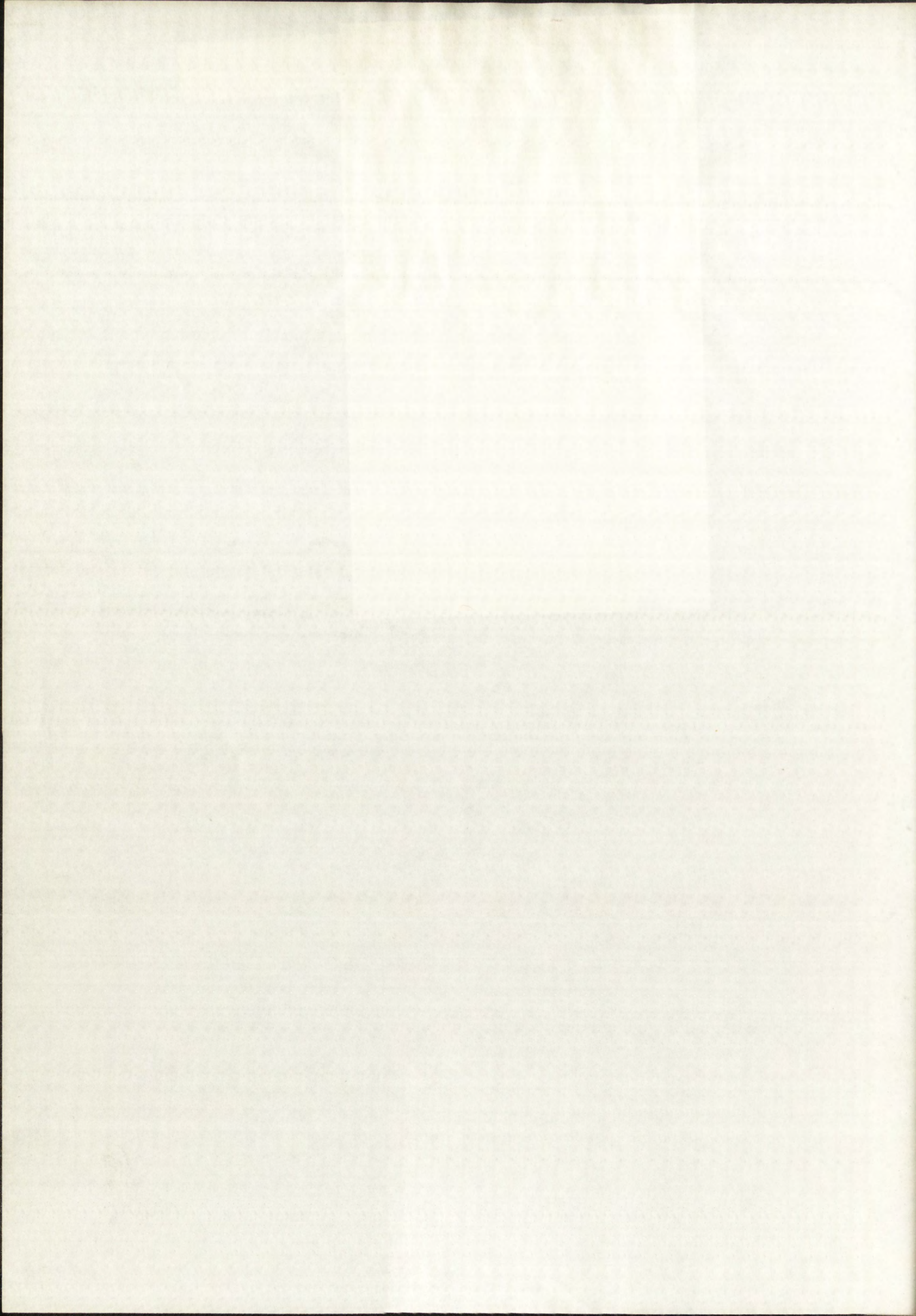
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THE FREE TEXTBOOK MOVEMENT IN NEW MEXICO

By

Waymon A. Stephenson

A Thesis

Submitted in Partial Fulfillment of the
Requirements for the Degree of
Master of Arts in Education

University of New Mexico

August 1938

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This thesis, directed and approved by the candidate's committee, has been accepted by the Graduate Committee of the University of New Mexico in partial fulfillment of the requirements for the degree of

MASTER OF ARTS

George P. Hammond
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May 23, 1939
DATE

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1939

UNIVERSITY OF NEW MEXICO



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CHAPTER I

THE PROBLEM AND DEFINITIONS OF TERMS

For many years there has been a movement among the states of the Union to furnish free textbooks to the pupils of the public schools. A few states have resorted to the practice of printing textbooks as a means of enabling every child to have full equipment and thus accomplish as much as possible while attending school. In some states studies have been made of the development of the free textbook movement in other states. New Mexico has not been so fortunate as to have had a study made of the movement it has had toward furnishing free textbooks to the pupils of its public schools.

I. THE PROBLEM

Statement of the problem. It is the purpose of this study: (1) to sketch the background of the general movement toward free textbooks in the various states of the United States; (2) to trace the movement toward free textbooks in New Mexico and to point out in particular the growth of the movement, the nature and source of opposition to the movement, the various agencies that sponsored such movement, the plans for raising revenue, methods of selections, and methods of distribution of free textbooks; (3) to compare methods and

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plans as developed in New Mexico with those of a few states that are leading in the movement to furnish free textbooks; and (4) to compare the practices of a few leading states that have had a number of years experience with problems of furnishing free textbooks, in order to discover suggestions that might lead to improvement in the service provided in New Mexico.

Importance of the study. The free textbook movement in the United States as a whole has received much attention and study in recent years and, in addition, there have been reviews of its progress within selected states. The purpose of the movement, whether general for a given state or restricted to one city, has been to furnish textbooks free of cost to the pupils attending the public schools, and at least one state has furnished texts to pupils in private schools. Studies have been made of the practices of the states in furnishing such books. A major portion of these has been concerned with the costs and results of the movement, rather than with the plans and the forces that have carried it through to fulfillment of purpose.

Since no history of the attainment of free textbooks in New Mexico has been written, and since New Mexico is raising more than two hundred thousand dollars annually to furnish textbooks to the pupils of the schools of the state,

plans as developed in New Mexico with those of the other states that are leading in the movement to furnish free textbooks and (4) to compare the practices of a few leading states that have had a number of years experience with problems of furnishing free textbooks, in order to discover suggestions that might lead to improvement in the service provided in New Mexico.

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in the United States as a whole has received much attention and study in recent years and, in addition, there have been reviews of its progress within selected states. The purpose of the movement, whether general for a given state or restricted to one city, has been to furnish free textbooks at cost to the pupils attending the public schools, and at least one state has furnished texts to pupils in private schools. Studies have been made of the progress of the states in furnishing such books. A major portion of these has been concerned with the costs and results of the movement, rather than with the plans and the forces that have carried it through to fulfillment of purpose. Since no history of the attainment of free textbooks in New Mexico has been written, and since New Mexico is retaining more than two hundred thousand dollars annually to furnish textbooks to the pupils of the schools of the state

it is deemed that a thesis of this nature is justified.

Review of related literature. Two well known and often quoted studies have been made relative to the costs, plans of adopting texts, and the growth of the free textbook movement in the United States as a whole.

Monahan¹ and Hood,² specialists of the United States Office of Education, have contributed excellent histories of the free textbook movement, pointed out the arguments for and against free books, the relative cost of textbooks and school maintenance, and have compiled data showing the status of the free textbook movement to the year 1923.

Monahan³ stated that it was a logical part of the demand for free education. The average per pupil (enrolled) cost for free textbooks was estimated at 78.3 cents, or two per cent of the entire maintenance. The average cost per pupil in Kansas (1909-1913) was fifty-eight cents; in Alabama (1910-1914), fifty-six cents; and in Arizona (1910-1913), one dollar fifty cents. The cost for installation of free

¹ A. C. Monahan, Free Textbooks and State Uniformity, (Bureau of Education Bulletin No. 36, 1915, Washington, D. C.: Bureau of Education), 67 pp.

² William R. Hood, Free Textbooks for Public-School Pupils. (Bureau of Education Bulletin No. 50, 1923, Washington, D. C.: Bureau of Education), 14 pp.

³ Monahan, op. cit., pp. 10-11.

textbooks in New York City was \$1.23 per pupil for elementary pupils and \$4.84 for high school pupils. The annual cost for replacements was sixty-five cents for elementary pupils and \$1.58 for high school pupils. Monahan further showed that in the majority of the states furnishing free textbooks, selections were made by town, city or county boards.

Hood used the study of Monahan as a basis and traced the growth of the free textbook movement to 1923. By the latter date nineteen states had laws making free textbooks mandatory for elementary pupils and in fourteen of these they were required by law for high school pupils also. At that time twenty-two other states permitted the furnishing of free textbooks to elementary pupils and nineteen of these permitted free textbooks for public secondary schools.

Melvin estimated the average cost per pupil for textbooks in the cities of the United States to be \$1.58.⁴ The per pupil cost in small cities was greater than the per pupil cost in large cities. The range was from \$1.17 per elementary pupil in cities over one hundred thousand, to \$2.87 per high school pupil in cities of ten thousand population.

⁴ Gordon A. Melvin, "Cost of Textbooks," School and Society, 36:581, November, 1932.

textbooks in New York
very pupils and \$4
cost for replacement
pupils and \$1.58 for
showed that in one
textbooks, selected
beards.
Good used the
the growth of the
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mandatory for ele
they were required
that time twenty-two
of free textbooks to
permitted free text
Melvin estimated
books in the cities
per pupil cost in small
pupil cost in large
elementary pupil in
\$3.87 per high school
lation.

Another study was made by a committee appointed by the Mississippi Education Association.⁵ This committee was appointed for the purpose of studying state printing of textbooks as practiced in the states of Kansas and California. The reports were adverse to state printing of textbooks, but recommended further study of the practices and results in states furnishing free textbooks.

Numerous articles on the topic of free textbooks have appeared in recent issues of the leading educational journals. One author's comments on state selection of textbooks was a scathing denunciation of the plan. He seemed more interested in the political implications of the problem, as the following extract indicated: "... promises of textbook savings, sometimes small and real but often impossibly large and therefore unreal, are dangled adroitly before the eyes of the voter."⁶

Wendell C. Nystrom, as quoted by Publishers' Weekly, arrived at the following conclusions:

The best textbooks are not available to Kansas as a result of the present policy. Only a few publishers will submit plates for lease and the production of manuscripts by local educators has not produced worthy books.

⁵ Editorial comment, "State Publication of Textbooks," The Elementary School Journal, 29:721-23, June, 1929.

P. A. Knowlton, "Politicians, Teachers, and School Books," Scribner's Magazine, 95:421-24, June, 1934.

Another study was made of the...
The following extract indicates...
The best textbooks are...
a result of the present...
will admit that for...
manuscripts by local...
books.

Wendell C. Wynton, as...
before the eyes of the voter...
possibly large and therefore...
textbook savings, sometimes...
as the following extract indicates...
more interested in the political...
books was a serious...
journal. One author's...
have appeared in recent issues...
Numerous articles on...
in states furnishing free...
it recommended further study...
The reports were...
books as practiced in the...
appointed for the purpose of...
the National Education Association...
Another study was made...

The price that children pay is not the true cost to the state. The complexity of bookkeeping does not reveal all the cost.

The evidence does not justify the conclusion that state printing should be completely discontinued.

The selection of textbooks should be made by a committee of educators engaged for that purpose.

The educational interest of the child should be considered at all times.

Textbooks should be furnished to all public schools, and a multiple selection for all high schools.⁷

Keesecker⁸ favored the free textbook program, pointing out the fact that a much larger per cent of high school graduates was entering college in recent years and concluding that a part of this group was materially assisted by free textbooks.

The procedure. In order to sketch the background of the free textbook movement in the United States as a whole, it was necessary to review the publications of the United States Office of Education and articles published in the leading periodicals. Abstracts for further reference were made from the materials pertinent to the subject.

⁷ Editorial comment, "State Made Textbooks in Kansas," Publishers' Weekly, 132:553-4, August 21, 1937.

⁸ Ward W. Keesecker, "Free Textbook Movement Grows in the United States," Publishers' Weekly, 122:2036, November 26, 1932.

In order to trace the various plans, impelling forces, and organization of the movement in New Mexico, abstracts from materials were made from the following sources: (1) The New Mexico School Review, the official organ of the New Mexico Education Association; (2) the leading daily newspapers of the State; (3) the biennial reports of the territorial and state superintendents of public instruction to the governor; (4) the minutes of the State Board of Education; (5) reports of the State Auditor; and (6) the Session Laws of the Territory and the State of New Mexico.

An analysis of the general material pertaining to the free textbook movement was made, followed by a detailed digest of the plans, proposed acts of the legislature, the laws passed by the legislature and the organization of forces to carry into effect the laws providing for the furnishing of free textbooks to the pupils attending the public schools of New Mexico.

II. DEFINITIONS OF TERMS USED

Free textbooks. The use of the term "free textbooks" is, unless otherwise specified, interpreted as textbooks furnished the pupils of the public schools of the state:

to the free textbook movement...
detailed digest of the...
law, the law passed by the...
of forces to carry into effect...
furnishing of free textbooks...
public schools of New Mexico...

II. DEFINITION

Free textbooks. The word...
is, unless otherwise specified...
furnished the pupils of the...

the cost being born by either the state, the county, or the local district.

State uniformity. "State uniformity" of textbooks is taken to mean that all the schools throughout the state are required to use the same basal texts. Individual schools, however, may be given the right to choose supplementary texts from the state's list of adopted supplementary textbooks.

Supplementary texts. A school system may desire to use certain texts occasionally during the school term or periodically throughout the year. The purpose of such text is to aid or supplement the basal text. Such texts are termed "supplementary texts."

Multiple lists. In some instances the state wished to allow some freedom to the individual schools in the choice of basal texts and in the supplementary texts. The state then adopted more than one basal text and many supplementary texts, from which the school authorities of any district, town, city, or county might choose books adapted to local conditions, whether or not the state furnished free textbooks. It is with this meaning that the term "multiple lists" is used.

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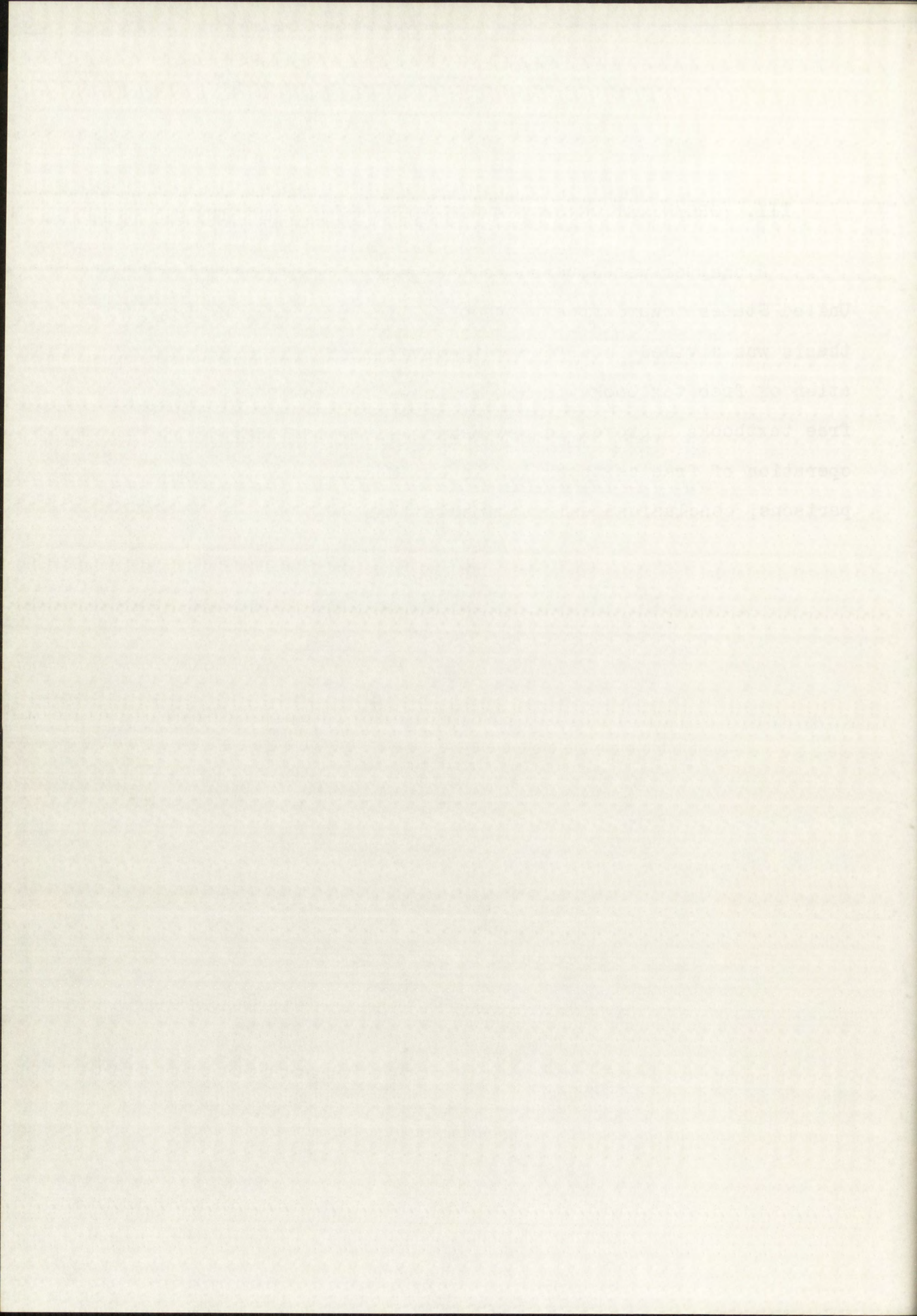
local

textbooks

lists" is

III. ORGANIZATION OF THE REMAINDER OF THE THESIS

A chapter was devoted to the general movement in the United States toward free textbooks. The remainder of the thesis was divided into four main divisions: (1) consideration of free textbooks in New Mexico--1897 to 1926; (2) free textbooks approved in New Mexico--1927 to 1932; (3) operation of free textbook law in New Mexico; and (4) comparisons, conclusions and recommendations.



CHAPTER II

THE GROWTH OF THE FREE TEXTBOOK MOVEMENT IN THE UNITED STATES

It is helpful to study the free textbook movement in the State of New Mexico in the light of the development of the movement in the United States.

I. EARLY DEVELOPMENT OF THE FREE TEXTBOOK MOVEMENT

While practically all the available literature on the subject has been written since 1915, the practice of furnishing free textbooks to school pupils was begun as early as 1818 in the city of Philadelphia.⁹ The larger cities in New York, New Jersey, and Massachusetts soon followed. Some of the causes¹⁰ for adopting the plan were: (1) pupils often came to school with no books at all, or brought any book that the family possessed; (2) in large classes uniformity in the class room was a great advantage to the teacher; and (3) due to other bills payable at the beginning of the school term, parents often neglected early purchase of textbooks.

⁹ A. C. Monahan, Free Textbooks and State Uniformity, (Bureau of Education Bulletin No. 36, 1915, Washington, D. C.: Bureau of Education, 1915), 67 pp.

¹⁰ E. P. Cubberley, State School Administration, (Boston: Houghton Mifflin Company, 1927), pp. 562-568.

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of textbooks.

⁹ A. C. Monahan,

(Bureau of Education)

D. C.: Bureau of Education

¹⁰ E. P. Cupperley,

(Boston: Houghton Mifflin)

After sixteen cities within the state had adopted the plan of free textbooks, Massachusetts passed a law in 1884 making free textbooks mandatory in all its public schools. Since the movement began in the cities in the eastern and northeastern section of the United States, and since these cities were accustomed to local control of all school policies, it was a natural consequence that the early states in the movement did not favor the idea of state uniformity. Local town and city pride demanded that each be allowed to choose texts to suit the local conditions.

II. LATER GROWTH OF THE FREE TEXTBOOK MOVEMENT

By 1913, according to Hood,¹¹ there were fifteen states in which free textbooks for public elementary schools were mandatory and in eleven of these they were mandatory for public secondary schools. In 1923, free textbooks were required by law for elementary schools in nineteen states and in fourteen of these the law included secondary schools also. At that time twenty-two other states permitted the furnishing of free textbooks to elementary schools and nineteen of these permitted free textbooks for public secondary

¹¹ William R. Hood, Free Textbooks For Public-School Pupils (Bureau of Education Bulletin No. 50, 1923, Washington, D. C.: Bureau of Education, 1923), 14 pp.

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11 William B. Wood, Jr.
Public (Bureau of Education)
Washington, D. C. Bureau of

schools. Later (1932), Keesecker claimed that free textbooks were required by law in twenty-three states and in the District of Columbia, while it was permissive in twenty-two other states.

An editorial in School and Society¹³ pointed out that the State of Louisiana furnished free textbooks to both public and private schools.

Arguments for and against free textbooks. Since only twenty-three states had made free textbooks mandatory by 1932, it can be seen that the movement has been very slow. The principal arguments for and against free textbooks as outlined by Monahan and Hood, were well summarized by Cubberley who gave as the chief arguments against free textbooks the following:¹⁴ (1) that pupils were deprived of books during vacation; (2) that retention of books as a part of the home library was no longer possible; (3) that danger of the spread of disease was inherent in the plan; (4) that pupils do not take care of public property; (5)

¹² Ward W. Keesecker, "Free Textbook Movement Grows in the United States," Publishers' Weekly, 122:2036, November 26, 1932.

¹³ Editorial comment, "The Supreme Court on Free Textbooks," School and Society, 1:637, May 10, 1930.

¹⁴ Cubberley, op. cit., p. 571.

that the sense of ownership was lost; (6) that the cost of free textbooks increased taxes, and hence awakened opposition; (7) that custodial care of free books imposed an unprofessional duty on teachers, and hence interfered with instruction; and (8) that the free plan tended toward state socialism and encouraged the public to lean more and more on the government.

The arguments for free textbooks were that: (1) the provision of free textbooks was in line with the provision of free schools, free fuel, and free supplies; (2) free textbooks and compulsory attendance naturally went together; (3) the common delay in starting a new term because parents failed to provide school books promptly was eliminated; (4) the unpleasant dealing with indigent parents and children was avoided; (5) the trouble with the public over cost of school books was no longer in evidence; (6) the demand for uniform textbooks disappeared with the coming of free books; and (7) under the plan of free books, the unit of school supervision could supply such texts as it deemed best for its instructional needs.

Knowlton,¹⁵ in a recent article, denounced the whole system of free textbooks and that of state uniformity. He

¹⁵ A. P. Knowlton, "Politicians, Teachers, and School Books," Scribner's Magazine, 95:421-24, June, 1934.

that the sense of ownership was lost; (2) that the cost of free textbooks increased taxes, and hence weakened opposition; (3) that the cost of free books imposed an additional duty on teachers, and hence interfered with instruction; and (4) that the free plan tended toward socialism and encouraged the public to lean more and more on the government.

The arguments for free textbooks were that: (1) the provision of free textbooks was in line with the provision of free schools, free fuel, and free supplies; (2) free textbooks and necessary materials are actually worth together; (3) the common delay in starting a new term because parents failed to provide school books promptly was eliminated; (4) the unpleasant dealing with indigent parents and children was avoided; (5) the trouble with the public over cost of school books was no longer in evidence; (6) the demand for uniform textbooks disappeared with the coming of free books; and (7) under the plan of free books, the work of school supervision could apply much easier as it seemed best for the instructional needs.

Knowledge, in a recent article, denounced the whole system of free textbooks and that of state uniformity. He

did not find fault with the inherent idea of free textbooks; but felt that, generally, the public was more interested in buildings, grounds, architecture, and design; that the school book was a football of politics in which it was used as an offering to a false god of economy; that authors refrain from frankness, due to propagandists and minorities; and that legislators and school men shrugged their shoulders at additions to the curricula in order to stay in office.

Further, it was pointed out that even though school book costs were less than two per cent of the school maintenance, the best books were never adopted. Politicians have continually implied by the amount of promised "savings" that the cost of textbooks is enormous. The erroneous idea of the costs of textbooks has thus contributed to the retardation of the growth of the free textbook movement.

III. EARLY ORGANIZATION OF CONTROL

Since the idea of free textbooks was local in its inception and in its early stages of development, it was a natural consequence that local school authorities made the selections of textbooks adopted, bought and distributed. However, as state or county uniformity on selection of texts usually had preceded free textbooks in the Western and Southern states, with the state, county, or local boards as

the adopting body,¹⁶ these boards as a rule, continued as a body for selecting free textbooks.

In 1923, according to Hood,¹⁷ of the forty-two states and the District of Columbia furnishing free textbooks, the adopting body was the state board in thirteen states, the county board in six states, and the local board or local board in conjunction with the county board in twenty-three states.

The record of states furnishing free textbooks in 1923, their sources of revenue, unit of control, and selection are shown in Table I on page 13. The states allowing dual or multiple control in selection or control are indicated by an X placed under all headings so concerned. For example, the State of Georgia permitted either the county or the district to levy for the purchase of free books. Accordingly an X is placed in the column heading "sources of revenue, local," and also under the column heading "sources of revenue, county."

As shown in the table, there were nineteen states that had laws making free textbooks mandatory for elementary public schools. The state boards selected the textbooks in eight of these states: Arizona, California, Delaware,

¹⁶ Cubberley, op. cit., pp. 567-69

¹⁷ Hood, op. cit., pp. 10-11

TABLE I

COMPARATIVE PLANS OF ORGANIZATION OF CONTROL IN STATES
THAT FURNISH FREE TEXTBOOKS*

State	Mandatory	Permissive	Applicable		Source of revenue			Selected by	
			H.S.	Elem	State	Co.	Local	State	Co. Local
Alabama		X	X	X		X		X	
Arizona	X			X	X			X	
Arkansas		X		X			X		X
California	X			X	X			X	
California	X		X				X		X
Colorado		X	X	X			X		X
Connecticut		X	X	X			X		X
Delaware	X		X	X	X			X	
Dist. Col.	X			X	X			X	
Florida		X	X	X		X			X
Georgia		X	X	X		X	X	X	X
Idaho		X	X	X			X	X	
Illinois		X	X	X			X		X
Iowa		X	X	X	X		X		X
Kansas		X	X	X			X		X
Maine	X		X	X			X		X
Maryland	X		X	X	X	X		X	
Mass.	X		X	X			X		X
Michigan		X	X	X			X		X
Minnesota		X	X	X			X		X
Mississippi		X	X	X		X		X	
Missouri		X	X	X	X		X	X	
Montana	X		X	X			X	X	
Nebraska	X		X	X			X		X
Nevada	X		X	X		X		X	
New Hamp.	X		X	X			X		X
New Jersey	X		X	X			X		X
New York		X	X	X			X		X
North Car.		X	X	X		X	X	X	
North Dak.		X	X	X			X		X
Ohio		X	X	X			X		X
Oklahoma	X			X	X			X	
Penn.	X		X	X			X		X
Rhode Is.	X		X	X			X		X
South Dak.	X		X	X			X		X
Texas	X		X	X	X			X	
Utah	X			X			X	X	
Vermont		X	X				X		X
Vermont	X			X			X		X
Virginia		X	X	X			X	X	
Washington		X	X	X			X	X	
West Va.		X	X	X			X	X	
Wisconsin		X	X	X			X		X
Wyoming	X		X	X			X		X

*After Hood.

Montana, Nevada, Oklahoma, Texas, and Utah. The local boards made the selections in nine states: Maine, Massachusetts, Nebraska, New Hampshire, New Jersey, Pennsylvania, Rhode Island, Vermont, and Wyoming; while in two states: Maryland and South Dakota, selections were made by the county boards.

Methods of distribution. Where state uniformity was practiced, it was the general rule that distribution was made from a state central depository.¹⁸ This rule was practiced whether free textbooks were furnished or not. Publishers were required to have copies of all the state adopted texts on hand at the state depository at all times. Requisitions were made by the county superintendents for counties and by the city superintendents for town or city schools. The respective school boards were made custodians of the books in the counties or districts.

The state of California¹⁹ differed slightly in this respect in that the state printed its elementary texts, the state depository for basic elementary texts being under the direction of the state printing board and the superintendent of public instruction. As the district high schools were

¹⁸ Cubberley, op. cit., p. 567.

¹⁹ California Laws, Session Laws of 1913. Article X, Section 7 (Sacramento, California: State Printing Press, 1913), pp. 49-50.

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¹⁸ Cooperley, *op. cit.*, p. 287.
¹⁹ California Laws, Session Laws of 1913, Article X, Section 7 (San Francisco, California: State Printing Press, 1913), pp. 42-50.

local in control of adoption and purchase of high school textbooks, there was no central depository for these texts.

The State of Texas²⁰ followed the general rule in handling textbook distribution. Rural districts were directed to request textbook allotments from county superintendents not later than the first week in April of each year. City and county superintendents were required to send requisitions to the state superintendent not later than the twenty-fifth of April in each year. The state department ordered texts from the central depository sent direct to the city and county superintendents who distributed the same to their respective boards of education.

Sources of revenue. Of the nineteen states²¹ that had mandatory laws to furnish free textbooks to the elementary public schools in 1923, five states (Arizona, California, Delaware, Oklahoma, and Texas) expended funds from the state current school funds. There were twelve states that made purchases through the use of school funds of the districts: Maine, Massachusetts, Montana, Nebraska, New Hampshire, New Jersey, Pennsylvania, Rhode Island, South Dakota,

²⁰ L. A. Woods, Textbooks in Texas (State Department of Education Bulletin, No. 350, 1935, Austin, Texas: Department of Education, 1935), pp. 34-38.

²¹ Hood, op. cit., pp. 10-12.

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20 E. A. Woods, Textbooks in Texas (State Depart-
ment of Education Bulletin, No. 250, 1933, Austin, Texas;
Department of Education, 1933), pp. 24-25.

21 Woods, op. cit., pp. 10-12.

Utah, Vermont and Wyoming.

In Texas,²² the money needed to supply textbooks was raised by an advalorem tax of seven cents per one hundred dollars valuation of property plus the proceeds of the collection of fines and the sale of books.

California²³ printed the elementary basic texts and permitted local districts to buy supplementary texts and the high school textbooks. Districts were restricted to an expenditure of not more than forty per cent of the local school funds for other purposes than teachers' salaries.

Missouri, which had laws that permitted free textbooks, raised part of the funds by a tax on "foreign" insurance, the remainder of the costs of textbooks being paid by levies on the local school districts.

IV. SUMMARY

The growth of the free textbook movement in the United States can be summarized in the following general statements: (1) the movement toward free textbooks in the United States was retarded because politicians used textbooks as a "political football"; (2) in the states where the law was not mandatory and the expenditures were local,

²² Woods, op. cit., pp. 19-20

²³ California Laws, op. cit., pp. 59.

the number of books furnished was negligible; (3) the organization and control, as a general rule, was vested in the state department which adopted multiple lists of supplementary books; (4) the state depository usually made shipments direct to city and county superintendents on requisitions approved by the state superintendent; and (5) the majority of the states with mandatory laws for free textbooks secured funds by levies on the local districts.

the number of horses owned was recorded in the
 taxation and control, as a general rule, was vested in the
 state department with respect to the issue of registration
 tags. (4) The state department usually made application
 direct to city and county registrars or registrars
 approved by the state government; and (5) the majority
 of the states with motor vehicle laws for the first time
 funds by levies on the local districts.

CHAPTER III

CONSIDERATION OF FREE TEXTBOOKS

IN NEW MEXICO--1897 to 1926

New Mexico, one of the youngest states in the Union, had a free textbook law during her territorial days yet it took her thirty years to make a serious attempt to make the free textbook law mandatory for all public elementary schools in the state. In 1897, the Territorial Board of Education was vested with power to adopt school textbooks in grades one to eight and with power to contract with publishers of adopted texts for a term of four years.²⁴ Four years later, the Territorial Superintendent of Public Instruction showed a great deal of enthusiasm concerning the improvement of instructions and attendance in the schools of the territory.

In the biennial report to the governor in 1901, Jose Francisco Chavez, Superintendent of Public Instruction of the Territory of New Mexico, made a recommendation that free textbooks be furnished to the pupils of the public schools. He stated in part:

. . . but in many localities, particularly in rural districts, even the small cost of these necessary books amounts practically to prohibition. I am therefore constrained to urge the wisdom of a territorial policy that

²⁴ New Mexico Laws, Session Laws of 1897 (Santa Fe, New Mexico: J. S. Duncan, Public Printer, 1897), Chapter 97, Section 9, p. 229.

shall supply all textbooks free of cost to the people. We fail to discern why the cost of school books should not be as legitimate a charge upon the public funds, as the providing of school houses, teachers, fuel, light, etc. This plan is in vogue in many states, and in some states where it is not in force many of the cities and districts provide free textbooks. Among the states having laws in this line are Maine, Maryland, Delaware, Idaho, New Jersey, New Hampshire, Rhode Island and others; and in Illinois, every rural school is supplied by the state with a rather complete library. Thus, taking into consideration the advanced position other commonwealths have voluntarily assumed on this subject it would seem but just that New Mexico now take another forward step in her educational history. Nor will it be prudent to require simply that the school districts be authorized to place an additional tax upon themselves to defray the cost of these free textbooks. That would still be, although indirectly, placing the burden upon those least able to bear it. All the present revenue, of whatever description, even to the straight three mill levy on all territorial property, should be left intact so far as this additional expenditure is concerned, and the necessary funds for supplying textbooks, in the opinion of the Superintendent of Public Instruction, should be provided by a new and direct appropriation made by the general assembly for this specific purpose.²⁵

This recommendation was repeated in each report to and including the year 1907. It would have been of interest to know whether organizations other than the Department of Education assisted in agitation for the free textbook movement during the latter days of New Mexico as a territory. However, a search of the available material failed to disclose any such agitation, at that time, by other organiza-

²⁵ J. Francisco Chavez, "Free Textbooks," Eleventh Annual Report of the Superintendent of Public Instruction to the Governor (Santa Fe, New Mexico: New Mexico Printing Company, 1901), pp. 47-48.

that supply all textbooks free of cost to the people. It is to be noted that the cost of school books should not be an important consideration in the public mind, as the providing of school houses, teachers, fuel, light, etc., this also is a very heavy burden, and in some cases where it is not in force many of the cities and districts provide free textbooks. Among the states having laws in this line are Maine, Maryland, Delaware, Idaho, New Jersey, New Hampshire, Rhode Island and others; and in Illinois, every rural school is supplied by the state with a teacher supplied library. Thus, taking into consideration the advanced position which some of these states have voluntarily assumed on this subject it would seem but just that New Mexico now take another forward step in her educational history. Not will it be prudent to require simply that the school districts be authorized to place an additional tax upon themselves to defray the cost of these free textbooks. That would still be, although indirectly, placing the burden upon those least able to bear it. All the present revenue, or whatever description, even to the extent of three mill levy on all territorial property, should be left intact as far as this additional expenditure is concerned, and the necessary funds for supplying textbooks, in the opinion of the Superintendent of Public Instruction, should be provided by a new and direct appropriation made by the general assembly for this specific purpose.

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22 J. Francisco Chavez, "Free Textbooks," Annual Report of the Superintendent of Public Instruction to the Governor (Santa Fe, New Mexico: New Mexico Printing Company, 1901), pp. 47-48.

tions.

The legislature did, however, include a paragraph in the compulsory attendance law of 1903 that permitted the school board of any town, district, or city, to purchase books for indigent children. The law is quoted in part:

. . . provided that if such parent or guardian be not able, by reason of poverty, to buy books for any such child, it shall be the duty of the school board of any town, district, or city, upon the facts being shown to the majority thereof, to purchase and loan books to . . . such child. The books . . . shall remain the property of the district, and . . . shall be placed in the custody of the district clerk at the end of the school term.

. . . not to expend over \$50.00 in one county in any one year, . . . the county superintendent and the general supervisor to see that the law is enforced. . . . duty of the district judge to give special charge to the grand jury . . . the duty of the district attorney to heed the prosecution of violations.²⁶

There was very little interest in the fund for indigent children, if one may judge by the paucity of news items that concerned it in the leading newspapers of the State, or in the New Mexico Educational Journal. The Department of Education did take interest in the condition of rural school libraries and in 1909 the Territorial Superintendent of Public Instruction appointed Mrs. Julia Brown Asplund to make a survey of the school library situation in New Mexico.

²⁶ New Mexico Laws, Session Laws of 1903 (Santa Fe, New Mexico: New Mexico Printing Company, 1903), Chapter 39, pp. 60-61.

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88 New Mexico Laws, Session Laws of 1903 (1904), p. 10.

New Mexico: New Mexico Printing Company, 1907. Chapter

59, pp. 80-81.

The report²⁷ was to the effect that libraries were found largely in the town schools, that in rural districts, many teachers loaned their own books to school pupils, and the extreme poverty of many rural districts rendered the buying of books for libraries impossible. Further, in this report it was recommended that the legislature offer some plan of aid and supervision for school libraries.

During the next four or five years the idea of free textbooks seemed to have been diverted and the trend was toward furnishing free libraries to rural schools. Rupert F. Asplund,²⁸ managing editor of the New Mexico Education Journal, fostered the "Pupils' Circulating Library," with the ultimate aim of state aid, which was, as he stated, following the lead of other states. The Territorial Superintendent of Public Instruction²⁹ compiled a list of approved books to be recommended to the rural schools for purchase.

The plan³⁰ of "traveling libraries for schools" was inaugurated during the school year 1910-1911. These libraries

²⁷ Julia Brown Asplund, "School Libraries," New Mexico Education Journal, 5:15-16, September 15, 1909.

²⁸ Editorial comment, New Mexico Education Journal, 6:1-4, February 15, 1910.

²⁹ "School Libraries," New Mexico Education Journal, 6:12, February 15, 1910.

³⁰ Editorial comment, New Mexico Education Journal, 7:6, March 15, 1911.

The report²⁷ was to the effect that libraries were found largely in the town schools, that in rural districts, many teachers learned their own books to school pupils, and the extreme poverty of many rural districts retarded the buying of books for libraries. Further, in this report it was recommended that the federal government plan of aid and supervision for school libraries, during the next four or five years the class of these textbooks seemed to have been diverted and the trend was toward furnishing the libraries to rural schools. Report of the Assistant Secretary of the New Mexico Education Journal, "Rural School Libraries," with the ultimate aim of state aid, which was, as he stated, following the lead of other states. The Educational Superintendent of Public Instruction²⁸ compiled a list of approved books to be recommended to the rural schools for purchase. The plan³⁰ of "traveling libraries for schools" was inaugurated during the school year 1910-1911. These libraries

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contained approximately thirty books each and were sent to schools with only freight charges to be paid.

The number of traveling libraries was insufficient to supply the demand as indicated by the resolutions of the New Mexico Education Association in November, 1918. The resolutions contained a paragraph³¹ recommending free traveling libraries for schools.

The indigent fund for the purchase of books seemed a thing taboo: self respecting communities and self respecting counties frowned upon its use. A report of the county superintendent of Lincoln County in 1915 well represented the distaste for its use. The report is quoted in part:

.
The bigger fact remains that during the past school year the County has not been called upon in a single instance to contribute to any family in order that their children might attend school.

In other words, no books for indigent children have been bought by the County.³²

The report of the county superintendent of Mora County³³ indicated the same attitude in that the expenditure for books for indigent children for the school year

³¹ "Resolutions of the New Mexico Education Association," New Mexico Education Journal, 8:10, January 15, 1912.

³² News item in the Albuquerque Morning Journal, July 11, 1915.

³³ News item in the Albuquerque Morning Journal, August 2, 1915.

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51 "Resolutions of the New Mexico Education Association," New Mexico Education Journal, July, January 1912.

52 News item in the Albuquerque Journal, July 11, 1912.

53 News item in the Albuquerque Journal, August 2, 1912.

1914-1915 was only one dollar and fifty-five cents.

This practice was very much in line with the findings of Monahan,³⁴ part of which was that when expenditures were permissive and from local funds, the amounts expended were negligible.

Interest in free textbooks had not entirely lapsed, however, as indicated in the recommendations of Superintendent Alvan N. White in 1917. His recommendations, in part, are as follows:

. . . in each of my former reports, I have strongly recommended the passage of a free textbook law, maintaining that such a law will lessen the cost of books to the pupils of parents who may choose to purchase books and will place indigent children on the same plane as the pupils of well-to-do parents.

The free textbook law has worked well for the progress of education in all our larger cities and in more than twenty states of the union and can no longer be termed an educational experiment.

In my attempts at supervision in this state, I have found an actual need for books in the hands of the pupils and I am satisfied that the time has now arrived when New Mexico must furnish our grade pupils with textbooks at the expense of the state.³⁵

It would appear that there was very little interest in free textbooks outside the State Department of Education

³⁴ A. C. Monahan, Free Textbooks and State Uniformity (Bureau of Education Bulletin No. 36, 1915, Washington, D. C.: Bureau of Education, 1915), p. 52.

³⁵ Alvan N. White, "Report of the State Superintendent of Public Instruction to the Governor," New Mexico Journal of Education, 13:6, January, 1917.

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34 A. C. Monahan, Free Textbooks and State Uniformity
 (Bureau of Education Bulletin No. 30, 1910, Washington,
 D. C.: Bureau of Education, 1910), p. 32.
 35 Alvin H. White, "Report of the State Superintendent
 of Public Instruction to the Governor," New Mexico Journal
 of Education, 1914, January, 1914.

at that time if one can judge by the fact that no mention of the topic was made in the resolutions of the New Mexico Education Association, nor was there any mention made in the newspapers consulted.

The legislature, in 1923, passed an act³⁶ allowing boards of education to buy school supplies, in addition to textbooks, for indigent pupils: but leading newspapers of the state and the official organ of the teachers' association were devoid of comment except that the newspapers had an account of the political platforms of 1926 when both major parties included promises of free textbooks in their platforms.

Summary. Interest in the free textbook movement during the years 1902-26 was sporadic. The movement was sponsored by the State Department of Education and the New Mexico Education Journal. The accomplishments were: (1) laws permitting books and supplies to be bought for indigent children; (2) the circulation of traveling libraries for school pupils; and (3) keeping the issue of free textbooks even though intermittently sponsored, alive for later accomplishment.

³⁶ New Mexico Laws, Session Laws of 1923 (Santa Fe, New Mexico: New Mexico Printing Company, 1923), Chapter 148, Section 1423, pp. 317-322.

CHAPTER IV

FREE TEXTBOOKS APPROVED IN NEW MEXICO--1927 to 1932

The free textbook movement became an important issue in the year 1926 when both major political parties included in their platforms a plank to furnish free textbooks to the pupils of New Mexico schools.³⁷ There was very little attention given the movement during the progress of the campaign in the fall of 1926, as indicated by the absence of comment in available newspapers and educational magazines. More interest was shown, however, early in January 1927, when there was introduced in the House of Representatives a bill providing for the purchase and distribution of free textbooks to schools. The comment³⁸ that the bill was "most interesting" indicated that it was a surprise to the state press that passage of a free textbook measure was really contemplated.

The first efforts toward passage of a free textbook law indicated that the state legislators were willing to furnish free textbooks provided they cost their supporters nothing. Attempts were made to provide funds that did not affect vested-interests groups. The bill introduced January

³⁷ News item in the Albuquerque Morning Journal, January 19, 1927.

³⁸ Loc. cit.

FREE TEXTBOOKS APPROVED IN NEW MEXICO--1927 to 1932

The free textbook movement became an important issue in the year 1928 when both major political parties adopted in their platform a plan to provide free textbooks to the pupils of New Mexico schools.³⁷ There was very little attention given the movement during the progress of the campaign in the fall of 1928, as indicated by the absence of comment in available newspapers and educational magazines. More interest was shown, however, early in January 1929 when there was introduced in the House of Representatives a bill providing for the purchase and distribution of free textbooks to schools. The comment³⁸ that the bill was "most interesting" indicated that it was a surprise to the state press that passage of a free textbook measure was really contemplated.

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³⁷ News item in the Albuquerque Morning Journal, January 19, 1927.

³⁸ Loc. cit.

18, 1927, by the joint authors, Jose y Pino and R. L. Baca contained the provision that all male aliens would be required to register with the county clerks and pay a per capita tax of three dollars each to be used for the purchase of free books.

Another bill³⁹ introduced by Antonio Gurule, representative from McKinley County, did provide a more direct tax, as it made provision for a poll tax of two dollars each on all male residents between the ages of twenty-one and sixty.

Both these bills were unsatisfactory to the educational committee to whom they were referred. Further, they were opposed to the better practices in taxation which held that taxes be levied according to the ability to pay.

Adverse criticism was made editorially, as indicated by the following paragraph:

. . . while the free textbook bills are before the legislature it is interesting to note expressions in other states which are considering the same proposals. The Winfried (Kansas) Courier, calls attention to the matter editorially quoting a Winfried man, who had seven years experience as superintendent of schools in Oklahoma, a part of the time working with the state department of free textbooks, who says the law simply does not work out, idealistic as the law may appear.

"Oklahoma has repealed her state textbook law because it is not practical or workable," the Courier

³⁹ News item in the Albuquerque Morning Journal, February 11, 1927.

says. "The books get dirty and are in an insanitary condition after a year or two of careless handling. And careless handling is what they get for they 'don't cost anything.' Parents who are careful buy books for their own children, law or no law, because they do not want them to use dirty books. So that, for many the cost of books is double for they pay for the 'free' books and do not use them. Books supposed to last five years are in such state after two years' use that they should be burned.

But while this newspaper opposed free textbooks, it points out in defense of its position that Kansas already has a law which provides for the state printing of textbooks and selling them at cost. It also has a law that has ample provision for the purchase of textbooks for children whose families are not able to supply them.

New Mexico ought to find some middle-way course that would provide cheaper distribution and sale of books and for furnishing them free when parents are unable to provide them if the free proposition is abandoned. This would be a step forward.⁴⁰

During the latter part of February, 1927, a group of representatives⁴¹ who favored free textbooks apparently made a serious attempt to pass such a law. The bill, sponsored by Representative Gurule and a dozen other members, provided that the State Board of Education must provide free textbooks. Not more than one hundred thousand dollars was to be expended for free books in any one year from the Current School Fund. It further provided that the State Board of Education make selections of books and recommended that

⁴⁰ Editorial in the Albuquerque Morning Journal, February 11, 1927.

⁴¹ News item in the Albuquerque Morning Journal, February 11, 1927.

...the point that they are in an extremely poor position to buy books or to have them sent to them. They are in a position where they have to pay for the books and then have to pay for the postage. This is a double burden for them. Books are supposed to last five years and in such cases it is not worth the cost of buying them.

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Now this is a bill to limit some middle-way courses that would provide cheaper distribution and sale of books and for turning over the free books to the state. This would be a step forward.

During the latter part of February, 1937, a group of representatives who favored free textbooks apparently made a serious attempt to pass such a law. The bill, sponsored by Representative Burdick and a dozen other members, provided that the State Board of Education must provide free textbooks. Not more than one hundred thousand dollars was to be expended for free books in any one year from the current school fund. It further provided that the State Board of Education make selections of books and recommended that

¹⁰ Editorial in the Albuquerque Morning Journal, February 11, 1937.
¹¹ News item in the Albuquerque Morning Journal, February 11, 1937.

the Board begin with the lower grades.

There was sufficient opposition by vested interests to delay the passage of the measure in the House⁴² until March 4, 1927. The Senate then countered⁴³ with a measure on March 8, 1927 similar to the House Bill in organization, but the latter bill proposed only to furnish books to indigent children throughout grades one to eight. The source of revenue of the Senate Bill was to be fifteen per cent of a half mill general property tax levied by the county commissioners.

The House and Senate appointed a joint committee that worked out a compromise bill which was accepted by both houses. The bill thus passed provided, as shown in "Appendix A" that:⁴⁴ (1) the State Board furnish free textbooks for pupils in grades one and two for the first year, thence one grade yearly from grades three to eight; (2) warrants be drawn on the Current Common School Fund; (3) the expenditures not to exceed seventy-five thousand dollars in any one year; (4) the district common school fund be not reduced below six dollars per capita; (5) the county superintendent furnish a

⁴² News item in the Albuquerque Morning Journal, March 5, 1927.

⁴³ News item, op. cit.

⁴⁴ New Mexico Laws, Session Laws of 1927, (Albuquerque, New Mexico: The Valliant Printing Company, 1927), Chapter 116, pp. 319-329.

the board begin with the first grade. There was a sufficient opposition by the board to the passage of the measure in the House on March 6, 1927. The Senate then considered the measure on March 8, 1927. The House passed the measure on March 10, 1927. The Senate passed the measure on March 12, 1927. The measure was then passed by the Governor on March 14, 1927. The measure provided for the establishment of a board of education for the State of New Mexico. The board was to be composed of nine members, three from each of the three legislative branches. The board was to have the honor and duty of recommending to the Governor the persons to be appointed to the various offices of the State. The board was also to have the honor and duty of recommending to the Governor the persons to be appointed to the various offices of the State. The board was also to have the honor and duty of recommending to the Governor the persons to be appointed to the various offices of the State.

42 News item in the Albuquerque Journal, March 8, 1927.
43 News item, op. cit.
44 New Mexico Laws, Session Laws of 1927, p. 111.
New Mexico: The Valiant Printing Company, (1927).
116, pp. 319-329.

list of needed books by June first each year; (6) the district costs be taken from the common school fund before distribution; (7) used books were returnable at not more than sixty per cent of the original cost.

The free textbook law was duly signed and approved by Governor R. C. Dillon, but was held unconstitutional by Attorney General R. C. Dow. As shown in "Appendix B," Mr. Dow pointed to the state constitution:

. . . provides that the current school fund shall be distributed among the school districts in the state, naming the proportion each district is to receive. The act of the legislature just quoted provides that prior to distribution of said current school fund that a certain amount of money shall be deducted, etc. How can the legislature authorize the deduction of \$75,000.00 from the current school fund prior to its distribution as required by the constitution without directly violating the express terms of the constitution? I am unable to reach any other conclusion than that the above law is unconstitutional.

The failure of the law to go into effect afforded reasons for both parties to play football again with the free textbook proposition in the campaign of 1928. The gist of the accusations made by each party was contained in the speech of Governor R. C. Dillon at Bernalillo,⁴⁵ in November, 1928. The republicans were accused of failure to pass a proper law, while the democrats were accused of having killed the measure for free textbooks. Candidates for state

⁴⁵ News item in the Albuquerque Morning Journal, November 6, 1928.

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1938. The Republicans were accused of failure to pass a
speech of Governor W. G. Dyer at Bernalillo, 40 in November,
of the resolutions made by each party was contained in the
free textbook proposition in the campaign of 1938. The first
reasons for both parties to play football again with the
The failure of the law to go into effect afforded

law is unconstitutional. I am
violating the express terms of the constitution. I am
as required by the constitution without directly
from the current school fund prior to its distribution
the legislature authorize the donation of \$75,000.00
this amount of money shall be released, etc. Now the
to distribution of this money to the school fund that a cer-
not of the legislature that passed provided that prior
having the proposition and stated is to resolve. The
distributed among the school districts in the state
I provided that the current school fund shall be

Now pointed to the state constitution.
Attorney General H. B. Dyer. As known in "Appendix B," Mr.
Governor W. G. Dyer. This was held unconstitutional by
the free textbook law was duly passed and approved by
then fifty per cent of the original cost.
distribution? What would be the result? It not more
first costs be taken from the common school fund before
first of needed books by these three years (5-10-15) the first

superintendent of public instruction were strongly in favor of free textbooks, and Mrs. Georgia Lusk is quoted as saying:

. . . I believe free textbooks should be placed in every rural school which would be a special benefit to the poorer communities and would assist materially in enforcing the compulsory attendance law, for students will naturally take more interest in their work when they have something to work with.⁴⁶

The Albuquerque Morning Journal in October (1928) proposed a platform of its own and posted the platform daily in the editorial column throughout the years 1929 and 1930. One plank in its platform was: ". . . the purchase of textbooks by the state for distribution to pupils in grade schools."

The New Mexico Education Association was silent on the question of free textbooks in its official organ, The New Mexico School Review, and if there were any force exerted from educators, outside the state department, it was through the legislative committee on education. Further, legislative proposals on educational measures had heretofore been submitted to the legislative committee of the New Mexico Education Association for study and recommendations.

The measure was sponsored by the Forum, an Albuquerque women's organization, and the New Mexico Federation of Labor;

⁴⁶ News item in the Albuquerque Morning Journal, October 31, 1928.

that

The

schools."

October 21, 1937

but the Taxpayers Association of New Mexico went on record as opposed to free textbooks.⁴⁷

That the attitude of some legislators was sincere and cautious was indicated by the action of its educational committee in questioning a group of educators in January, 1929. Among those questioned relative to plans were:⁴⁸ Mr. Montoya, State Superintendent of Public Instruction; Miss Isabel Eckles, Superintendent of Santa Fe City Schools; the county superintendents of Santa Fe and Torrance Counties; and Mr. Dan Kelly, Education Representative of the New Mexico Federation of Labor. The work of Mr. Kelly was of such importance to the free textbook program, that it is considered appropriate to outline something of his life.⁴⁹

Mr. Kelly was born November 15, 1891, on an irrigation ditch on Main (San Antonio) Street, El Paso, Texas. He completed the common school grades in the El Paso Public Schools, in which his chief interests were mathematics and social sciences. Upon graduation from the eighth grade he assisted in his father's hardware store in El Paso. Dan

⁴⁷ News item in the Albuquerque Morning Journal, January 13, 1929

⁴⁸ News item in the Albuquerque Morning Journal, January 24, 1929.

⁴⁹ Information from a personal interview with Mr. Kelly at Tucumcari, New Mexico, October 28, 1938.

but the Texarkana edition of New Mexico was on record as opposed to free textbooks.⁴⁷ That the attitude of some legislators was sincere and

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completed the common school grades in the El Paso Public Schools, in which his chief interests were mathematics and social sciences. Upon graduation from the eighth grade he assisted in his father's hardware store in El Paso. Then

⁴⁷ News item in the Albuquerque Morning Journal, January 13, 1933.

⁴⁸ News item in the Albuquerque Morning Journal, January 24, 1933.

⁴⁹ Information from a personal interview with Mr. Kelly at Torrance, New Mexico, October 25, 1938.

experienced the usual jobs for a boy in town; running delivery wagons for groceries, meats, milk, and the like; but by 1909, entered the service of a surveying party in Mexico in which he acted as a rodman. After spending one year in Mexico, and another in tramping over the western part of the United States, he was employed for two years (1911-13) by the El Paso Gas and Electric Company where he held the position of bookkeeper.

Two important incidents in 1913 probably helped shape his career: he received his first employment in railway locomotive service, which he confessed he had desired all his life; and was married to Miss Nova Simpson of Duran, New Mexico. Of their four children, the two eldest boys have graduated from the college of Agriculture and Mechanic Arts at Las Cruces, New Mexico; the third child, a girl, was attending her second year of college in 1938, and the fourth, a boy, was planning to enter the Tucumcari Public Schools in the fall of 1939.

Although Mr. Kelly's formal education ended upon his graduation from the common school grades, he has continued his education and has been a scholar all his life. His private library consists of more than one thousand volumes, many of which are relative to the social sciences and to government.

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Mexico, and another in...
United States, he was employed...
the El Paso Gas and Electric Company...
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Mr. Kelly has continued in the... of...
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tive service for the past twenty-five years and, at present, October, 1938, is employed by the Southern Pacific Railway Company as locomotive engineer. His home, since 1921, has been in Tucumcari and, although he has never held public office for pay, he has been active in the republican party since 1928, being a member of the state central committee almost all that time. Mr. Kelly was keynote speaker and permanent chairman of the republican state convention in 1932 and has consistently, since that time, been chairman of the republican party in Quay County, New Mexico, with headquarters in Tucumcari. He was city councilman for the town of Tucumcari from 1932 to 1936.

Mr. Kelly has been a member of the Brotherhood of Locomotive Firemen and Enginemen for twenty-five years. In this organization he has held all the local offices and, in 1919, was a delegate to the national convention held at Denver. During the years 1924-1932 he was chairman of the legislative committee of the Brotherhood of Firemen and Enginemen and chairman of the joint legislative committee of all New Mexico labor unions during the years ^{1929-1931,} 1929-31.

In 1924, the free textbook program was adopted in Albuquerque, New Mexico, by the joint legislative committee of all labor unions in New Mexico. The railroad brotherhoods kept the measure before the legislature, actively during the years from 1925 to 1933. However,

due to the fact that all these unions could not keep a representative in Santa Fe, Mr. Kelly was designated to represent these federated unions. Attending legislative committee hearings in 1927 and seeing the hopelessness of obtaining favorable legislation without adequate preparation, Mr. Kelly was prompted to attempt a thorough investigation of the textbook situation throughout the United States. By 1929 he was prepared to present the free textbook program adequately. It was pointed out to the committee that free textbooks would be an aid to the schools, and that there was no opposition shown.⁵⁰ The five year contract was favored by Mr. Kelly. Further, he furnished a list of comparative costs of texts in states where free textbooks were furnished and the costs of the same text in the state of New Mexico, as shown in Table II below.

TABLE II
COMPARATIVE PRICES OF TEXTBOOKS

Name of text	Price in Texas	Price in California	Price in New Mexico
New World Speller	.27	---	.52
Basal First Reader	.40 $\frac{1}{2}$	---	.57
Primer	---	.23	.53
Third Reader	---	.29	.72
First Geography	---	.70	\$1.00

⁵⁰ News item in the Albuquerque Morning Journal, January 24, 1929.

due to the fact that all these items could not keep a representative in New York. Mr. Kelly was designated to represent those interested parties. According to legislative committee hearings in 1937 and seeing the expediency of obtaining favorable legislation without adequate preparation, Mr. Kelly was prompted to attempt a thorough investigation of the textbook situation throughout the United States. By 1939 he was prepared to present the first textbook program adequately. It was pointed out to the committee that these textbooks would be an aid to the schools, and that there was no opposition shown. The five-year contract was favored by Mr. Kelly. Further, he furnished a list of comparative costs of texts in states where free textbooks were furnished and the costs of the same text in the state of New Mexico, as shown in Table II below.

TABLE II
COMPARATIVE PRICES OF TEXTBOOKS

Name of Text	Price in Texas	Price in California	Price in New Mexico
New World Speller	25	25	25
Basal First Reader	40	40	40
Primer	25	25	25
Third Reader	40	40	40
First Geography	40	40	40
		70	\$1.00

The list showed that New Mexico paid more than double the price paid in California for the primer, and almost double the price paid for the New World Speller in Texas. It was further pointed out by Mr. Kelly that the initial cost of free textbooks for grade pupils in Arizona in 1913 was three dollars and sixty-three cents, with an expenditure of only one dollar and ten cents per capita in 1926 for replacements.

There was much opposition to the measure, however, when the committee finally reported the bill on the floor of the House.⁵¹ The report was adverse to passage, and those in favor of the bill, in order to satisfy vested interests, were forced to accept a proposal to raise the necessary revenue for free textbooks by a tax on tobacco. Even the proposal to tax tobacco was attacked on the ground that the people wanted lower taxes more than they wanted free textbooks. and further that the money from the tobacco tax should be used to retire the "billion dollar deficit."

A joint committee from both houses framed a compromise bill that secured passage, March 14, 1929, and which contained in the main the principal features of the House bill. The provisions of the free textbook measure as passed

⁵¹ News item in the Albuquerque Morning Journal, February 21, 1929.

the price paid for the purchase of the property was \$100,000. It was further stated that the cost of the property was \$100,000. The three dollars of only one dollar of the property was registered. There was no other property when the company was formed. One House, 51, in favor of the property were forced to accept the revenue for the property. The proposal to pay for the property people wanted to pay for books and for the property be used to test the property. A joint committee on the bill was also formed. The bill was also contained in the bill. The provisions of the bill were also contained in the bill.

in 1927 that differed from the measure as passed in 1929 were that the latter provided that:⁵² (1) expenditures for any one year should not exceed thirty-five thousand dollars from the proceeds of the tobacco tax; (2) the State Board of Education should set up a Bureau of Textbook Distribution and Property Accounting; and (3) the salary of the property clerk should not exceed two thousand dollars and the salary of a bookkeeper should not exceed eighteen hundred dollars. The full text of the bill is shown in "Appendix C."

Many of the friends of the free textbook bill were enemies of the tobacco tax bill.⁵³ The Albuquerque Morning Journal changed its free textbook plank in the editorial column to read "purchase of textbooks by the state for distribution to all grade pupils, but not at the expense of any one class of people." The Tucumcari News termed the tobacco tax "a cowardly act." It pointed out that the bill was "fathered by Holm O. Bursum and large landholders in order to avoid their proper share of taxes."

While talk of a referendum was in progress, it was noted that the proposed free textbook law lacked the mandatory-enacting clause. The special session of the legis-

⁵² New Mexico Laws, Session Laws of 1929 (Santa Fe, New Mexico: Santa Fe New Mexican Publishing Company, 1929), Chapter 191, pp. 399-401.

⁵³ "State Press News" in the Albuquerque Morning Journal, April 2, 1929.

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lature passed an act that provided for expenditures not to exceed thirty-five thousand dollars in any one year and diverted the tobacco tax into the state school fund. The latter provision was an attempt to avert a referendum on the law.⁵⁴

Under pressure of the Association of Retail Tobacco Dealers and others, the attorney-general stated that the burden of proof rested upon the opposition. A referendum was called and the free textbook bill was defeated through the tobacco tax bill, on November 10, 1930.

As soon as the hated tobacco tax bill was out of the way, friends of the free textbook law began to clamor for its passage. The Albuquerque Morning Journal began a series of four articles in the editorial column that gave an outline of the cost and the benefits that would accrue to the people by the passage of the law. The estimated savings was one hundred fifty thousand dollars per year.

The organization⁵⁵ recommended to care for the free textbooks was that the State Board of Education should be in charge of selection and purchasing, with the State Superintendent of Public Instruction as the executive in charge of distribution. Shipments were to be made direct to county

⁵⁴ News item in the Albuquerque Morning Journal, April 9, 1929.

⁵⁵ Editorial comment in the Albuquerque Morning Journal, January 1, 1931.

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⁸⁴ News item in the Albuquerque Morning Journal, April 9, 1930.
⁸⁵ Editorial comment in the Albuquerque Morning Journal, January 1, 1931.

superintendents, who in turn were to send the books to the local board of each district.

While the democratic party in 1930 pledged: "to attempt to defeat the tobacco tax, passed by the last legislature,"⁵⁶ the repeal of which is asked by the New Mexico Education Association"; the republican party included in its platform: "We favor free textbooks for the public schools, in so far as state finances permit."⁵⁷

George L. Ulrick stated soon after the legislature met in 1931 that it began to look as though the good, long, hard fight for free textbooks was won. Mr. Ulrick further pointed out that it was a good business proposition, as the following paragraph indicated:

When we think of the thousands we have spent for this, that and the other, but cannot manage to find one or two hundred thousand dollars to buy books for children . . . I am constrained to say it can be justly claimed we are terribly lacking in vision. . . . We should examine the results of Germany's training in the trades schools, or the industrial schools of Sweden, . . . We will find free textbooks a good business proposition.⁵⁸

The bill that was adopted in 1931 to fulfill party pledges for free textbooks was introduced in the Senate as

⁵⁶ News item in the Santa Fe New Mexican, September 10, 1930.

⁵⁷ News item in the Santa Fe New Mexican, September 23, 1930.

⁵⁸ News item in the Albuquerque Morning Journal, February 21, 1931.

...who in 1931 were to send the books to the
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 platform: "to favor free textbooks for the public schools,
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- 56 News item in the Albuquerque Morning Journal,
 February 21, 1931.
- 57 News item in the Santa Fe New Mexican, September
 25, 1930.
- 58 News item in the Santa Fe New Mexican, September
 10, 1930.

a compromise for the House bill.⁵⁹ The Senate bill was criticized editorially because it permitted free textbooks but did not make them mandatory. The bill which was intended to satisfy the demand for free textbooks and as passed by the legislature made the following provisions:

Section 1. There is hereby created a state school building, textbook and rural aid fund, which shall be expended under the supervision of the State Board of Education, under the powers of said Board, as now or hereinafter provided by law.

Section 2. There is hereby appropriated for the purposes of this fund, annually, all the balance, not otherwise appropriated, in the Mineral Leasing Land Act Fund created by Section 35, of the Act of Congress approved February 25th., 1920, being Public Act No. 146, 66th. Congress. The appropriation provided in this Act shall not be interpreted to preclude nor have preference to the annual appropriation for the New Mexico School of Mines provided by Chapter 134 of the Session Laws of 1929, but shall be subsequent thereto.⁶⁰

Some of the results of this law were evident from certain items in the budget of the Rural Aid Fund in 1932, for which appropriation was made by the State Board of Education:

San Jose Training School	\$6,500.00
Books for Indigent Children	6,000.00
Books for Circulating Library	10,000.00
Clerical Help etc.	6,500.00
Rural Supervisor for Mora County	1,800.00

⁵⁹ News item in the Albuquerque Morning Journal, March 4, 1931.

⁶⁰ New Mexico Laws, Session Laws of 1931 (Albuquerque, New Mexico: The Valliant Printing Company, 1931), Chapter 138, p. 423.

Approximately twenty per cent of the Rural Aid Fund was expended for free textbooks, and that on the basis of the pauper child.⁶¹ The provisions of the law left the expenditures to the discretion of the State Board of Education and during the year 1932-33 other inroads were made into the fund. The salaries⁶² of five teachers in rural schools and a bill in the amount of two hundred dollars for school-house repairs were paid from the Rural Aid Fund during the spring of 1933.

Summary. New Mexico had gained very little in the actual furnishing of free textbooks during the years from 1926 to 1932. However, accomplishments had been made other than those that were apparent. Political leaders had been convinced of the advisability of fighting for the movement. Women's clubs and labor organizations were desirous of free textbooks. The state press and leading educators were favorable to the movement at the end of this period although the former had been openly against the measure at the early part of the period.

The plans of organization and control advocated

⁶¹ Minutes of the State Board of Education (Santa Fe, New Mexico: Office of State Superintendent of Public Instruction), July 13, 1932. p. 198.

⁶² Minutes of the State Board of Education. January 22, 1933. p. 205.

was expanded for free textbooks, and that on the basis of the paper child. The provision of the law left the expenditures to the discretion of the State Board of Education and during the year 1932-33 about \$100,000 were made into the fund. The balance of the fund was used for school and a bill is now pending for two hundred dollars for school house repairs were paid from the fund and during the spring of 1933.

Summary. New Mexico had gained very little in the actual teaching of first textbooks during the years from 1926 to 1932. However, accomplishments had been made other than those that were apparent. Political leaders had been convinced of the advisability of fighting for the movement. Women's clubs and labor organizations were desirous of free textbooks. The state press and leading educators were favorable to the movement at the end of this period although the former had been openly against the measure at the early part of the period.

The plan of organization and control advocated

21 Minutes of the State Board of Education, Santa Fe, New Mexico, Office of State Superintendent of Public Instruction, July 13, 1932, p. 193.
22 Minutes of the State Board of Education, January 22, 1933, p. 203.

differed very little. The politicians desired to place the control entirely in the hands of the State Board of Education while the state press advocated a similar plan with the depository and control of distribution in the hands of the State Superintendent of Public Instruction and the selection and purchasing of texts in the hands of the State Board of Education. The politicians desired a source of revenue outside the Current School Fund while the state press favored a direct appropriation.

The New Mexico Education Association was strangely quiet, as it offered to the public no plan of organization for handling free textbooks, nor did it publicly indicate that teachers desired free textbooks. Apparently the only contact teachers had with the movement was through the legislative committee of the New Mexico Education Association as indicated by a plank in the democratic platform in the campaign of 1930.

CHAPTER V

OPERATION OF THE FREE TEXTBOOK LAW IN NEW MEXICO

The free textbook movement gained much prestige during the year 1932-33. Both major political parties again had a plank in their respective platforms promising free textbooks; however, no discussion of educational policy was noted in the daily newspapers checked. Neither was there any mention of free textbooks made in the resolutions at the teachers' convention in November, 1932.

The N.C.C.W., a Catholic women's club of Santa Fe, New Mexico, favored free textbooks for all school pupils in the first eight grades and Senator Virgil of Taos, New Mexico, introduced a petition that had been circulated by the Christian Brothers of St. Michael's College, Santa Fe, asking for free text to all school pupils in the first eight grades.⁶³

By February 2, 1933, the House had adopted a bill providing for free textbooks by a vote of forty-five to one. The Senate, however, deliberated at greater length and when the bill was adopted on March 2, 1933,⁶⁴ it was by a

⁶³ News item in the Santa Fe New Mexican, February 8, 1933.

⁶⁴ News item in the Albuquerque Morning Journal, March 3, 1933.

OPERATION OF THE NEW TEXTBOOK LAW IN NEW MEXICO

The first textbook movement gained much prestige during the year 1933-34. Both major political parties again had a blank in their respective histories from 1933 to 1934. However, no discussion of educational policy was noted in the daily newspaper checked. Neither was there any mention of these textbooks in the resolutions at the Teachers' convention in November, 1933. The N.C.W. a Catholic women's club of Santa Fe New Mexico, favored these textbooks for all school pupils in the first eight grades and Senator Virgil of Las Alamos, introduced a resolution that had been introduced by the Christian Brothers of St. Michael's College, Santa Fe, asking for free text to all school pupils in the first eight grades.⁶³

By February 8, 1933, the House had adopted a bill providing for free textbooks by a vote of forty-five to one. The Senate, however, deliberated at greater length and when the bill was adopted on March 3, 1933,⁶⁴ it was by a

⁶³ News item in the Santa Fe New Mexican, February 8, 1933.
⁶⁴ News item in the Albuquerque Morning Journal, March 3, 1933.

vote of twelve to twelve with Lieutenant Governor Hockenhull casting the deciding affirmative vote.

An editorial⁶⁵ written soon after the adoption of the measure by the House declared that it was the first time that either party had attempted to carry out its pledges. Except for the provision that a tax of four cents per gallon and a license fee of twenty-five dollars per year be placed on retail dealers' of lubricating oil, which was subsequently defeated by a referendum vote, the provisions of the textbook law provided essentially that:⁶⁶

- (1) the Rural Aid Fund be transferred to the Free Textbook Fund;
- (2) the State Board of Education be empowered to purchase texts as soon as practical in grades one to eight;
- (3) the funds received from the Mineral Lands Leasing Act go into the Free Textbook Fund;
- (4) the State Board of Education make uniform adoptions of texts prior to control of funds;
- (5) New Mexico pay not more than the lowest price paid in any other state; and
- (6) full credit be allowed for used books that were returned.

A copy of this law is included in "Appendix D."

⁶⁵ Editorial in the Albuquerque Morning Journal, February 3, 1933.

⁶⁶ New Mexico Laws, Session Laws of 1933 (Albuquerque, New Mexico: The Valliant Printing Company, 1933), Chapter 112, pp. 233-35.

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was subsequently defeated by a referendum vote, the pro-

visions of the textbook law provided essentially that:

(1) The State Board of Education be empowered to

purchase texts as soon as practical in grades one to eight;

(2) The funds received from the Mineral Lands Leasing Act

be used to the free textbook fund; (4) the State Board of

Education have authority to adopt or reject prior to contract

of funds; (5) New Mexico pay not more than the lowest price

paid in any other state; and (6) full credit be allowed for

used books that were returned. A copy of this law is in-

cluded in "Appendix B."

⁵⁵ Editorial in the Albuquerque Morning Journal, February 3, 1933.

⁵⁶ New Mexico Law, Session Laws of 1933 (Albuquerque: New Mexico: The Valiant Printing Company, 1933), Chapter 112, pp. 233-35.

The source of income for free textbooks was thus confined to monies received from the Mineral Lands Leasing Act. By this act, Congress allocated ten per cent to the treasury of the United States for clerical and miscellaneous expenses, fifty-two and one half per cent to future reclamation, and thirty-seven and one half per cent to New Mexico for roads and schools. The School of Mines at Socorro received each year a grant from this fund not to exceed fifteen thousand dollars and the balance was diverted into the Free Textbook Fund.

The receipts from this source to the year 1930, were:⁶⁷

For the year ending June 30, 1927	\$5,771.91
" " " " " 1928	9,688.23
" " " " " 1929	16,977.45
" " " " " 1930	44,616.02

The State Board of Education met April 22, 1933, and made preparations to complete the necessary organization to care for supplying free textbooks. Certain texts were adopted on June 14, for a period of three years, with the privilege of extension of one, two, three, or four years more on the same basis.⁶⁸ Selections were made by the State Board as a whole. It was arranged that distribution of

⁶⁷ Annual Report of the State Auditor to the Governor, Santa Fe, New Mexico, years 1927-30.

⁶⁸ Minutes of the State Board of Education (Santa Fe, New Mexico: Office of the Superintendent of Public Instruction), June 12-15, 1933. pp. 217, 221, 225, 230.

texts be made by the State Board through the office of the State Superintendent of Public Instruction. Oscar Moore was named director of distribution of free textbooks and depository for adopted texts on the free list. The salary of the director was placed at two thousand dollars per year with a per diem and travel allowance of five hundred dollars.⁶⁹

It was the purpose of the State Board to furnish readers to pupils of the first three grades during the school year of 1933-34. Teachers, as a group, were dissatisfied with the operation of the law and in the resolutions at the convention in November, 1934, expressed a desire for revisions in the free textbook law that would make possible more adequate benefits to the children of the state. The next legislature accomplished a revision.

The salient features of the free textbook law as revised in 1935, were that:⁷⁰ (1) a Textbook Distribution Department be created within the State Board of Education, with a central depository; (2) two members of the State Board be designated to check on the depository; (3) checks

⁶⁹ Minutes of the State Board of Education, July 25, 1935. p. 287.

⁷⁰ New Mexico Laws, Session Laws of 1935 (Santa Fe, New Mexico: The Quality Press, 1935), Chapter 83, pp. 190-191.

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of the director was placed at one thousand dollars per year
with a car allowance and travel allowance of five hundred
dollars.

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69 Minutes of the State Board of Education, July 25,
1935, p. 281.
70 New Mexico Laws, Session Laws of 1935 (Santa Fe,
New Mexico: The Gallup Press, 1935), Chapter 83, pp. 180-
191.

be signed by the president and secretary, countersigned by the person in charge of the depository; (4) expenditures be approved by the Board of Finance; and (5) funds for indigent children be taken from the maintenance fund. The full text of the law is included in "Appendix E."

The State Board sought the advice of educators in making selection of texts during the early part of the year 1935, and accordingly appointed a committee whose duty was to recommend texts for adoption. That plan⁷¹ was soon abandoned, and in December, 1935, the Board created a division of labor within itself to handle recommendations for adoptions; two members were assigned to study each of the following texts: (1) readers, (2) language, and (3) history and government. The committees were required to send a copy of recommendations to each board member at least two weeks prior to the meeting of the Board, in order that the Board might study the reports of the committees. The selection of texts, therefore, rested with the State Board of Education in practice as well as in law.

Space in a church⁷² was rented from Father Bernard

⁷¹ Minutes of the State Board of Education, December 16, 1935, p. 287.

⁷² Minutes of the State Board of Education, March 25, 1936. p. 293.

at thirty-five dollars per month to serve as storage space for the state depository. Much room was needed, due to the fact that supplementary texts were added to the free list in 1936, and the depository was to be used as a clearing house for the free texts and the adopted texts before shipments were made to the county superintendents in the fall of each year.

The income of the Free Textbook Fund increased rapidly from year to year, as shown in Table III.⁷³

TABLE III

COMPARATIVE EXPENDITURES AND INCOME OF FREE TEXTBOOK FUND

Year	Expenditure	Income
1933-34	\$26,209.29	\$32,381.05
1934-35	65,783.47	75,779.58
1935-36	66,553.28	77,144.47
1936-37	123,209.89	128,220.44
1937-38	196,650.29	220,487.79

Free textbooks were furnished to pupils of the common school grades in 1936, except texts in spelling, health, and arithmetic. The income of the Free Textbook Fund has increased at a very rapid rate since 1935, and by

⁷³ Annual Report of the State Auditor to the Governor,
for the years 1934-38.

at thirty-five cents per month to receive as a storage space for the state depository. Much room was needed, due to the fact that supplementary texts were added to the free list in 1935, and the depository was so far used as a clearing house for the free texts and the added texts before shipments were made to the county superintendents in the fall of each year. The income of the free textbook fund increased rapidly from year to year, as shown in Table III.

TABLE III

COMPARATIVE EXPENDITURES AND INCOME OF FREE TEXTBOOK FUND

Year	Expenditures	Income
1933-34	\$24,709.82	\$32,381.02
1934-35	25,783.47	35,772.33
1935-36	26,853.23	37,144.47
1936-37	123,202.33	128,220.44
1937-38	166,650.29	220,487.73

Free textbooks were furnished to pupils of the common school grades in 1934, except texts in spelling, health, and arithmetic. The income of the free textbook fund has increased at a very rapid rate since 1935, and by

the year 1937-38 had reached the amount of two hundred twenty thousand dollars per year. There was a cash balance of thirty-three thousand dollars for the year ending June 30, 1938. Expenditures were approximately two dollars per pupil enrolled.

A report submitted by Superintendent H. R. Rogers⁷⁴ to the State Board in May, 1938, recommended: (1) the adoption of texts in art and music, and the supplying of texts of these subjects to schools that had competent teachers; and (2) the supplying of penmanship books to all schools. Mr. Rogers further recommended the following expenditures: the purchase of

Spellers	estimated cost of	\$13,000.00
Health	" "	26,000.00
Arithmetics	" "	26,000.00
Replacements	" "	55,000.00
Music and Art	" "	40,000.00
Total expenditures	" "	180,000.00
Available for year	1938-39 estimated	220,000.00
Available for year	1939-40 "	260,000.00

It was further recommended that texts be furnished to high school pupils for the year 1939-40. Based on a six per cent increase of the 1938 enrollment, the enrollment in high school for the year 1939-40 was estimated at twenty-four thousand pupils. It was recommended that expenditures be made in the purchase of high school texts for the year

⁷⁴ Minutes of the State Board of Education, May 10, 1938. p. 387.

The year 1937-38 was the lowest of the period of twenty thousand dollars per year. There was a cash balance of thirty-three thousand dollars for the year ending June 30, 1938. Expenditures were approximately two dollars per pupil

enrolled. A report submitted by Superintendent H. E. Rogers to the State Board in May, 1938, recommended: (1) the adoption of texts in art and music, and the supplying of texts to these subjects to schools that had competent teachers; and (2) the supplying of penmanship books to all schools. Mr. Rogers further recommended the following expenditures: the purchase of

Spellers	estimated cost of	\$15,000.00
Basics	"	25,000.00
Arithmetic	"	25,000.00
Registration	"	25,000.00
Music and Art	"	40,000.00
Total expenditures	"	130,000.00
Available for year 1938-39 estimated		220,000.00
Available for year 1939-40		220,000.00

It was further recommended that texts be furnished to high school pupils for the year 1939-40. Based on a six per cent increase of the 1938 enrollment, the enrollment in high school for the year 1939-40 was estimated at twenty-four thousand pupils. It was recommended that expenditures be made in the purchase of high school texts for the year

1939-40 in the amount of one hundred forty-four thousand dollars and for the purchase of new primary readers in the amount of forty-five thousand dollars. The estimated amount for replacements was seventy-one thousand dollars for the year 1939-40.

The State Board, in response to these recommendations, decided to adopt and purchase: (1) penmanship books not to exceed five thousand dollars; (2) art texts not to exceed ten thousand dollars; (3) a variety of social science materials for use in the elementary grades, the cost not to exceed fifty-eight thousand five hundred dollars; (4) music books, not to exceed ten thousand dollars; (5) spellers and arithmetics, one copy for each pupil enrolled; and (6) health texts, one copy for each group of five pupils in grades one to four, and one copy for each pupil enrolled in grades five to eight. The date of July 28, 1938, was set for making contracts for these texts.

Chronological development of the movement. On various pages throughout this discussion, reference has been made to legislative acts, special reports to the governor, dates and other items pertinent to the growth of the free-textbook movement in New Mexico. It might be difficult for one not familiar with the movement to keep all these items in mind or even to secure a good mental picture of the entire

situation as it has developed through the years. It was thought, therefore, that it might be helpful to draw all these items together in a chronological chart for reference purposes. Such a chart is included as "Appendix F" in the belief that it will promote understanding of a movement which has been of vital interest to the people of New Mexico for many years.

Summary. The culmination of the free textbook movement into actual law and practice was completed in the year 1933. The first two years of practice were not satisfactory to the leading educators and changes were effected in the law in 1935. The plan of organization is centered in the State Board of Education, with a state depository for distribution to county superintendents. The selections of texts are made by adoption by the Board as a whole through the recommendations of committees within the Board.

The source of revenue is unstable, as it is derived from income of federal mineral lands located within the state. Purchases are made after the submission of bids from publishers. Adoption of books is made for a period of from three to six years.

CHAPTER VI

COMPARISONS, CONCLUSIONS AND RECOMMENDATIONS

It is proposed to compare the standards of practice in furnishing free textbooks in New Mexico with that of a few leading states that have had experience in handling free textbooks. For this purpose the states of Louisiana, California, North Carolina and Texas were chosen. The last three were selected on account of the difference in geographical location, and in consideration of their leadership in statewide free textbook distribution. The first was included in the comparison due to the fact that it furnished free textbooks to pupils attending private schools as well as to those attending public schools.

I. PRACTICE IN SELECTED STATES

Unit of control. The unit of control in New Mexico is the state, with authority vested in the State Board of Education. This practice is followed by all the states included in the comparison. The state of California,⁷⁵ however, differs, in that it allows local control in the amount

⁷⁵ California Laws, Session Laws of 1913 (Sacramento, California: State Printing Press, 1913), Section 7, p. 49.

CHAPTER VI

COMPARATIVE ANALYSIS OF THE RECOMMENDATIONS

It is proposed to compare the standards of practice in furnishing free textbooks in New Mexico with that of a few leading states that have had experience in handling free textbooks. For this purpose the states of Louisiana, California, North Carolina and Texas were chosen. The first three were selected on account of the difference in geographical location, and in consideration of their leadership in supplying free textbook distribution. The first was included in the comparison due to the fact that it furnished free textbooks to pupils attending private schools as well as to those attending public schools.

1. PRACTICE IN SELECTED STATES

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⁷⁵ California Laws, Session Laws of 1913 (Sacramento, California: State Printing Press, 1913), Section 7, p. 49.

of expenditures for high school texts and in the supplementary materials for the grades in the elementary schools.

Selection and adoption of texts. Reb Leroy Villard conducted a study⁷⁶ on "The Desirability of Adopted High School Textbooks" in 1936. As shown in Table IV, page 56, a larger number of states favored selection of texts by a state textbook commission. Selections were made by a state textbook commission in Florida, Delaware, Louisiana, Tennessee, Mississippi, and Oregon; by a committee of educators to advise the state board in Texas and North Carolina; by a committee of educators in each subject field in Kansas and Alabama; by the state board as a whole in Indiana, New Mexico, and South Carolina; by a committee of the board in Virginia; by a member of the board heading a committee of lay members in Kentucky; by a member of the board heading a committee of educators in Utah; and other methods in Oklahoma.

Sixty selected superintendents of city schools in New Mexico gave opinions as the desirable methods of selecting textbooks: twenty-nine favored selection by a state

⁷⁶ Reb Leroy Villard, "The Desirability of Adopted High School Textbooks," (unpublished Master's thesis, University of New Mexico, Albuquerque, New Mexico, 1936), 47 pp.

of experiments for high school texts in the field of biology.
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Selection and adoption of texts. Roy Leroy Willard.

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School Textbooks" in 1935. As shown in Table II, page 25.

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state textbook commission. Selections were made by a state

textbook commission in Florida, Delaware, Louisiana,

Tennessee, Mississippi, and Oregon; by a committee of education

to advise the state board in Texas and North Carolina;

by a committee of educators in each of the following states:

and Alabama; by the state board as a whole in Indiana, New

Mexico, and South Carolina; by a committee on general instruction

Virginia; by a member of the board in Michigan; a committee of

lay members in Kentucky; by a member of the board in Illinois

a committee of educators in Utah; and other methods in

Oklahoma.

Sixty selected experiments of high schools in

New Mexico gave opinions as the desirable method of selection

ing textbooks; twenty-nine favored selection by a state

to Roy Leroy Willard, "The Desirability of Adopted
High School Textbooks," (unpublished Master's thesis,
University of New Mexico, Albuquerque, New Mexico, 1934).
p. 17.

TABLE IV

METHODS OF SELECTING TEXTBOOKS FAVORED BY EDUCATORS IN
NEW MEXICO AND PRACTICED IN CERTAIN OTHER STATES*

Method of selection	Number of states	Vote of city superintendents
State textbook commission	6	29
Committee of educators advise the state board	3	13
Committee of educators for each subject field	2	8
State board as a whole	3	5
Committee of the state board	1	0
Member of the state board to head committee of lay members	1	2
Member of the state board to head committee of educators	1	0
Other methods	1	3

*After Villard.

TABLE IV

METHODS OF SELECTING TEXTBOOKS FAVORED BY EDUCATORS IN
NEW MEXICO AND PRACTICED IN CERTAIN OTHER STATES*

Method of selection		Number of votes of city superintendents	
State textbook commission	6	29	
Committee of educators advises	5		
State board	5	13	
Committee of educators for each	3		
Subject fields	3	8	
State board as a whole	3	8	
Committee of the state board	1	0	
Member of the state board to head	1	3	
Committee of lay members	1	3	
Member of the state board to head	1	0	
Committee of educators	1	0	
Other methods	1	3	

*After Willard.

textbook commission; while thirteen favored selection by a committee of educators to advise the board. The length of term for adoption most favored was the indefinite period, while second choice in the length of term was that of five years. There were seventeen educators who favored the indefinite term and eleven who favored a term of five years for adoption.

The laws of New Mexico left the selection and adoption of texts to the discretion of the State Board of Education.⁷⁷ The standard of practice developed includes the appointment of committees within the board which function as committees on recommendations while the board as a whole makes final selection and adoption. Supplementary materials as well as basal texts are provided by the State Board. The plan of selection in Texas is very similar except that a committee of five educators, appointed by the State Board, is required to recommend texts for adoption. In North Carolina, a professional committee of seven members, composed of teachers, principals, and superintendents, is required to make recommendations to the State Board. In the state of Louisiana,

⁷⁷ New Mexico Laws, Session Laws of 1935 (Santa Fe, New Mexico: The Quality Press, 1935), Chapter 83, pp. 190.

⁷⁸ Egbert N. Peeler, "State Textbook Commission of North Carolina." (A personal letter, Raleigh, North Carolina: Office of Education, July 2, 1938), 2 pp.

the laws leave to the discretion of the State Board the selection and adoption of texts;⁷⁹ but in practice, the superintendent of education appoints a committee of educators to make recommendations. The recommendations of this committee are always accepted by the Board without change.

The State Board of California adopts or endorses a multiple list of supplementary materials and high school texts from which local districts are allowed to choose. This plan is in line with recommendations⁸⁰ made by educational authorities, it being the contention that free textbooks do away with the need for state uniformity. It is further contended that, as the state board usually is composed of lay members who are not experts in the art of choosing texts, this should be the duty of expert advisors.

Plans of purchase. Purchases in New Mexico are made by the president and secretary of the State Board. As reports and requisitions are sent to the State Superintendent the purchases are, in practice, made by the Superintendent.

The practice in Texas and in North Carolina is to place the director of the Free Textbook Division in charge

⁷⁹ Jno. M. Foote, State Owned (Free) Textbooks (Department of Education Bulletin No. 256, 1933, Baton Rouge, Louisiana: State Printing Press, 1933), pp. 14-16.

⁸⁰ E. P. Cubberley, State School Administration (Boston: Houghton Mifflin Company, 1927), p. 563.

The law leaves to the discretion of the State Board the selection and adoption of texts; but in practice, the report of the committee on education appoints a committee of educators to make recommendations. The recommendations of this committee are always accepted by the Board without change.

The State Board of California adopts or endorses a list of supplementary materials and high school texts from which local districts are allowed to choose. This plan is in line with recommendations made by educational authorities, it is the conviction that local texts do away with the need for state uniformity. It is further contended that, as the state board usually is composed of lay members who are not experts in the art of choosing texts, this should be the duty of expert advisors.

Plans of purchase. Purchases in New Mexico are made by the president and secretary of the State Board. As reports and recommendations are sent to the State Superintendent, the purchases are, in practice, made by the Superintendent. The practice in Texas and in North Carolina is to place the director of the Free Textbook Division in charge.

1. J. M. Foster, State Owned (Free) Textbooks, Department of Education Bulletin No. 253, 1933, Boston, Massachusetts: State Printing Press, 1933, pp. 14-16.

2. E. F. Gaborieff, State School Administration (Boston: Houghton Mifflin Company, 1927), p. 363.

of purchasing and distribution. In California, local authorities make all the purchases of basic texts for elementary pupils as well as supplementary materials. In Louisiana the State Printing Board makes all contracts with publishers, but the requisitions on the state depository are approved by the superintendent of education.

Plans of distribution. The plans of distribution in other states as well as in New Mexico require a state depository which ships free books to city and county superintendents of schools.

Cubberley⁸¹ condemned the practice of the central depository. He pointed out that with late methods of transportation and with cheap rates, better and more economical service through direct distribution from branch houses of the publishers could be had.

Sources of revenue. The sources of revenue in all the states in this comparison are direct appropriations from state funds, with the exception of the state of New Mexico. The source of revenue for New Mexico has not been stable, as shown by Table III, page 50. There has been a period of lean years and a period of fat years in the income for textbooks. Stability in Texas is guaranteed

⁸¹ Cubberley, op. cit., p. 567.

by an advalorem tax on general property. The income for supplementary and high school texts in California is controlled by requiring that the cost be borne by the local district, but that sixty per cent of the maintenance be paid in teachers' salaries. North Carolina purchases textbooks with a direct appropriation from the Current School Fund, while in the state of Louisiana appropriation is made from the severance tax.

II. CONCLUSIONS

From the data presented in the foregoing study, the following conclusions are formulated:

1. The growth of the free textbook movement throughout the United States in general and in New Mexico in particular has been slow and the movement has often been used as a political football.

2. The territorial and state superintendents of public instruction were pioneers, while the State Department of Education was the most persistent force in the free textbook movement in New Mexico.

3. Teachers' organizations were more interested in free libraries for school pupils than in free textbooks and exerted very little force toward the latter movement.

4. The state press, women's organizations, and labor organizations were the impelling forces in the free

by an advisory tax on general property. The income tax
unemployment and high school texts in California can
be used by depositing them in the state of income tax
district, but that six per cent of the maintenance be paid
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of Education was the most persistent force in the free text-
book movement in New Mexico.
3. Teachers' organizations were more interested in
free libraries for school pupils than in free textbooks
and exerted very little force toward the latter movement.
4. The state press, women's organizations, and
labor organizations were the impelling forces in the free

textbook movement after 1926 and these groups favored direct appropriations from the Current School Fund as the source of revenue.

5. The practice most favored in the selection of texts is that selections be made by the board of education upon recommendations of a special committee consisting of five or more members.

6. The landed and vested interest groups were partially responsible for the slow growth of the free textbook movement in New Mexico.

7. The practice most favored in securing revenue is that of direct appropriation from the Current School Fund.

8. Authorities are not in agreement as to whether there is need for uniformity when free textbooks are furnished.

9. The use of state depositories is favored by state authorities, but is condemned by educational authorities.

III. RECOMMENDATIONS

The data and conclusions in the foregoing study indicate that educational authorities and the standard of practice in some states are in agreement as to plans of adoption of texts and the source of revenue for free textbooks, but are not in agreement as to the method of dis-

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III. RECOMMENDATIONS

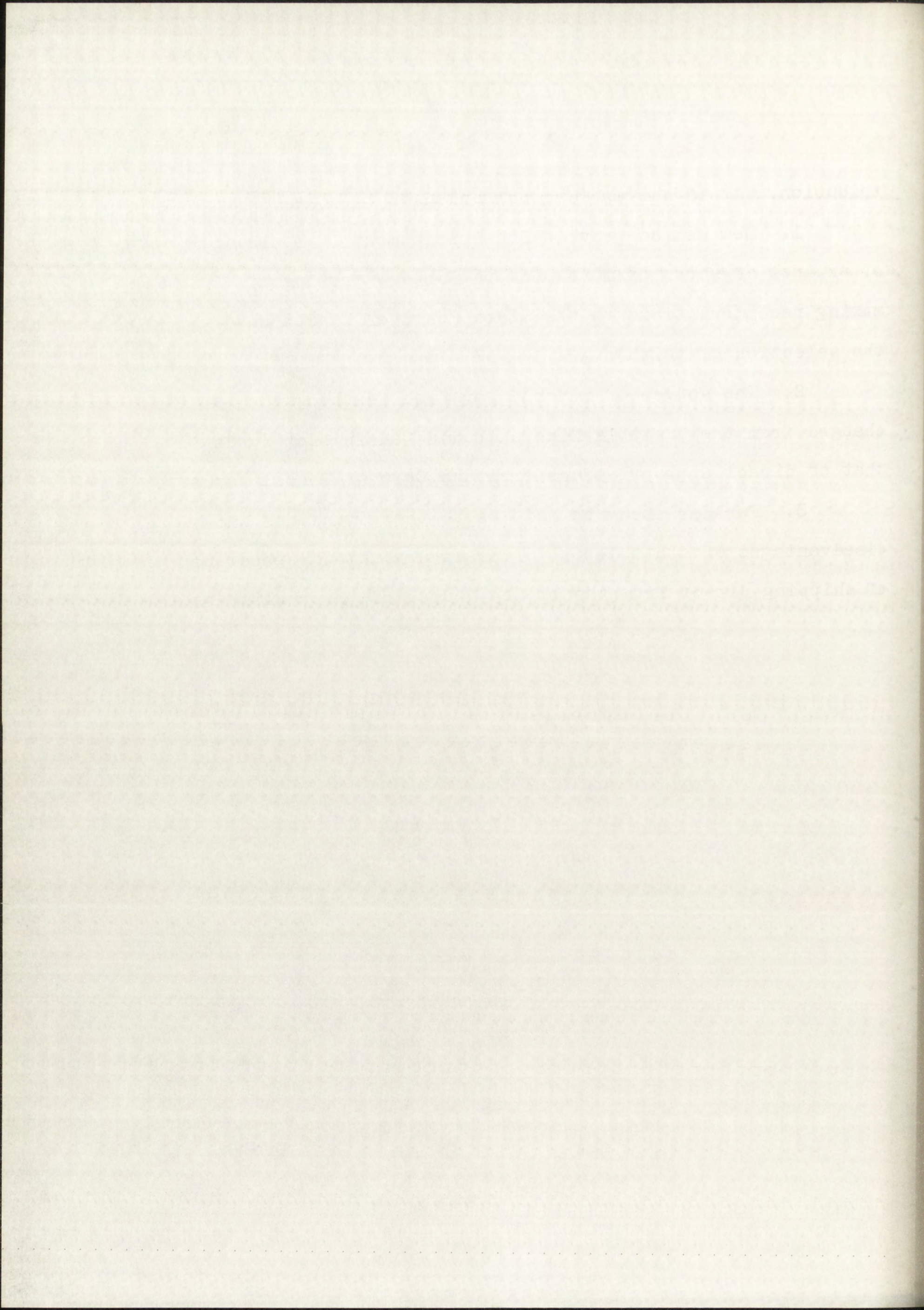
The data and conclusions in the foregoing study
indicate that educational authorities and the standard of
practice in some states are in agreement as to plans of
exemption of texts and the source of revenue for free text-
books, but are not in agreement as to the method of dis-

tribution. It is therefore recommended that:

1. New Mexico provide for appointment of a committee of experts of seven or more members for the purpose of making recommendations to the State Board of Education on the selection of textbooks.

2. The source of revenue for free textbooks be changed from the unstable Mineral Lands Leasing Act Funds to that of direct appropriations from the Current School Funds.

3. Further study be made as to the advantages and disadvantages of state depositories as against the practice of shipping direct from the branch houses of the publishers.



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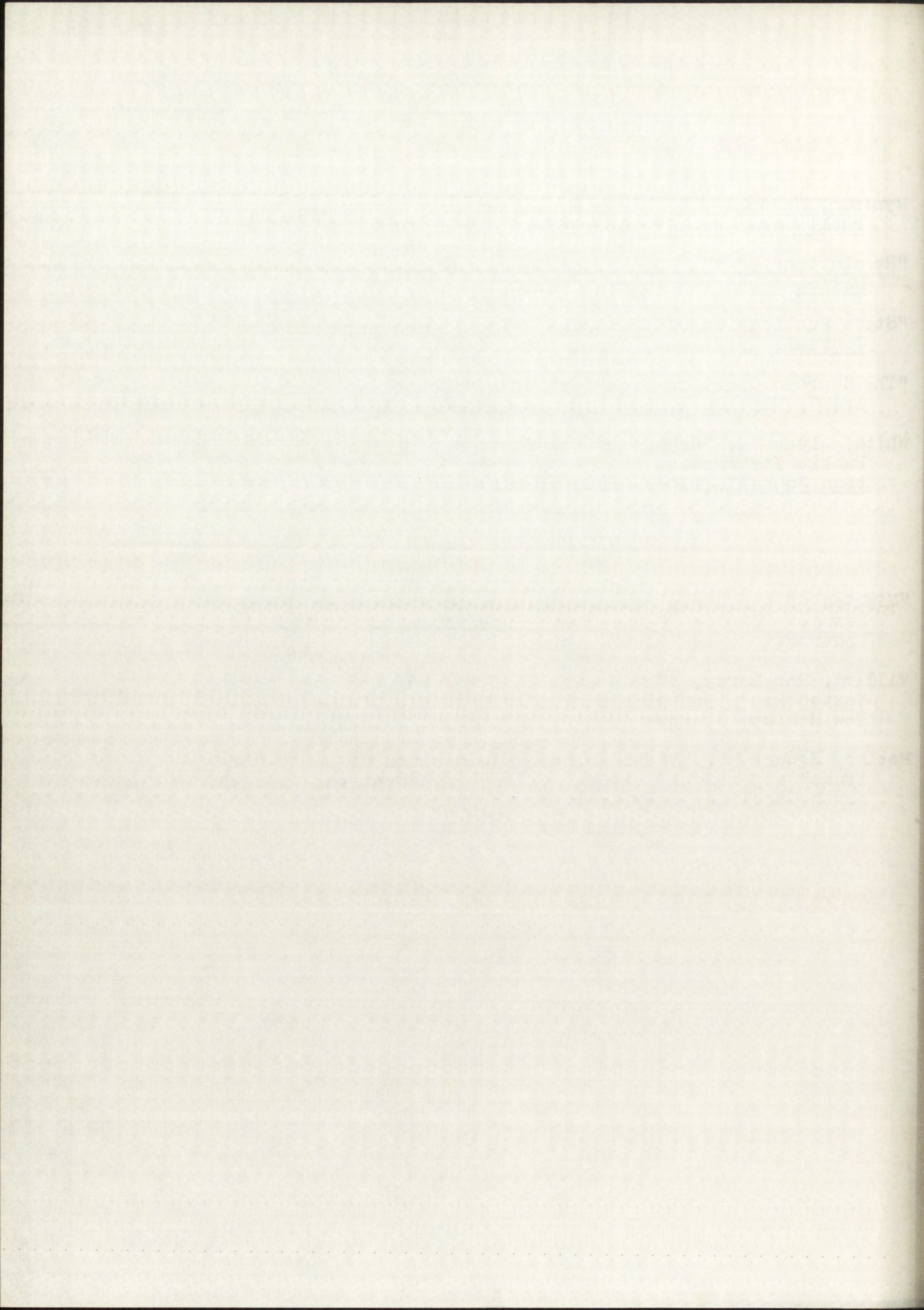
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APPENDIX

APPENDIX A

NEW MEXICO LAWS, SESSION LAWS OF 1927

CHAPTER 116

AN ACT REQUIRING THE STATE BOARD OF EDUCATION TO
PROVIDE FREE TEXTBOOKS FOR THE FIRST AND
SECOND GRADES OF THE PUBLIC SCHOOLS
OF THE STATE

H. B. 284, Com. Sub. Bill for H. B. No. 284;
Approved March 14, 1927.

Be It Enacted by the Legislature of the State of New Mexico:

Section 1. The State Board of Education, in accordance with the following provisions of this Act, shall contract with and order from the publisher, or publishers, textbooks for use in the public schools in this State, as now is or hereafter may be required by law, the cost of which, together with all expense of distribution and accounting, shall be paid for out of the State Common School Fund on warrant or warrants of the State Auditor drawn on the State Treasurer.

Sec. 2. Contracts shall be entered into the first year for books in the first and second grade, and thereafter contracts shall be entered into each year for books for an additional grade beginning with the third grade and continuing up to and including the eighth grade.

Prior to entering into any contract or agreement the State Board of Education shall secure estimates of the number of books required and the cost thereof, and not more than Seventy-five Thousand (\$75,000) Dollars gross total shall be expended for textbooks and their distribution in any one fiscal year.

In case the per capita distribution for the Common School Fund should be less than Six (\$6.00) Dollars per child according to the school census, and before making any deduction for free textbooks it shall be within the authority of the State Board of Education to reduce the expenditure for free textbooks in such amounts as they may deem advisable, that first preference on all purchases shall be given the first four grades.

Sec. 3. The County School Superintendent of each county shall furnish the State Board of Education on or before the first day of June of each year a complete list of textbooks necessary for each school district in his or her county; and the State Board of Education shall distribute such books among the several school districts in the state as said board shall deem necessary and equitable.

Sec. 4. Said textbooks required for the use of each county shall be shipped to the county school superintendent thereof, who shall receive and receipt for same, and send a duplicate of his receipt to the State Board of Education, whereupon the county superintendent of schools shall issue said textbooks to the local boards of education of the several districts in his county, taking their receipts therefor, and said school boards shall issue said textbooks to the pupils of said district, taking receipts therefor.

Sec. 5. The State Board of Education shall keep an exact account of the cost of books distributed to each district together with the proper proportion of the transportation and accounting charges and said costs shall be deducted from the Common School Fund apportioned to each district in accordance with Section 4, Article XII of the State Constitution, prior to the distribution of said Current School Fund.

Sec. 6. Each School Board shall keep a proper record of all books distributed by it, which record shall be on a form provided by the State Board of Education, and at the end of each school term the school board shall collect said books and keep the same in a safe place to be provided by the board, and said boards shall be responsible for the safe keeping of the textbooks belonging to their districts during vacations.

Sec. 7. Said free textbooks shall be distributed only to children of residents or taxpayers and orphan children in the State of New Mexico, and the parents or guardians of such children shall be responsible for the loss, damage or destruction of books issued to their children or wards, and no books shall be issued to the child or ward of any parent or guardian, who refuses to pay for any book lost, damaged or destroyed, by such child or ward, unless the parent or guardian is, in the opinion of the board, financially unable to pay for such loss, damage or destruction.

Sec. 8. In the event any parent or guardian desires to furnish textbooks to his child or ward, such textbooks shall be sold to such parent or guardian at the same price

Sec. 1. The County Board of Education shall, before the first day of June of each year, a complete list of textbooks necessary for each school district in its county, and the State Board of Education shall distribute such books among the several school districts in the state as said board shall deem necessary and equitable.

Sec. 2. Said textbooks required for the use of each county shall be shipped to the county school superintendent, who shall receive and receipt for same, and send a duplicate of his receipt to the State Board of Education. Moreover, the county superintendent of schools shall issue said textbooks to the local boards of education of the several districts in his county, taking their receipts therefor, and said school boards shall issue said textbooks to the pupils of said districts, taking receipts therefor.

Sec. 3. The State Board of Education shall keep an exact account of the cost of books distributed to each district together with the proper receipts for same, and shall submit such account and said receipts to each district in from the County School Board, and shall be entered in accordance with Section 4, Article XII of the State Constitution, prior to the distribution of said County School Board.

Sec. 4. Each School Board shall keep a proper receipt for all books distributed by it, which receipt shall be on a form provided by the State Board of Education, and at the end of each school term the school board shall collect said books and keep the same in a safe place to be provided by the board, and said board shall be responsible for the safe keeping of the textbooks belonging to their districts during vacations.

Sec. 5. Said free textbooks shall be distributed only to children of residents or taxpayers and orphan children in the State of New Mexico, and the parents or guardians of such children shall be responsible for the loss, damage or destruction of books issued to their children or wards, and no books shall be issued to the child or ward of any parent or guardian who refuses to pay for any book lost, damaged or destroyed, by such child or ward, unless the parent or guardian is, in the opinion of the board, financially unable to pay for such loss, damage or destruction.

Sec. 6. In the event any parent or guardian desires to furnish textbooks to his child or ward, such textbooks shall be sold to such parent or guardian at the same price

charged to the school district. Such sales shall be made by the county school superintendent. Money collected from guardians or parents of students for books lost, damaged or destroyed shall be transferred to the Treasurer of the respective county and placed to the credit of the district in which said loss of textbook occurred.

Sec. 9. In the event any school books are needed in any district on account of loss or damage, or on account of larger attendance of pupils, the county school superintendent shall make requisition for such additional books upon the State Board of Education who shall supply the same, provided the cost of furnishing such additional books does not reduce the per capita distribution, to such school district, from the Common School Fund below Six (\$6.00) Dollars.

Sec. 10. For the purpose of carrying out this Act the State Board of Education shall set up a Bureau of Textbook Distribution and Property Accounting. This may include a property clerk whose salary shall not exceed Two Thousand (\$2,000) Dollars per year, a bookkeeper whose salary shall not exceed Eighteen Hundred (\$1800.00) Dollars per year, and such additional help as may be necessary for carrying out the provisions of this Act.

Sec. 11. The State Board of Education is hereby authorized to contract for the necessary storage space for the receipt and distribution of such textbooks and to provide for their protection by insurance from fire and theft.

Sec. 12. In case an excess quantity of textbooks have been furnished to any district, or because of decreased attendance it is desirable to return textbooks for credit, the county school superintendent may receive new books and credit the district with the cost thereof at the full value as originally assessed against them and used books, in usable condition may be credited at an amount to be determined by the county school superintendent upon inspection, but in no case in excess of sixty per cent (60%) of the original cost.

County School Superintendents shall notify the Bureau of Textbook Distribution and Property Accounting of such credits and upon instructions from said Bureau may redistribute these books to other districts.

Sec. 13. The Property Clerk as provided in this Act shall execute to the state and file with the Secretary of State a good and sufficient bond executed by a surety company authorized to do business in this state, in the amount of Five Thousand (\$5,000.00) Dollars, conditioned for faithful and impartial discharge of his duties as such clerk.

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Bond may be required by the State Board of Education of other employees engaged in the free textbook distribution. The cost of such bond to be paid by the State and included in the expense of textbook distribution.

SEC. 18. That it is necessary for the preservation of the public peace, health and safety of the inhabitants of the State of New Mexico that the provisions of this Act shall become effective at the earliest possible time and therefore an emergency is hereby declared to exist, and this Act shall take effect and be in full force and effect from and after its passage and approval.

APPENDIX B

OFFICE OF THE ATTORNEY GENERAL

Santa Fe, New Mexico

Opinion No. 3942.

May 23, 1927.

SYLLABUS

Sec. 4, Article 12 of the Constitution requiring that the current school fund shall be distributed in certain proportion among the school districts of the State means that the money in said fund shall be distributed to the school districts, and an act of the legislature causing to be deducted prior to its distribution the sum of \$75,000.00 from said fund and providing for a distribution of property instead of money clearly violates the express terms of the constitution. The constitution creates the current school fund and provides that it be distributed to the school districts of the State, and any revenue after once reaching this fund is not, prior to its distribution as aforesaid, subject to either legislative control or appropriation.

Hon. Miguel A. Otero, Jr.,
State Auditor,
Santa Fe, New Mexico.

Dear Mr. Otero:

This will acknowledge receipt of your letter of May 20 wherein you state that you are in receipt of a voucher issued by the State Department of Education by order of the State Board of Education in the sum of \$6.25 for clerk hire for one day, said voucher issued under the authority of Chapter 116, Laws of 1927. You desire to know whether or not the payment of said voucher would be legal.

The answer to your question involves the construction of the validity of the free textbook law. Sec. 4, Article 12 of the New Mexico Constitution is as follows:

"Sec. 4. All fines and forfeitures collected under general laws; the net proceeds of property that may come to the state by escheat; the rentals of all school lands and other lands granted to the state, the disposition of which is not otherwise provided for by the terms of the grant or by act of congress; and the income derived from the permanent school fund, shall constitute the current school fund of the state. The legislature shall provide for the levy and collection of an annual tax upon all the taxable property in the state for the maintenance of the public schools, the proceeds of such tax levy to be added to the current school fund above provided for. The current school fund shall be distributed among the school districts of the state in the proportion that the number of children of school age in each district bears to the total number of such children in the state, and shall provide for the levy and collection of additional local taxes for school purposes. A public school shall be maintained for at least five months in each year in every school district in the state.

Before making the distribution above provided for, there shall be taken from the current school fund as above created, a sufficient reserve to be distributed among school districts in which the proceeds of the annual local tax, when levied to the limit allowed by law, plus the regular quota of current school funds allotted to said district, shall not be sufficient for the maintaining of a school for the full period of five months, and this reserve fund shall be so distributed among such districts as to enable each district to hold school for the said period."

The salient features of the foregoing section of the constitution are: First, a current school fund of the State is created. This section of the constitution states specifically the revenues that shall go in to this fund. Second, this section requires that the current school fund shall be distributed among the school districts of the state in a certain proportion.

Sec. 5, Chapter 116, Laws of 1927, provides:

"Sec. 5. The State Board of Education shall keep an exact account of the cost of books distributed to each district together with the proper proportion of transportation and accounting charges and said costs shall be deducted from the common school fund apportioned to each district in accordance with Section 4,

Article XII of the State Constitution, prior to the distribution of said current school fund."

It has been held in many cases that the word "fund" or "funds" denotes money and not property. There is no property in this fund as created by the constitution, but it is composed of money derived from fines, forfeitures, escheats, income and rentals from state land, and a tax levy provided for by the legislature. The constitutional provision is mandatory. The wording is plain and unambiguous.

It provides that the current school fund shall be distributed among the school districts in the state, naming the proportion each district is to receive. The act of the legislature just quoted provides that "prior to the distribution of said current school fund" that a certain amount of money shall be deducted, etc. How can the legislature authorize the deduction of \$75,000.00 from the current school fund prior to its distribution as required by the constitution without directly violating the express terms of the constitution? I am unable to reach any other conclusion than that the above law is unconstitutional.

The constitution has created a certain fund and has provided that certain revenue shall go in to this fund. It provides that the fund shall be distributed in a certain way. It provides for no deduction other than a reserve to be held for the purpose of aiding certain smaller schools in maintaining a school for the full period of five months. Had the framers of the constitution intended that any other deductions be made from said fund they certainly would have so expressed themselves.

I am, therefore, of the opinion that revenue, after once reaching the current school fund as created by the constitution, is prior to its distribution subject neither to legislative control or appropriation. If \$75,000.00 can be legally deducted therefrom then the legislature may authorize other deductions to be made from said fund and this could be carried on to such an extent that the local schools would receive no distribution of money.

In view of the foregoing, I would advise that you refuse to pay the warrant in the amount of \$6.25 heretofore referred to.

Yours very truly,

Robert C. Dow,
Attorney General

RCD:GB

...the distribution of said current school fund...
...the word "land" is used...
...of funds...
...property is...
...it is composed of money derived from taxes, lotteries, estates, income and rentals from state land, and a few...
...provided for by the legislature...
...also is mandatory...
...It provides that the current school fund shall be distributed among the school districts in the state, making the proportion each district is to receive...
...The act of the legislature that provides for the distribution of the school fund...
...portion of said current school fund...
...money shall be deducted, etc...
...authorizes the deduction of \$10,000 from the current school fund prior to the distribution as required by the constitution...
...that without directly violating the express terms of the constitution, it is possible to reach any other conclusion...
...that the above law is unconstitutional.

The constitution has created a certain fund and has provided that certain revenues shall go in to this fund. It provides that the fund shall be distributed in a certain way. It provides that no deduction other than a reserve to be held for the purpose of aiding certain smaller schools in maintaining a school for the full period of five months. But the terms of the constitution intended that any other deduction be made from said fund they certainly would have expressed themselves.

I am, therefore, of the opinion that revenue, after one reaching the current school fund as created by the constitution, prior to its distribution subject neither to legislative control or appropriation. It \$10,000 can be legally deducted therefrom when the legislature may authorize other deductions to be made from said fund and this could be carried on to such an extent that the local schools would receive no distribution of money.

In view of the foregoing, I would advise that you let them go pay the warrant in the amount of \$5.25 heretofore referred to.

Yours very truly,
Robert C. Bow,
Attorney General

APPENDIX C

NEW MEXICO LAWS, SESSION LAWS OF 1929

CHAPTER 191

AN ACT RELATING TO FREE TEXTBOOKS

Senate Committee Substitute for H. B. No. 162:
Approved March 14, 1929.

Be It Enacted by the Legislature of the State of New Mexico:

Section 1. The State Board of Education in accordance with the following provisions of the Act, shall contract with and order from the publisher or publishers, textbooks for use in the public schools in this state, as now is, or hereafter may be required by law, the cost of which, together with all expense of distribution and accounting, shall be paid for out of the State Common School Fund on warrant or warrants of the State Auditor drawn on the State treasurer.

Sec. 2. Contracts shall be entered with for books in the first and second grades.

Prior to entering into any contract or agreement the State Board of Education shall secure estimates of the number of books required and the cost thereof, and not more than Thirty-five Thousand Dollars (\$35,000.00) gross total shall be expended for textbooks and their distribution in any one fiscal year. There is hereby appropriated for this purpose the sum of Thirty-five Thousand Dollars (\$35,000.00) per annum from the proceeds of the Tobacco Tax provided for in the Committee Substitute for Senate Bill No. 93, of the Ninth Legislature. PROVIDED, HOWEVER, that no free textbooks shall be furnished to any public schools for use prior to the first day of July 1930.

Sec. 3. The County School Superintendent of each County shall furnish the State Board of Education on or before the first day of June of each year a complete list of textbooks necessary for each school district in his or her County; and the State Board of Education shall distribute such books among the several school districts in the state as said board shall deem necessary and equitable.

Sec. 4. Said textbooks required for the use of each county shall be shipped to the county school superintendent thereof, who shall receive and receipt for same, and send a duplicate of his receipt to the State Board of Education, whereupon the county superintendent of schools shall issue said textbooks to the local boards of education of the several districts in his county, taking their receipts thereof, and said school boards shall issue said textbooks to the pupils of said district, taking receipt therefor.

Sec. 5. The State Board of Education shall keep an exact account of the cost of books distributed to each district together with the proper proportion of transportation and accounting charges.

Sec. 6. Each school board shall keep a proper record of all books distributed by it, which record shall be on a form provided by the State Board of Education and at the end of each school term the school board shall collect said books and keep the same in a safe place provided by the board, and said boards shall be responsible for the safe keeping of the textbooks belonging to their districts during vacations.

Sec. 7. Said free textbooks shall be distributed only to children of residents or orphan children in the State of New Mexico, and the parents or guardians of such children shall be responsible for the loss, damage or destruction of books issued to their children or wards, and no books shall be issued to the child or ward of any parent or guardian, who refuses to pay for any book lost, damaged or destroyed by such child or ward unless the parent or guardian is, in the opinion of the board, financially unable to pay for such loss, damage or destruction.

Sec. 8. In the event any parent or guardian desires to furnish textbooks to his child or ward, such textbooks shall be sold to such parent or guardian at the same prices charged to the school district. Such sales shall be made by the County School Superintendent. Money collected from the guardians or parents of students for books lost, damaged or destroyed shall be transmitted to the treasurer of the respective county and placed to the credit of the district in which said loss of textbook occurred.

Sec. 9. In the event any school books are needed in any district on account of loss or damage, or on account of larger attendance of pupils, the County School Superintendent shall make requisition for such additional books upon the State Board of Education who shall supply same.

Sec. 1. The State Board of Education shall keep an exact account of the cost of books distributed to each district together with the proper proportion of transportation and accounting charges.

Sec. 2. Each school board shall keep a proper record of all books distributed by it, which record shall be on a form provided by the State Board of Education and at the end of each school term the school board shall collect said books and keep the same in a safe place provided by the board, and said board shall be responsible for the safe keeping of the textbooks belonging to their district during vacations.

Sec. 3. Said free textbooks shall be distributed only to children of residents or orphan children in the State of New Mexico, and the parents or guardians of such children shall be responsible for the safe keeping or destruction of books issued to their children or wards, and no books shall be issued to the child or ward of any parent or guardian who refuses to pay for any book lost, damaged or destroyed by such child or ward unless the parent or guardian is, in the opinion of the board, financially unable to pay for such loss, damage or destruction.

Sec. 4. In the event any parent or guardian desires to furnish textbooks to their child or ward, such textbooks shall be sold to such parent or guardian at the same price charged to the school district. Such sales shall be made by the County School Superintendent. Money collected from the guardians or parents of students for books lost, damaged or destroyed shall be transmitted to the treasurer of the respective county and placed to the credit of the district in which said loss or textbook occurred.

Sec. 5. In the event any school books are needed in any district on account of loss or damage, or on account of larger attendance of pupils, the County School Superintendent shall make provision for such additional books upon the State Board of Education who shall supply same.

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Sec. 10. For the purpose of carrying out this Act the State Board of Education shall set up a Bureau of Textbook Distribution and Property Accounting. This may include a property clerk whose salary shall not exceed Two Thousand Dollars (\$2,000) per year, a bookkeeper whose salary shall not exceed Eighteen Hundred Dollars (\$1800) per year, and such additional help as may be necessary for carrying out the provisions of this Act.

Sec. 11. The State Board of Education is hereby authorized to contract for the necessary storage space for the receipt and distribution of such textbooks and to provide for their protection by insurance from fire and theft.

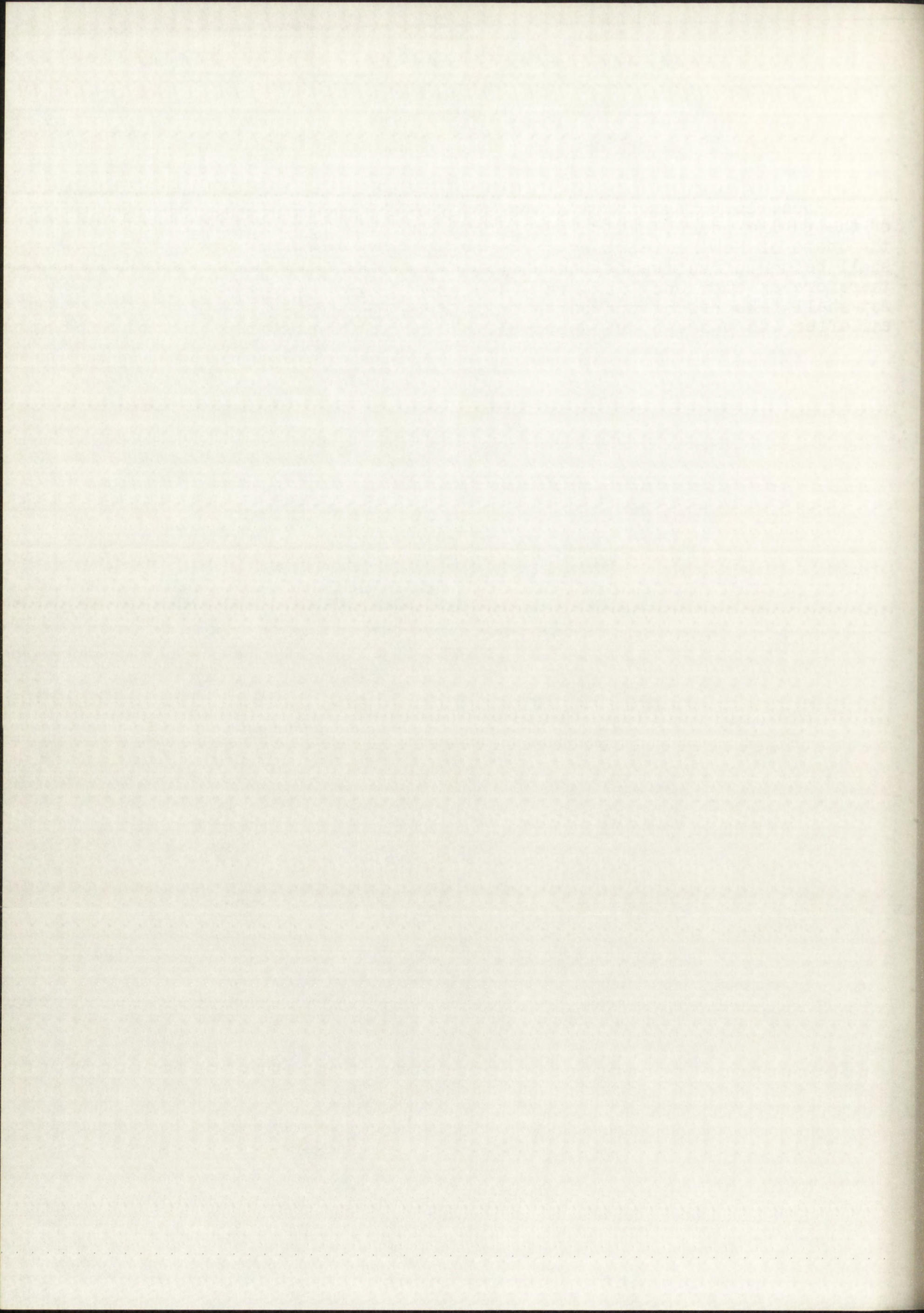
Sec. 12. In case an excess quantity of textbooks have been furnished to any district, or because of decreased attendance it is desirable to return textbooks for credit, the county school superintendent may receive new books and credit the district with the cost thereof at the full value as originally assessed against them and used books, in usable condition, may be credited at an amount to be determined by the county school superintendent upon inspection, but in no case in excess of sixty per cent (60%) of the original cost.

County School Superintendent shall notify the Bureau of Textbook Distribution and Property Accounting of such credits and upon instruction from said Bureau may redistribute these books to other districts.

Sec. 13. The property clerk as provided in this Act shall execute to the state and file with the Secretary of State a good and sufficient bond executed by a surety company authorized to do business in this state, in the amount of Five Thousand Dollars (\$5,000.00), conditioned for the faithful and impartial discharge of his duties as such clerk. Bond may be required by the State Board of Education for other employees engaged in free textbook distribution. The cost of such bond to be paid by the State and included in the expenses of textbook distribution.

Sec. 14. In the event the annual sums hereby appropriated shall be insufficient to furnish free textbooks to all pupils within the first and second grades of the schools of the respective districts, then preference shall be given to children whose parents or guardians are, in the opinions of the governing bodies of the respective school districts, least financially able to purchase books for their children.

Sec. 15. That it is necessary for the preservation of the public peace, health and safety of the inhabitants of the State of New Mexico that the provisions of this Act shall become effective at the earliest possible time and therefore an emergency is hereby declared to exist, and this Act shall take effect and be in full force and effect from and after its passage and approval.



APPENDIX D

NEW MEXICO LAWS, SESSION LAWS OF 1933

CHAPTER 112

AN ACT TO AMEND SECTIONS 1, 2, 3, 4, 7, 8, 9, 12, AND 14 OF ARTICLE 17, CHAPTER 120 (ALSO KNOWN AND DESIGNATED AS SECTIONS 120-1701, 120-1702, 120-1703, 120-1704, 120-1707, 120-1708, 120-1709, 120-1712, AND 120-1714) NEW MEXICO STATUTES ANNOTATED, 1929 COMPILATION, RELATING TO FREE TEXTBOOKS.

House Bill No. 2; Approved March 14, 1933.

Be It Enacted by the Legislature of the State of New Mexico:

Section 1. That Section 1 of Article 17, Chapter 120 (also known and designated as Section 120-1701) New Mexico Statutes Annotated, 1929 Compilation, be and the same is hereby amended to read as follows:

"120-1701. The State Board of Education, in accordance with the following provisions of this Act, shall contract with and order from the publisher or publishers, textbooks for use by the school children in this state, as now is or hereafter may be required by law. The money necessary to furnish free textbooks for all children in the schools in the State of New Mexico, from the first to eighth grades inclusive, and with the expense of distribution and accounting shall be paid out of the Free Textbook Fund, as is now or may hereafter be created, which said fund is hereby appropriated for such purposes; PROVIDED that the fund created by Chapter No. 138 of the Session Laws of 1931 be used by said Board of Education in the purpose of such free textbooks."

Sec. 2. That Section 2 of Article 17, Chapter 120 (also designated and known as Section 120-1702) New Mexico Statutes Annotated, 1929 Compilation, be and the same is hereby amended to read as follows:

"120-1702. Contracts shall be entered into for books from the first grade to the eighth grade inclusive. Prior

ARTICLE 17

CHAPTER 130

AN ACT TO AMEND SECTIONS 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.

House Bill No. 130, Approved March 14, 1933.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. That Section 1 of Article 17, Chapter 130 (also known and designated as Section 130-1701) New Mexico Statutes Annotated, 1929 Compilation, be and the same is hereby amended to read as follows:

"130-1701. The State Board of Education, in accordance with the following provisions of this Act, shall contract with and order from the publisher or publishers, textbooks for use by the school children in this state, as now is or hereafter may be required by law. The money necessary to furnish free textbooks for all children in the schools in the State of New Mexico, from the first to eighth grades inclusive, and with the expense of distribution and accounting shall be paid out of the Free Textbook Fund, as is now or may hereafter be created, which said fund is hereby appropriated for such purposes. PROVIDED that the fund created by Chapter No. 130 of the Session Laws of 1931 be used by said Board of Education in the purchase of such free textbooks."

Sec. 2. That Section 2 of Article 17, Chapter 130 (also designated and known as Section 130-1702) New Mexico Statutes Annotated, 1929 Compilation, be and the same is hereby amended to read as follows:

"130-1702. Contracts shall be entered into for books from the first grade to the eighth grade inclusive. Prior

to entering into any contract or agreement, the State Board of Education shall secure estimates of the number of books needed and the cost thereof. Provided, however, that no textbooks shall be furnished to school children prior to the first day of July, 1933, and provided, further that the said Board of Education shall adopt a uniform system of textbooks from the first to the eighth grades inclusive, prior to entering into any such contracts, and shall not pay for said books in excess of the lowest price paid for the same kind of books in any other state, difference in freight or express excepted, if any.

Sec. 3. That Section 3 of Article 17, Chapter 120 (also designated and known as Section 120-1703) New Mexico Statutes Annotated, 1929 Compilation, be and the same is hereby amended to read as follows:

"120-1703. The county school superintendent and the boards of education of municipal and other independent districts shall furnish the State Board of Education, on or before the first day of May of each year, a complete list of textbooks necessary for the children or pupils in each school district; and the State Board of Education shall distribute such books among the several school districts in the state as said board shall deem necessary and equitable."

Sec. 4. That Section 4 of Article 17, Chapter 120 (also designated and known as Section 120-1704) New Mexico Statutes Annotated, 1929 Compilation, be and the same is hereby amended to read as follows:

"120-1704. Said textbooks required for use in each county shall be shipped to the County School Superintendent and boards of education of municipal or other independent districts within the respective territorial jurisdiction of such superintendent and boards of education, who shall receive and receipt for same and send a duplicate of such receipt to the State Board of Education and the county school superintendent shall issue said textbooks to the boards of education within his jurisdiction, taking receipts therefor, and such boards and the board of education of municipal and other independent districts shall issue said textbooks to the pupils in their respective districts and take receipts therefor."

Sec. 5. That Section 7 of Article 17, Chapter 120 (also designated and known as Section 120-1707) New Mexico Statutes Annotated, 1929 Compilation, be and the same is hereby amended to read as follows:

[illegible]

"120-1707. Said free textbooks shall be distributed to the children of this state attending schools in this state, and the parents or guardians of such children shall be responsible for the loss, damage or destruction of books issued to their children or wards, and no books shall be issued to the child or ward of any parent or guardian who refuses to pay for such book damaged, lost or destroyed by such child or ward, unless the parent or guardian is, in the opinion of the board, financially unable to pay for such loss, damage or destruction."

Sec. 6. That Section 8 of Article 17, Chapter 120 (also designated and known as Section 120-1708) New Mexico Statutes Annotated, 1929 Compilation, be and the same is hereby amended to read as follows:

"120-1708. In the event any parent or guardian desires to furnish textbooks to his child or ward, such textbooks shall be sold to such parent or guardian at the same prices charged to the school district. Such sales shall be made by the county school superintendent or the boards of education of municipal or other independent districts in their respective districts. Money so collected, or for the loss, damage or destruction of textbooks, shall be transmitted to the county treasurer of the respective county and placed to the credit of the proper district."

Sec. 7. That Section 9 of Article 17, Chapter 120 (also designated and known as Section 120-1709) New Mexico Statutes Annotated, 1929 Compilation, be and the same is hereby amended to read as follows:

"120-1709. In the event any textbooks are needed in any district on account of loss or damage or on account of a larger attendance of pupils, the county school superintendent or the boards of education of municipal or other independent districts, as the case may be, shall make requisition to the State Board of Education who shall supply such as are requisitioned."

Sec. 8. That Section 12 of Article 17, Chapter 120 (also designated and known as Section 120-1712) New Mexico Statutes Annotated, 1929 Compilation, be and the same is hereby amended to read as follows:

"120-1712. In case an excess of quantity of textbooks have been furnished to any district, or because of decreased attendance and it is desirable to return textbooks for credit, the county school superintendent or the

1907-1908. The first yearbooks shall be distributed to the children of this state attending schools in this state, and the parents or guardians of such children shall be responsible for the loss, damage or destruction of books issued to their children or wards, and no books shall be returned to the child or ward of any parent or guardian who refuses to pay for such books damaged, lost or destroyed by such child or ward, unless the parent or guardian is, in the opinion of the board, financially unable to pay for such loss, damage or destruction.

Sec. 6. That Section 6 of Article 12, Chapter 120 (also designated and known as Section 120-120) New Mexico Statutes Annotated, 1929 Compilation, be and the same is hereby amended to read as follows:

"120-120. In the event any parent or guardian agrees to furnish textbooks to his child or ward, such books shall be sold to such parent or guardian at the same prices charged to the school district. Such sales shall be made by the county school superintendent or the boards of education of municipal or other independent districts as their respective districts. Money so collected, or for the loss, damage or destruction of textbooks, shall be turned over to the county treasurer of the respective county and placed to the credit of the proper district."

Sec. 7. That Section 7 of Article 12, Chapter 120 (also designated and known as Section 120-120) New Mexico Statutes Annotated, 1929 Compilation, be and the same is hereby amended to read as follows:

"120-120. In the event any textbooks are needed in any district on account of loss or damage or on account of a larger attendance of pupils, the county school superintendent or the boards of education of municipal or other independent districts, as the case may be, shall make application to the State Board of Education who shall supply such as are requisitioned."

Sec. 8. That Section 12 of Article 12, Chapter 120 (also designated and known as Section 120-120) New Mexico Statutes Annotated, 1929 Compilation, be and the same is hereby amended to read as follows:

"120-120. In case an excess of quantity of textbooks have been furnished to any district, or because of decreased attendance and it is desirable to return textbooks for credit, the county school superintendent or the

board of education of municipal, or other independent districts, as the case may be, may receive such books and credit the district with the cost thereof at the full value as originally assessed them and then shall notify the Bureau of Textbook Distribution and Property Accounting for the proper credits and for an order for the disposal of such returned textbooks.

Sec. 9. That Section 14 of Article 17, Chapter 120 (also known and designated as Section 120-1714) New Mexico Statutes Annotated, 1929 Compilation, be and the same is hereby amended to read as follows:

"120-1714. In the event the sums herein appropriated shall be insufficient in any year to furnish free textbooks as herein provided, then preference shall be given to children whose parents or guardians are, in the opinion of the governing bodies of the respective school districts, least able to purchase books for their children."

APPENDIX E

NEW MEXICO LAWS, SESSION LAWS OF 1935

CHAPTER 83

AN ACT PROVIDING FOR AND ESTABLISHING AN AGENCY FOR ACCEPTING ON CONSIGNMENT AND DISTRIBUTION OF TEXTBOOKS THROUGHOUT THE STATE OF NEW MEXICO, AND AUTHORIZING THE STATE BOARD OF EDUCATION TO RECEIVE AND EXPEND MONEYS IN CONNECTION WITH THE SALE AND DISTRIBUTION THEREOF.

Senate Bill No. 129; Approved February 25, 1935.

Be It Enacted by the Legislature of the State of New Mexico:

Section 1. The State Board of Education of the State of New Mexico is hereby empowered to create and establish a textbook distribution department within such State Board of Education to act as a central depository for the distribution of textbooks throughout the State of New Mexico.

Section 2. The State Board of Education shall have power to authorize such book distribution department to receive on consignment textbooks from publishers and dealers in such textbooks, and to redistribute them to schools, and to retail or wholesale dealers throughout the State, provided that such distribution shall be made in such manner and by such methods as will make school books available to the children of New Mexico at the lowest price possible.

Section 3. There is hereby imposed on the State Board of Education the duty of requiring the deposit of all moneys received from the sale of such textbooks in banks qualified to handle public moneys in the State of New Mexico. The person designated by the State Board of Education to handle such moneys and make deposit thereof, shall be obliged to furnish a corporate surety bond executed by such person as principal, and a corporate surety company admitted to do business in New Mexico, as surety, in such amount as said Board shall determine, the bond to be approved as to form, contents and execution by the Attorney General of New Mexico.

ARTICLE I

THE PUBLIC EDUCATION LAW OF 1935

CHAPTER II

IN NOT PROVIDING FOR AN ESTABLISHED AGENCY FOR RECEIVING OR CONTROLLING THE DISTRIBUTION OF TEXTBOOKS THROUGHOUT THE STATE OF NEW MEXICO, AND ALLOCATING THE STATE BOARD OF EDUCATION TO LOCATE AND EXAMINE BOOKS IN CONNECTION WITH THE SALE AND DISTRIBUTION THEREOF.

Section 111. No. 1195. Approved February 25, 1935.

the is amended by the addition of the State of New Mexico.

Section 1. The State Board of Education of the State of New Mexico is hereby empowered to create and establish a textbook distribution department within such State Board of Education so as to act as a central depository for the distribution of textbooks throughout the State of New Mexico.

Section 2. The State Board of Education shall have power to authorize such book distribution department to receive on consignment textbooks from publishers and dealers in such textbooks, and to redistribute them to schools, and to retail or wholesale dealers throughout the State, provided that such distribution shall be made in such manner and by such methods as will make school books available to the children of New Mexico at the lowest price possible.

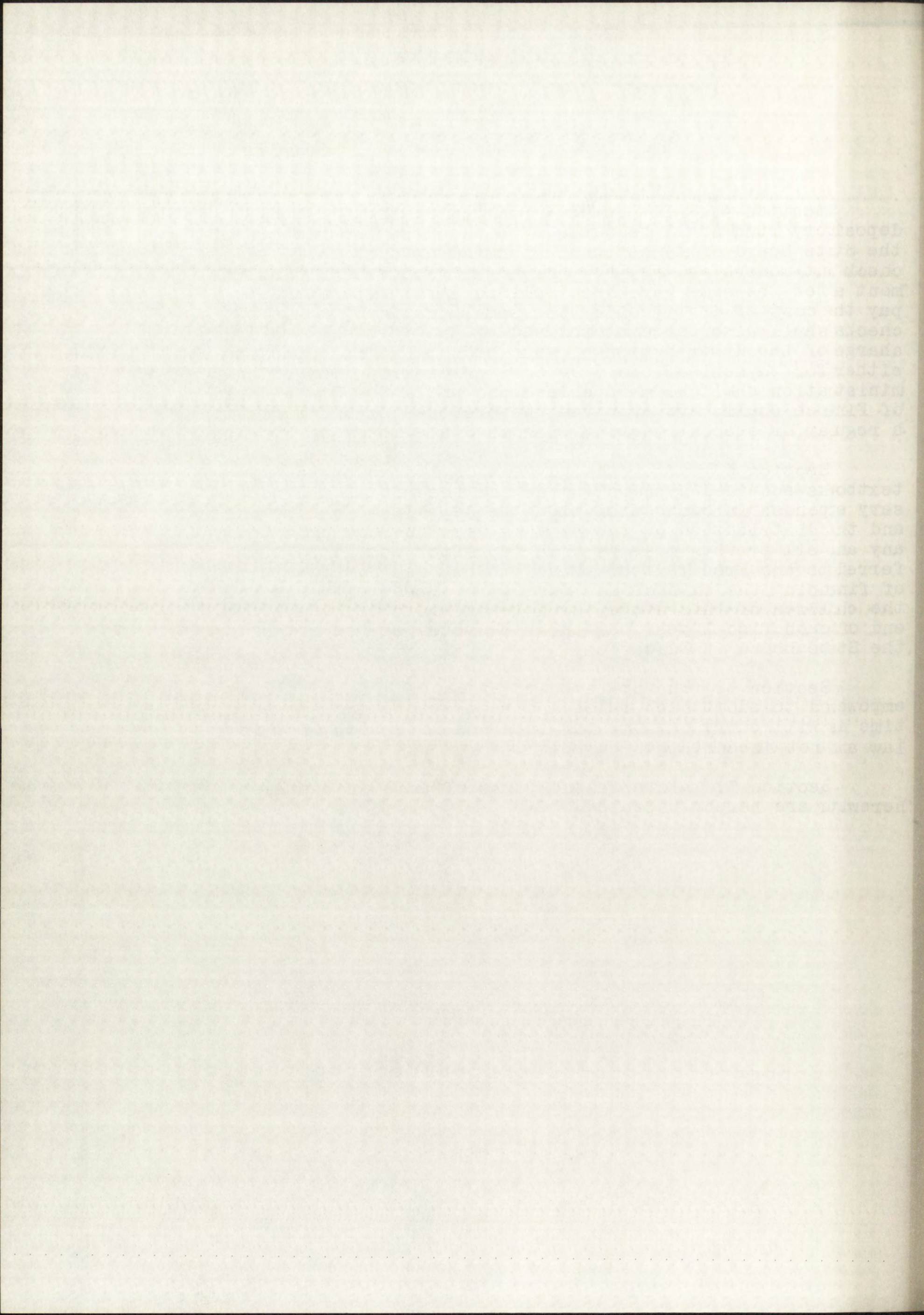
Section 3. There is hereby imposed on the State Board of Education the duty of reporting the deposit of all moneys received from the sale of such textbooks to banks qualified to handle public moneys in the State of New Mexico. The moneys deposited by the State Board of Education to handle such moneys and make deposits thereof, shall be obliged to furnish a corporate surety bond executed by such person as principal, and a corporate surety company admitted to do business in New Mexico, in such amount as said board shall determine. The bond to be approved as to form, contents and execution by the Attorney General of New Mexico.

Section 4. All moneys deposited in the textbook depository fund shall be subject to check by two members of the State Board of Education designated by such board to check out moneys and pay for the books received on consignment after the same have been sold as hereinbefore and to pay the cost of distributing the same, provided, such checks shall also be countersigned by the person actually in charge of the distribution of such books, but no expenditure, either for payment of books or cost of distribution or administration shall be made unless and until the State Board of Finance shall have approved the proposed expenditure at a regular or special meeting of such State Board of Finance.

Section 5. After the payment of the accounts for textbooks acquired by consignment and the actual and necessary expenses in connection with the deposit of said books and the distribution of the same as hereinbefore provided, any and all profits made by such depository shall be transferred to the Free Textbook Fund, to be used for the purpose of financing the cost of and furnishing free textbooks to the children of this state, such transfer to be made at the end of each fiscal year, or prior thereto, at the option of the State Board of Education.

Section 6. The State Board of Education is hereby empowered to adopt such rules and regulations from time to time as will carry out the purposes and intention of this law and not inconsistent herewith.

Section 7. All acts and parts of acts in conflict herewith are hereby repealed.



APPENDIX F

CHRONOLOGICAL CHART SHOWING PROGRESS IN THE FREE TEXTBOOK MOVEMENT IN NEW MEXICO

Year	Legislative acts	Political attitudes	Special reports	Press activity	Individual reactions
1901			State Superintendent J. F. Chavez recommended supplying free textbooks by the state from a special tax.		
1903	Provided for purchase of free textbooks by the district for indigent children.				
1909			Julia Brown Asplund appointed to make a survey of the school library situation in New Mexico.		
1910				"Pupils Circulating Library" fostered by New Mexico Education Journal.	
1912			New Mexico Education Association recommended free traveling libraries for schools.		

CHRONOLOGICAL CHART SHOWING PROGRESS IN THE
FREE TEXTBOOK MOVEMENT IN NEW MEXICO (cont'd)

Year	Legislative acts	Political attitudes	Special reports	Press activity	Individual reactions
1915			Lincoln County reported no money spent for free books. Mora County spent \$1.55.		
1917			Alvan N. White, State Superintendent of Public Instruction, recommended free text books.		
1923	Permitted boards of education to purchase school supplies in addition to textbooks for indigent children.				
1924			Free textbooks endorsed by the joint legislative committee of all labor unions in New Mexico.		
1925					Free textbook program presented to legislative committee by Dan Kelly, representing labor unions of New Mexico.

Year	Registered Voters	Abstained	Eligible Voters	Abstention Rate	Turnout Rate
1980	1,234,567	234,567	1,469,134	15.96%	84.04%
1984	1,345,678	245,678	1,591,356	15.44%	84.56%
1988	1,456,789	256,789	1,713,578	15.00%	85.00%
1992	1,567,890	267,890	1,835,780	14.60%	85.40%
1996	1,678,901	278,901	1,957,802	14.24%	85.76%
2000	1,789,012	289,012	2,078,024	13.91%	86.09%
2004	1,890,123	290,123	2,180,246	13.31%	86.69%
2008	1,901,234	291,234	2,192,468	13.29%	86.71%
2012	1,912,345	292,345	2,204,690	13.26%	86.74%
2016	1,923,456	293,456	2,216,912	13.24%	86.76%
2020	1,934,567	294,567	2,229,134	13.21%	86.79%

CHRONOLOGICAL CHART SHOWING PROGRESS IN THE
FREE TEXTBOOK MOVEMENT IN NEW MEXICO (cont'd)

Year	Legislative acts	Political attitudes	Special reports	Press activity	Individual reactions
1926		Free text-books advocated in platform of major political parties.			
1927	Bills for free text-books introduced in House of Representatives. Advocated per capita tax to provide fund. The final bill provided \$75,000.00 be drawn on Current Common School Fund.		Declared unconstitutional by attorney general Dow.	Adverse criticism given editorially in Albuquerque Morning Journal.	
1928		Free text-books plank contained in platform of major political parties.	Measure sponsored by Forum and labor unions. Taxpayers' Association against the program.	Press favored free textbooks.	Free text-books advocated by prominent educators. Carried to legislature by Dan Kelly who gave comparative costs of books in various states. Mrs. Georgia Lusk favors free textbooks.

CHRONOLOGICAL CHART SHOWING PROGRESS IN THE
FREE TEXTBOOK MOVEMENT IN NEW MEXICO (cont'd)

Year	Legislative acts	Political attitudes	Special reports	Press activity	Individual reactions
1929	Provided expenditure of \$35,000.00 per year for free textbooks from proceeds of tobacco tax.		New Mexico Education Association against free textbook law. Asked its repeal.	State Press actively against the tobacco tax.	
1930		Democratic party against law of 1929, republican party favored free textbooks.		Press actively against law of 1929.	Tobacco tax law defeated by referendum.
1931	Rural Aid Fund created from Mineral Leasing Land Act.		Legislature criticized for not making free books mandatory. Favored direct appropriation of funds.	Strong support from newspapers: e.g. The Albuquerque Journal.	Free textbooks classed as business proposition by George L. Ulrick.
1932		Favored by both major political parties.	Sponsored by women's clubs and labor unions.	Favorable comment editorially.	
1933	Transferred Rural Aid Fund to Free Textbook Fund. Empowered State Board of Education to pur-		First State adoptions made for first three grades. Readers furnished in the first three		Support given by N. C. C. W. and by Christian Brothers of St. Michael's

CHRONOLOGICAL CHART SHOWING PROGRESS IN THE
FREE TEXTBOOK MOVEMENT IN NEW MEXICO (cont'd)

Year	Legislative acts	Political attitudes	Special reports	Press activity	Individual reactions
1933	chase and distribute books for first eight grades.		grades.		College.
1934			New Mexico Education Association suggested revision of law of 1933.		
1935	Law revised to facilitate handling, distribution and accounting of books.				
1937			All grade books free except spellers, health and English.		
1938			All books for grade pupils furnished free. Recommended free textbooks for high school pupils for year 1939.		

