

## No. 166

**An Act**

To consolidate and amend the several acts relative to a general system of education by common schools.

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 every township, borough or School dis- ward, in this commonwealth, not within the city and incor- tricts. porated districts of the county of Philadelphia, shall constitute a school district: *Provided,* That any borough which is or Proviso. may be connected with a township in the assessment of county rates and levies, shall with the said township form a district.

SECTION 2. Annually, at the same time and place that Time of held elections are held for supervisors and constable, and in wards ing election and boroughs, at the time and place of the borough election, for directors and in like manner, two persons shall be elected school directors for each district, whose term of office shall be three years, and the persons so elected shall be notified thereof within five days, by the judges of said election: *Provided,* Proviso. That in districts where directors have not been elected, or in new districts, which may be established by the division of a township, or otherwise, six directors shall be elected in such districts at the first election, two to serve one year, two to serve two years, and two to serve three years.

SECTION 3. Within twenty days after said election, each Organization board of school directors shall organize, by choosing a of board of president and secretary out of their own body; they shall directors. also appoint a treasurer for the district, and shall require him to give sufficient security to insure the faithful performance of his duty, they shall also have power to fill any vacancy Power to fill which may occur in their board by death, resignation, or vacancies. otherwise, until the next election, when such vacancy shall be filled by electing a person to supply the same.

SECTION 4. The school directors of every school district Amount of which has adopted the common school system, or which tax to be levied on district. may hereafter adopt the same, shall annually, on or before the first Monday of May, authorize to be levied such an amount of tax on said district as they may think necessary for school purposes, not less than equal to, nor more than treble the amount which the district is entitled to receive out of the annual state appropriation, and for the purpose of raising any additional sum that may be deemed necessary, Manner and time of in- meetings shall be called of the taxable inhabitants of the township or district, by the directors, on the first Tuesday creasing tax.

of May annually, notice of the time and place of holding such meeting being first given, by at least six advertisements, put up in the most public places in such township or district, for the space of two weeks, a majority of whom shall decide by ballot, how much and what additional sum shall be raised for school purposes, and any additional sum so authorized, shall be assessed and collected, paid over and distributed, in the same manner that is provided for by this act.

**Assessors to furnish a correct copy of the last valuation.** SECTION 5. The assessor of every ward, township, or borough composing any school district as aforesaid, shall upon demand, furnish the school directors of the district with a correct copy of the last adjusted valuation in the same, for county purposes, whereupon the board of directors shall, on or before the first day of June, annually, proceed to levy and apportion the said tax as follows, viz:

**Poll tax.** *First.* On each male taxable inhabitant of the district, a poll tax, at their discretion, not exceeding fifty cents.

**Tax on officers, posts of profit, &c.** *Second.* On all officers and posts of profit, professions, trades and occupations, and on all single freemen above the age of twenty-one years, who do not follow any occupation, not exceeding the amount assessed on the same for county purposes.

**Personal property.** *Third.* On personal property which was made taxable by an act entitled "An act assessing a tax on personal property, to be collected with the county rates and levies, for the use of the commonwealth," passed the twenty-fifth day of March, one thousand eight hundred and thirty-one, and the said property shall continue to be assessed according to the provisions of said act, and upon all property now taxable for county purposes: *Provided,* That said act taxing personal property, shall not be so construed as to make widows dower liable to the payment of taxes.

**Provide.**

**Duplicate to be made out.** SECTION 6. When the school tax is so levied and apportioned in any district, the secretary of the board of directors shall make out a correct duplicate of the same, and the president of the board shall issue his warrant, with the duplicate aforesaid, to the township or borough collector, or to some other suitable person residing within the district, to collect the said tax, and shall require from him sufficient security to insure the faithful discharge of his duty, and the board of directors of each district shall have the right at all times, to make such abatement or exonerations for mistakes, indigent persons, unseated lands, &c. as to them shall appear just and reasonable, and the secretary of the board shall enter in a book or books, to be kept by him for that purpose, the names of all persons so abated or exonerated, together with the reasons for such exonerations.

**Abatement may be made in certain cases.**

**Collection of taxes.** SECTION 7. The said collector shall have like powers to enforce the payment of the school tax, as collectors of county rates and levies have to enforce the payment of the same,

and shall receive the like compensation for his services from time to time, as the said tax is collected; the collector of the district shall pay the amount over to the district treasurer, and shall settle up his duplicate on or before the time fixed upon in the warrant of the president: *Provided*, That if the tax so levied on unseated lands, shall not be voluntarily paid by the owner or owners thereof, the district collector shall certify the same to the county commissioners, and the said county commissioners shall enforce the collection thereof, in the same manner as the collection of the taxes on unseated lands is enforced, when assessed for county purposes, and when so collected, the same shall be paid to the district treasurer for the time being, by orders drawn by the said commissioners on the county treasurer. Proviso.

SECTION 8. The school directors of every school district which shall have adopted the common school system, shall perform the following duties in addition to those above specified.

I. They shall, if they deem it expedient, divide their districts into sub-districts, and shall establish a sufficient number of common schools for the education of every individual above the age of four years, in the district, who may apply, either in person or by his or her parents, guardian, or next friend, for admission and instruction, and shall keep the said schools open at least six months in every year, if they shall have funds for that purpose. Duties of school directors.

II. They shall cause suitable buildings to be erected, rented or hired for school houses, and supply the schools with fuel. Buildings.

III. They shall exercise a general supervision over the schools of their respective districts, and fix the amount of the salaries of the teachers. Supervision.

IV. They shall pay all necessary expenses of the schools, by orders drawn on the district treasurer, signed by the president and countersigned by the secretary of the board. Expenses.

V. Each board of directors, by one or more of their number, shall visit every school within their district, at least once in every month, and shall cause the result of said visit to be entered on the minutes of the board. Visit.

VI. Whenever it may be necessary or convenient to establish one or more schools out of two or more adjoining districts, the school directors of such adjoining districts may establish and regulate such schools, and the expense thereof shall be paid as may be agreed upon by the directors of said adjoining districts. Adjoining districts.

VII. They shall annually, on or before the first Monday in January, make a report to the Superintendent of the common schools, setting forth the number and situation of the schools in their district, the character of the teachers, designating whether they are males or females, the number Annual report.

and sex of the scholars admitted during the year, 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 expenses which may have been incurred in maintaining the schools of their districts, together with such other information as may be beneficial in forming a just estimate of the value of common schools.

Not to receive pay.

VIII. No school director or treasurer shall receive any pay or emolument whatever for his services as such, but he shall be exempt during the time he continues to perform the duties of his office from military duty, or from serving in any borough or township office.

Meeting of voters in sub-districts

IX. When the school directors shall have divided the several districts into sub-districts, for separate schools, the voters of each sub-district may meet, on notice being given, for ten days at least, signed by not less than four voters of said district, and choose a committee of three of their number, to serve for one year, who shall have the appointment of the teacher for such sub-district.

Designate to the place of instruction.

X. The directors of each school district shall have the power to direct in which of the schools so established in pursuance of this act, the individuals in said district who may be admitted, shall be instructed.

District not divided.

XI. In case the school directors deem it inexpedient to divide their district into sub-districts, or in case the voters of any sub-district shall neglect or refuse to elect a committee as provided for in the ninth article of this section, then the duties of said committee shall devolve on and be performed by the school directors.

Duties of treasurer.

SECTION 9. The district treasurer shall receive all moneys belonging to the district, whether the same be derived from appropriations by the state, district taxes, private donations, or otherwise, and shall pay out the same, on orders drawn by the president and attested by the secretary of the board of directors, by order of the board, and his accounts shall be audited and adjusted as accounts of townships and boroughs are directed by law to be audited and adjusted.

Secretary of the commonwealth to be Superintendent.

SECTION 10. The Secretary of the Commonwealth shall be Superintendent of the common schools, and shall perform the following duties :

Duties.

I. Prepare suitable blank forms, with necessary instructions for making districts reports, and for conducting the necessary proceedings under his jurisdiction, and 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 commissioners of the several counties, for distribution among the several boards of directors, at the same time and in the same manner as the pamphlet laws of this

commonwealth are transmitted, and at such other times and in such other manner as he may think expedient.

II. Prepare and submit an annual report to the legislature, Annual re- containing a statement of the condition of the common port. schools throughout the commonwealth, estimates and expenditures, plans for the improvement of the common school system, and all such matters relating to his office of Superintendent, and the concerns of common schools, as he shall deem it expedient to communicate.

III. He shall sign all orders on the State Treasurer for the Orders on the payment of monies to the treasurers of the several school treasury to districts, but no order shall be drawn by him in favour of be signed by any district treasurer, until he shall have been furnished with him. a certificate, signed by the president and attested by the secretary of the board of directors of the district, that a sum at least equal to the amount of the district's share of the annual state appropriation of two hundred thousand dollars, has been levied on said district for school purposes.

IV. If any controversy should arise among the directors To settle and of any district or adjoining districts, concerning the duties adjust con- of their office, the distribution of the state appropriation, or troversies. the levying and collection of taxes, he is hereby authorized to settle and adjust the same, without cost to the parties, and all monies 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 be paid out of the state treasury.

V. He shall annually in the month of February, transmit To make annual statement to the commissioners of each county, a statement of the amount every district therein, that has, and every district to county that has not adopted the common school system, may be commiss'rs. entitled to receive out of the annual appropriation of two of the amount hundred thousand dollars, and the commissioners shall is to receive immediately cause such statement to be published three times, of the annual in one or more newspapers printed in said county: *Provided*, appropriation that nothing in any section of this act shall be so construed as to deprive the districts which have not adopted the common school system of their due proportion of the common school fund, until after the first of November, eighteen hundred and thirty-eight.

SECTION 11. One hundred thousand dollars in addition to Appropriat'n the one hundred thousand dollars payable by the Bank of the of \$200,000 United States, both of which sums to be accounted and annually. distributed as the state appropriation, are hereby appropriated out of the school fund for the year one thousand eight hundred and thirty-seven, and a like sum annually thereafter, which shall be apportioned among the several school districts of this commonwealth, and the city and county of Philadelphia,

Subject to the drafts of the superintendent.

according to their number of taxable inhabitants, but shall only be subject to the drafts of the Superintendent of common schools, agreeably to the provisions of this act: *Provided*, That the balance of appropriation made under the act entitled "An act to establish a general system of education by common schools," passed the first day of April, one thousand eight hundred and thirty-four, and the supplement thereto, and the balance of the first appropriation of one hundred thousand dollars, which shall remain undrawn on the first day of November, one thousand eight hundred and thirty-seven, and all subsequent balances, shall remain in the treasury, and accumulate for the use of such district or districts entitled to the same, for any term not exceeding one year from and after the first day of November, one thousand eight hundred and thirty-seven, and all such undrawn balance remaining in the treasury on the first day of November, one thousand eight hundred and thirty-eight, shall be repaid into the school fund, and in like manner, the undrawn balance of subsequent appropriations shall be repaid into the said fund annually thereafter.

President of directors to certify to superintendent the amount of tax and name of treasurer of the district

SECTION 12. As soon as the president of the board of directors of any school district shall have issued his warrant for the collection of a school tax, agreeably to the sixth section of this act, he shall certify the same, stating the amount of such tax, and also the name of the district treasurer, to the Superintendent of common schools, who shall forthwith draw his warrant on the State Treasurer for the whole amount such district is entitled to receive.

Annual meeting of districts which have not adopted the common school system

SECTION 13. The school directors of every school district which shall not have adopted the common school system, shall annually call a meeting of the qualified citizens of the district on the day of election for directors, to be held at the usual place of holding township, ward, or borough elections, by at least six advertisements, put up in the most public places in the district, for the space of two weeks; and the said meeting shall be organized between the hours of one and four o'clock, P. M. on the said day, by appointing a president, and the secretary of the board of directors, or in his absence some other member of the board, shall perform the duties of secretary to the meeting; when the meeting is so organized, the question of establishing the common school system in the district shall be decided, by ballot, and the said president and secretary shall perform the duties of tellers to the meeting; and shall receive from every person residing within the district qualified to vote at the general election, a written or printed ticket, containing the word "schools," or the words "no schools," and shall continue without interruption or adjournment, until the electors who shall come to the said election shall have opportunity to give in their respective votes, and the said

Manner of voting.

tellers shall count the votes, and if a majority shall contain the word "schools," the secretary shall certify the same to the board of directors of the district, who shall proceed to establish schools therein, agreeably to the provisions of this act, but if a majority shall contain the words "no schools," the secretary shall certify the same to the county commissioners of the proper county; and the school directors of every school district which may have adopted the common school system may, if they deem it expedient, call a meeting of the qualified citizens of the district on the first Tuesday in May, in the year eighteen hundred and thirty-seven, and on the same day in every third year thereafter, to be held at the usual place of holding township, ward, or borough elections, at which time and place an election shall be held, to decide by ballot, whether the common school system shall be continued or not; the notice for holding said meetings, and the time for and manner of holding said elections, to be in conformity with the preceding part of this section, and should there by a majority of the taxable inhabitants of said district in favour of "no schools," the secretary shall certify the same to the county commissioners of the proper county, and the operation of the common school system shall be suspended in said district, until such time as a majority of the citizens shall otherwise decide.

SECTION 14. The school directors of every school district in which the common school system has been adopted, or shall hereafter be adopted, shall have power to purchase and hold real and personal property, which may be necessary for the establishment and support of said 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 school directors aforesaid, and from thenceforth the said board shall hold the said property, for the same term and for the same uses for which it was granted to said trustees.

SECTION 15. School directors elected under the provisions of former acts, shall severally hold their offices during the term for which they were elected, and all appropriations authorized by former acts, whether by the state or county, and all taxes authorized to be raised for school purposes, shall be collected as they would have been collected if this act had not been passed.

SECTION 16. The county commissioners of every county within this commonwealth, except the county of Philadelphia, when levying a tax for county purposes, shall estimate the amount which will be required to educate the poor gratis, in the several districts of their county which shall have rejected

the common school system, and when an estimate is so made, they shall levy the amount on said districts, and collect the same in the usual manner, and shall continue to provide for the education of the poor gratis therein, agreeably to the provisions of an act entitled "An act to provide for the education of the poor gratis," passed the fourth day of April, one thousand eight hundred and nine, or such special acts of assembly as may be in force in any of the counties where there may be districts rejecting the provisions of this act: *Provided*, That the whole expense thereby incurred, shall be paid out of the amount levied on said districts as aforesaid.

Proviso:

Requests to schools.

SECTION 17. Where a school is or shall hereafter be endowed, by bequest or otherwise, the board of directors of the district in which such school is located, are hereby authorized to allow such school to remain under the immediate direction of the regularly appointed trustees of the same, and to appropriate so much of the district school fund to said school as they may think just and reasonable: *Provided*, That such school shall be generally conducted in conformity with the common school system of this commonwealth.

Proviso.

Acts of 1st April, 1834, & 15th April, 1835, repealed.

Proviso.

SECTION 18. The act entitled "An act to provide for a general system of education by common schools," and also the supplement thereto, passed the fifteenth day of April, Anno Domini, eighteen hundred and thirty-five, are hereby repealed: *Provided*, That every thing heretofore done in pursuance of said acts, shall be held valid.

City of Lancaster.

SECTION 19. If the corporation of the city of Lancaster shall at any time adopt the common school system, agreeably to the provisions of this act, then the act to provide for the education of children at the public expense, in the city and incorporated boroughs of the county of Lancaster, passed the first day of April, one thousand eight hundred and twenty-two, and the supplement thereto, passed the first day of April, one thousand eight hundred and twenty-three, shall from the time of the adoption of the common school system in said city, be inoperative, null and void.

Accepting districts whose delegate failed to attend the convention entitled to the same privileges as those who have.

Proviso.

SECTION 20. In all cases where, under "An act to provide for a general system of education by common schools," and also the supplement thereto, passed the fifteenth day of April, Anno Domini, one thousand eight hundred and thirty-five, the directors of any district may have met and decided to accept of the laws, and have appointed a delegate to attend the county convention, for the purpose of accepting and carrying into effect the provisions of said law, but if from any cause said delegate has failed to attend said convention, said township shall be entitled to all the benefits and provisions thereof, on the same terms and conditions as those who have literally complied are entitled: *Provided*, said delegation shall, on or before the first day of August next, record the

vote of said township in the affirmative, with the clerk of the convention.

SECTION 21. The school year mentioned in this act, and in School year an act entitled "An act to provide for a general system of to end on the education by common schools," and the supplement thereto, first Monday passed the fifteenth day of April, one thousand eight hundred of June. and thirty-five, shall be taken and understood to end on the first Monday of June, to wit: the school year of one thousand eight hundred and thirty-seven, will end on the first Monday of June of that year, and so of all other years.

SECTION 22. Immediately after the passage of this act, Copy of this the Superintendent of common schools shall cause circular act to be sent letters, with a printed copy of this act attached thereto, to to county be addressed to the county commissioners of every county, commiss'rs. and it shall be the duty of the commissioners aforesaid, to cause the same to be published in one and not more than Commission- three newspapers in the county, for three successive weeks, ers to publish, and the expense thereof shall be defrayed out of the county and how. treasury, and the said Superintendent shall also cause this act to be printed in pamphlet form, and shall forward to the county commissioners of each county a number of copies thereof, equal to the number of school directors in their county, to be distributed among the several boards of directors.

SECTION 23. The act and its supplements now in operation City & coun- in the city and county of Philadelphia, entitled "An act to ty of Phila. provide for the education of children at the public expense, within the city and county of Philadelphia," are declared to be concurrent with the provisions of this act, and are in nowise to be considere. l as altered, amended or repealed, except so far that the said city and county shall be entitled to receive their due proportion and share of the annual state appropriation of two hundred thousand dollars: *Provided*, Proviso. That the controllers of the public schools, for the city and county of Philadelphia, be and they hereby are authorized, whenever they shall think proper, to establish one central high school, for the full education of such pupils of the public schools of the first school district, as may possess the requisite qualifications, and the monies expended in the establishment and support of the said high school, shall be provided and paid in the same manner as is now or shall hereafter be directed by law, with respect to the other public schools of the said district: *And provided further*, That so 2d Proviso. much of the tenth section of the act of March the third, A. D. eighteen hundred and eighteen, as renders the exclusive use of the Lancasterian system in the first school district obligatory upon the controllers and directors, and all such provisions (if any) in the said act and the several supplements thereto, as limits the benefits of the said public schools, to the children of indigent parents, and so much of any act as

All children is hereby altered or supplied, be and the same are hereby over four yrs. repealed, and in said public schools, all children over four of age to be admitted. years of age shall be admitted.

NER MIDDLESWARTH,  
Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM,  
Speaker of the Senate.

APPROVED—The thirteenth day of June, Anno Domini, one thousand eight hundred and thirty-six.

JOS: RITNER.

No. 167.

**An Act**

Relating to the tolls on that part of the Cumberland road which passes through Pennsylvania, and for other purposes.

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 all wagons, carriages, or other modes of conveyance, passing upon that part of the Cumberland road which passes through Pennsylvania, carrying goods, cannon, or military stores, belonging to the United States, or to any individual state of the Union, which are excepted from the payment of toll by the second section of an act passed the fourth of April, Anno Domini, eighteen hundred and thirty-one, shall extend only so far as to relieve such wagons, carriages, and other modes of conveyance, from the payment of toll to the proportional amount of such goods so carried, belonging to the United States, or to any of the individual states of the Union, and that in all cases of wagons, carriages, stages, or other modes of conveyance, carrying the United States mail, with passengers or goods, such wagon, stage or other mode of conveyance shall pay half toll upon such modes of conveyance.

Second section of act of 4th April, 1831, to be extended only to property belonging to the U. S. and individual states.

U. S. Mail.

SECTION 2. That if any person or persons whosoever, owning, riding in, or driving any sulky, chair, chaise, phaeton, cart, wagon, stage, or sleigh, or any carriage of burden or