

No. 101.

AN ACT

To repeal the fourth section of an act, passed the ninth day of April, one thousand, eight hundred and thirty-three, entitled An act supplementary to an act entitled An act to enlarge the Public Buildings of the State Penitentiary for the Eastern District and for other purposes, passed the twenty-eighth day of March, Anno Domini, one thousand, eight hundred and thirty-one.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the fourth section of the act, passed the ninth day of April, one thousand, eight hundred and thirty-three, authorizing the commissioners of Dauphin county, to sell the Lancasterian school house and its appurtenances, situate in Walnut street in the borough of Harrisburg, be and the same is hereby repealed.

WM. PATTERSON,
Speaker of the House of Representatives.

THOS. RINGLAND,
Speaker of the Senate

APPROVED—The first day of April, one thousand, eight hundred and thirty-four.

GEO: WOLF.

No. 102.

AN ACT

To establish a General System of Education by Common Schools.

Preamble.

WHEREAS, it is enjoined by the constitution, as a solemn duty, which cannot be neglected without a disregard of the moral and political safety of the people: *And whereas,* the fund for common school purposes, under the act of the second of April, one thousand eight hundred and thirty-one, will, on the fourth of April next, amount to the sum of five hundred and forty-six thousand five hundred and sixty-three dollars and seventy-two cents, and will soon reach the sum of two millions of dollars, when it will produce, at five per cent. an interest of one hundred thousand dollars, which, by said act, is to be paid for the support of common schools: *And whereas,* provisions should

be made by law, for the distribution of the benefits of this fund to the people of the respective counties of the Commonwealth: Therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the city and county of Philadelphia, and every other county in this Commonwealth, shall each form a school division, and that every ward, township and borough, within the several school divisions, shall each form a school district: *Provided,* That any borough which is or may be connected with a township in the assessment and collection of county rates and levies, shall, with the said township, so long as it remains so connected, form a district; and each of said districts shall contain a competent number of common schools, for the education of every child within the limits thereof, who shall apply, either in person or by his or her parents, guardian or next friend, for admission and instruction.

School divis's
and districts.

Proviso.

SECTION 2. It shall be the duty of the sheriff of each county, thirty days previous to the third Friday in September of the current year, one thousand eight hundred and thirty-four, to give notice by proclamation, to the citizens of each school district, to hold elections in their respective townships, wards and boroughs, at the places where they hold their elections for supervisors, town councils and constables, to choose six citizens of each school district, to serve as school directors of said districts respectively; which elections shall, on the said day, be conducted and held in the same manner as elections for supervisors and constables are by law held and conducted; and on the day of the next annual election of supervisors in the respective townships, and of constables in the respective cities of this Commonwealth, a new election for directors shall take place in the said townships, boroughs and cities, at which election, and annually thereafter at that time, and in manner and form aforesaid, two directors shall be chosen, who shall serve for three years; the sheriffs giving thirty days notice previous to such election.

Elections of
schl. directors

SECTION 3. It shall be the duty of the said school directors, within ten days after the period of their election, annually to meet in their respective school districts, when each board shall choose, out of their own body, a president and secretary, and a delegate to the joint delegate meeting provided for in the following section; they shall also appoint a treasurer for the district where no township or borough treasurer shall be otherwise appointed; and it shall be the duty of each board, on the day of their first assembling as aforesaid, to divide themselves into three classes, the first of which shall serve until the next election, the second until the second election, and the third until the third election following, so that one-third of each board may be chosen annually; and if any vacancy shall occur, by death or

Directors to
meet within
10 days, &c.

otherwise, it shall be the duty of the board in which such vacancy may occur, to fill the same until the next election.

Meeting of
delegates and
county com-
missioners.

SECTION 4. On the first Tuesday in November, of the year one thousand eight hundred and thirty-four, and first Monday in May in each year thereafter, there shall be held, at the county court-house in each division, a joint meeting of the county commissioners and one delegate from each board of school directors within said county or school division, in which it shall be decided whether or not a tax for the expenditure of each district be levied; and if a tax be authorized by a majority of the joint meeting, it shall be apportioned among the several districts as county rates and levies are now by law apportioned. Each delegate to the joint meeting, shall be entitled to receive one dollar per day, for each day's attendance spent by him in travelling to and from and attending said meeting, to be paid out of the county treasury.

Appropriati's.

Proviso.

2d proviso.

SECTION 5. The appropriations made for the common schools, by the joint meeting, shall be considered part of the authorized estimates of county expenditures, and shall be levied and collected in the usual manner: *Provided*, That no tax shall be less in amount than double the funds which may be furnished to said county or school division, as hereinafter directed, out of the treasury of this Commonwealth, in aid of common schools organized according to the provisions of this act: *And provided further*, That to constitute a joint meeting, at least two of the county commissioners, and a majority of the delegates of the school districts in each division shall be required, except in such cases as are hereinafter provided; and if no quorum be present, it shall be lawful for them to hold further meetings until one is obtained.

Of the pro-
ceedings of
the delegates.

SECTION 6. When such delegate meeting is organized, the vote on the question of making appropriations for common schools shall be taken by yeas and nays, a record whereof shall be kept by the county commissioners, and if it shall be determined, by a majority of said meeting, that no such appropriation shall be made for any division or county, then all the districts, whose delegates voted in the negative, shall for that year be entitled to no part of the money appropriated by this act, but the whole amount which such division would have been entitled to, had it determined to make such appropriation for common schools by tax, shall go and be appropriated to such district or districts in said division or county, whose delegates voted in the affirmative, in the ratio of the taxable inhabitants of said district. And the amount of tax levied on such district voting in the affirmative, under the present law for educating the poor gratis, shall be fairly estimated by the commissioners, and paid out of the county treasury to such districts, to be added to their common school fund, to entitle the districts thus voting in the affirmative, to the money appropriated by this act, they shall be required to raise no larger tax than would have been

required, had every county in the Commonwealth voted, to appropriate for common schools as provided for in this act. In case a majority of the districts in any division or county vote in the negative, then the amount of tax to be raised by those districts voting in the affirmative, shall be fixed by a majority of the votes of the delegates of said districts. If on neither the first nor second meeting, a majority of the commissioners and delegates from all the districts of any division shall attend, then those present shall proceed in the same manner as if a majority had attended, and their proceedings shall be as valid. If, in any division, no district shall thus vote to appropriate, then the money to which such division would have been entitled, shall remain in the State Treasury, for the use of such division or counties, for the term of two years from the passage of this act; after which time, if such division or counties, or any part thereof, do not vote so to appropriate, then the money to which such division would have been entitled, shall go to, and be divided among such divisions or counties, as shall thus in whole or in part vote to appropriate. And it shall be the duty of the county commissioners of each county, in each year, after such delegate meeting may have been held, to communicate the proceedings thereof to the general superintendent: *Provided*, That in Proviso. case it shall have been determined, by any such delegate meeting, that no appropriation for common schools should be made for the current year, the acts of Assembly to provide for the education of the poor gratis now in force, shall continue in force, in such division, or county, or district, for the current year.

SECTION 7. Within twenty days after such joint meeting of the delegates as aforesaid, or at such time as such joint meeting shall fix and determine, if said delegate meeting shall have determined to make an appropriation as aforesaid, the people of the several school districts shall assemble in their respective wards or districts, at the usual place of holding ward or township elections, or at such place as may be fixed by such delegate meeting; and it shall be the duty of said delegate meeting, to give due notice of the time and place of holding said meetings of the people in the said school districts. And the people of said districts, when so assembled, shall be organized by appointing a chairman, and the secretary of the board of directors of the proper district shall be secretary of the said meeting, and shall record the proceedings of such meeting in the book of minutes of the said board; or in his absence, that duty shall be performed by some other director of the said board. It shall be the duty of the board of directors, to communicate to such meeting, such matters in reference to the common schools of the district, as may be important, which may be considered by such meeting: And it shall be in the power of said meeting to decide, by a majority of votes, whether they will raise for the current year a sum in addition to that determined on by the delegate Meetings of the people in the districts.

meeting aforesaid, to be applied to the common schools of the said district; and if such meeting shall so determine to raise such additional sum, it shall be the duty of the secretary to certify the same to the supervisors of the township, or the town council of the borough, as the case may be, whose duty it shall be to add the same as an increase upon the assessment or tax of the said district, and the same shall be collected as township or borough rates and levies are by law collected.

Duties and powers of the directors.

SECTION 8. It shall be the duty of the several boards of school directors, to determine the number of schools to be opened in their respective districts; to cause suitable buildings to be erected, purchased or hired, for schools; to appoint capable teachers at liberal salaries; to admit scholars; to have the general superintendence of the schools of their respective districts; to pay the necessary expenses incurred thereby, by orders drawn on the treasurer of the district, signed by the president, and countersigned by the secretary of the respective boards: *Provided*, That no school director shall receive any emolument whatever, for his services, except when serving as a delegate, according to the provisions of this act; but he shall be exempted during the performance of the duties of said office, from militia duty, or serving in any other township or borough office.

Proviso.

Of schools formed by 2 or more districts.

SECTION 9. Whenever it may be necessary or convenient to establish a school out of two or more adjoining districts, the school directors from each of such adjoining districts, or a majority of them, may establish and regulate such school; and the expenses thereof shall be divided between said districts, according to the number of scholars each district may send to such school.

Manual lab'r.

SECTION 10. Whereas, manual labour may be advantageously connected with intellectual and moral instruction, in some or all of the schools, it shall be the duty of the school directors to decide whether such connection in their respective districts shall take place or not; and if decided affirmatively, they shall have power to purchase materials and employ artisans for the instruction of the pupils in the useful branches of the mechanic arts, and, where practicable, in agricultural pursuits: *Provided nevertheless*, That no such connection shall take place in any common school, unless four out of the six directors of the district shall agree thereto.

Proviso.

Directors to visit the sch's and to report to the inspectors.

SECTION 11. It shall be the duty of each board of school directors, by two or more of their number, to visit every school within their school district, at least once in every month, and cause the result of said visit to be entered in the minutes of the board; and it shall be their further duty, to make an annual and full report to the district inspectors, to be appointed as hereinafter directed, of the situation of each school in their district, the number of scholars, the studies pursued, and whether in connexion with manual labour, the number of months in the year the schools shall have been opened, the expenses attending

each school, salary of the teacher, and his or her qualifications and general conduct, together with such information as may be beneficial in forming a just estimate of the value of such schools; and this report to the said inspectors shall be made on or before the first day of October in each year.

SECTION 12. The several courts of Quarter Sessions in this Commonwealth shall, annually, at their first session after the election of school directors within their respective counties or divisions, appoint two competent citizens of each school district, to be inspectors of the public schools therein established by this act, who shall be exempt, during the performance of the duties of their said office, from militia duty, and from serving in any township or borough office.

Q. S. to app't
inspectors.

SECTION 13. It shall be the duty of the school inspectors to visit every school in their respective districts, at least once in every three months, and as much oftener as they may think proper, to inquire into the moral character, learning and ability of the several teachers employed therein; they shall have power to examine any person wishing to be employed as a teacher, and if found qualified and of good moral character, shall give him or her a certificate to that effect, naming therein the branches which he or she is found qualified to teach, which certificate shall be valid for one year from the date thereof, and no longer; and no person who shall not have obtained such certificate, shall receive from the county treasury, or the treasury of the Commonwealth, any compensation for his services.

Duties of
inspectors.

SECTION 14. The inspectors of any school division, may meet at such times and places as they may deem expedient, and adopt such rules for the examination of teachers and schools, and prescribe such forms for certificates, as they may deem necessary to produce uniformity in such examinations and certificates, throughout the school division; and they may, if they deem it expedient, appoint days for the public examination of teachers, and require all teachers to be examined in public; and said inspectors, or any one of them, may visit all district schools in their school divisions, and examine the same.

SECTION 15. Whenever the inspectors meet together as they are empowered by the preceding section, they shall organize themselves for the proper transaction of business, and each inspector shall be governed by the rules then adopted in his examinations, and observe such forms in his certificates, as shall be prescribed by the majority of the inspectors of the school division thus assembled; and no certificate of qualification shall be given by the inspectors, or any of them, to any teacher, unless he or she be found qualified to teach reading, writing and arithmetic.

SECTION 16. The school inspectors shall minutely examine into the state and condition of the schools, both as respects the progress of the scholars in learning and the good order of the schools, and make an annual report to the super-

intendent of the public schools, on or before the first Monday in November, of the situation of the schools in their respective districts, founded on their own observations and the report of the respective school directors; to include the character of the teachers; the number of scholars admitted during the year in the several schools under their inspection; the branches of study taught in each school; the number of months in the year during which each school shall have been kept open; the cost of school houses, either for building, renting or repairing, and all other costs that may have been incurred in maintaining the several schools in their respective districts; and also shall cause the same to be published in the school division, at the expense of the respective city or county.

SECTION 17. The Secretary of the Commonwealth shall be superintendent of all the public schools established by virtue of this act, and he shall perform the following duties:

Secretary of
the Common-
wealth to be
superintendent.

Duties as
such.

I. Prepare and submit an annual report to the Legislature, containing a statement of the condition of the common schools, estimates and accounts of expenditures of the school moneys, plans for the improvement of the common school system, and all such matters, relating to his office of superintendent and to the concerns of the common schools, as he shall deem it expedient to communicate.

II. He shall prepare suitable blank forms, with necessary instructions for making district reports, and for conducting the necessary proceedings under his jurisdiction, and he shall cause the same, together with all such information as he may deem necessary for the further improvement of the schools, to be transmitted to the several boards of directors.

III. He shall sign all orders on the State Treasury for the payment of moneys into the county school funds, but no such order shall be drawn until the county commissioners shall have furnished him with a certificate, which they are hereby required to do, of the amount of school tax required by this act, having been assessed according to the provisions thereof.

IV. If any controversy shall arise in relation to the distribution of the public money, or between the inspectors and directors concerning the duties of their office, an appeal to the superintendent shall be made, who is hereby authorized to settle and adjust all such disputes, without cost to the parties; and all money reasonably expended by him in this, and other matters appertaining to the execution of his duty as superintendent, shall upon due proof, be allowed to him by the Auditor General, and paid out of the State Treasury.

SECTION 18. The county commissioners shall transmit an abstract of the accounts, audited by the proper officer, to the superintendent, once in every year, on or before the first day of November.

County com-
missioners.

SECTION 19. Seventy-five thousand dollars are hereby appropriated out of the school fund, for the year one thousand

eight hundred and thirty-five, which amount shall be annually ^{\$75,000 ap-} thereafter appropriated and paid as hereinafter directed, until the ^{propriated for} year when the school fund shall yield an interest of one hundred ^{the year 1835} thousand dollars annually, when that sum shall be distributed ^{and annually} in each year amongst the school divisions created by the adop- ^{thereafter, to} tion of this act, in manner following:—The superintendent of ^{the school} fund. common schools shall give notice, in at least one public news-
paper in every school division within this Commonwealth, for
the space of three weeks, of the sum to which such division
may be entitled, having reference in such distribution to the
number of taxable inhabitants in said division; and these funds
shall be again distributed to the different districts, in proportion
to the taxables of said districts, according to the provisions of
this act; and as soon as practicable thereafter, the said superin-
tendent shall cause the distributive share of each school divi-
sion entitled thereto, to be paid to the county treasurer, which
share shall be apportioned amongst the respective districts of
the several divisions, according to the said principle of distribu-
tion prescribed for the superintendent; and the same rule shall
be observed in the distribution of the proceeds of the tax imposed
upon the county for the same purpose, by the delegate meeting
hereinbefore provided for.

SECTION 20. All moneys that may come into the possession ^{Duties of the} of the county treasurers, for the use of any school district or dis- ^{county trea-} tricts within their respective divisions, shall be paid over by the ^{surer.} said treasurers to the treasurers of the said districts respectively, at such times as the commissioners of the respective counties shall order and direct; and the bond of a county treasurer shall be forfeited, by any failure to comply with the duties enjoined upon him by this act.

SECTION 21. The treasurers of the respective townships and ^{Of township} boroughs, where such officers are appointed, shall be treasurers or borough ^{treasurers,} for their respective school districts, and all moneys belonging to ^{&c.} a district for the support of schools, whether the same be derived from appropriations by the state, contributions from the county treasury, private donations, or otherwise, shall be placed in the custody of the treasurer thereof, and shall be paid out on orders drawn by the president of the board of directors, by order of said board; and the accounts of the said board shall be audited and adjusted, as other accounts of the townships and boroughs are directed by law to be audited and adjusted; and the said treasurer shall be required to give to the board of directors, good and sufficient security for the safe-keeping and faithful application of the funds entrusted to his care, in all cases where the said treasurer shall be appointed by the said board of directors: *Provided*, That the several duties of district treasu- ^{Proviso.} rers in the cities of Philadelphia, Lancaster and Pittsburg, shall be performed by the treasurers of the respective counties, and their accounts shall be audited and settled by the county audi-
tors, as in other cases.

Of property
held in trust
for the
schools.

SECTION 22. The county commissioners of each county in the Commonwealth, shall have power to take and hold, in fee simple or otherwise, any estate, real or personal, which shall be given by any person or persons, or bodies corporate, for the use of any school division within the said county.

SECTION 23. The supervisors of every township, and the town council of every borough forming a school district, shall have power to purchase, hold and receive real and personal property of all descriptions, that may be necessary for the establishment and support of schools, and the same to sell, alien and dispose of, whenever it shall be no longer required for the uses aforesaid: And in all cases where real estate is held by trustees, for the general use of the neighbourhood, as a school house or its appendages, it shall be lawful for the said trustees, the survivor or survivors of them, to convey the same to the supervisors or town council of the proper district; and from thenceforth, the said supervisors or town council shall hold the said property, for the same term and for the same uses for which it was granted to the said trustees.

Co. treasurers
to receive and
acc't for mo-
neys, &c.

SECTION 24. That it shall be the duty of the treasurer of each county for the time being, to receive all the moneys, from whatever sources they may arise or become due, that are to be distributed and applied to the support of schools created under the provision of this act, within said county, to keep a just and true account of all his receipts and payments, which the auditors of the county shall audit, settle and adjust, in like manner as they shall audit, settle and adjust his accounts as county treasurer, which accounts, so audited shall be transmitted to the superintendent of common schools, by the county commissioners, as directed by this act: And the said treasurer's accounts shall contain a true statement of all moneys received during the year, for the use of any school or schools of any division or district of his county, designating in said accounts, from what sources said moneys have been derived, and such account shall be sworn or affirmed to by him.

Balance
against any
of them: to be
a lien, &c.

SECTION 25. Upon settlement of the account of such treasurer, if any balance is found due by him, the transcript of such balance may be filed in the court of Common Pleas of the proper county, and the same shall be a lien upon the real estate of such treasurer, in like manner as balances due by him to the county and Commonwealth are made liens by act of assembly.

Repealing
clause.

SECTION 26. So much of any act of the General Assembly as is hereby altered or supplied, is hereby repealed, except the act and its supplements now in operation in the city and county of Philadelphia, entitled "An act to provide for the education of children at the public expense within the city and county of Philadelphia," which is made concurrent with the provisions of this act, and is in no wise to be considered as altered, amended or repealed, except so far that the citizens of said city and county shall be entitled to receive their due proportion and share of any

money which may be appropriated out of the school fund, by the Legislature, in pursuance of the provisions of this act.

SECTION 27. Immediately after the passage of this act, the Secretary of the Commonwealth shall cause circular letters, with the said act attached thereto, to be addressed to the sheriff of each county, and it shall be the duty of the sheriff aforesaid, to publish the same in two or more newspapers in his county, if so many be published therein, for three successive weeks, in such manner as shall secure the timely organization, under this act, according to the provisions thereof, the expense to be defrayed out of the county treasury.

Secretary of
the Comm'th
to send copies
of this act to
the sheriff's.

WM. PATTERSON,
Speaker of the House of Representatives.

THO'S. RINGLAND,
Speaker of the Senate.

APPROVED—The first day of April, one thousand eight hundred and thirty-four.

GEO: WOLF.

No. 103.

A SUPPLEMENT

To an act entitled "An act to provide for the inspection of tobacco for the port of Philadelphia."

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same,* That the act entitled "An act to provide for the inspection of tobacco for the port of Philadelphia," shall not extend to any tobacco other than such as is intended for a market beyond the United States; and the inspector shall provide at least one ware-house for inspection, to be located within the limits of the city of Philadelphia.

WM. PATTERSON,
Speaker of the House of Representatives.

THO'S. RINGLAND,
Speaker of the Senate.

Approved—The first day of April, one thousand eight hundred and thirty-four.

GEO: WOLF.