

No. 610.

AN ACT

For the regulation and continuance of a System of Education by Common Schools.

I. DISTRICTS.

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 a system of Common School Education be and the same is hereby deemed, held and taken to be adopted, according to the provisions of this act, in all the counties of this Commonwealth: and every township, borough and city of this Commonwealth, or which shall hereafter be erected, shall constitute and be a school district, subject to the provisions of this act; but any borough which is or may be, connected with a township in the assessment of county rates and levies, shall with the said township form one district, and the sum of two hundred and thirty thousand dollars is hereby appropriated, as a common school fund, for the ensuing school year, to be appropriated as herein-after prescribed.

System adopted in every city, borough and township of the State and provision made for its continuance.

Annual appropriation.

SECTION 2. That school districts which are composed of cities or boroughs divided into wards for school purposes at the time of the passage of this act, shall be constituted as follows to wit: Each ward shall retain its school property, both real and personal, and elect a separate board of directors, who shall exercise in their respective limits all the powers and duties of school directors, as regards the erection or repairing of school houses, and the purchasing, renting or selling of school houses and lots, and shall also levy, assess, collect and disburse in and upon their respective wards, all taxes rendered necessary to the proper exercise of the foregoing powers; but all other powers and duties pertaining to school directors, which are conferred or enjoined by this act, shall be exercised in such city or borough by a board of controllers composed of the directors of the several wards, who are hereby authorized and required to perform all the duties belonging to boards of directors in single districts, with the exception contained in this section; *Provided,* That whenever all the boards of directors in any such city or borough shall voluntarily execute deeds of conveyance to the board of controllers for all the school property belonging to their respective wards, and shall certify the same to the Superintendent of Common Schools, then, and in that case, such city or borough shall thereafter compose a single school district, in the same manner as districts not divided into wards—but the number of directors thereafter elected in such city or borough shall be three for each ward.

Cities and boroughs divided into wards consolidated.

Conveyance of real estate to controllers.

SECTION 3. That when a new district shall hereafter be formed, such district shall not be considered and recognized as a separate and independent school district, until after the termi-

New districts.

nation of the current school year in which it became a new district, and until it have a full board of directors, regularly elected or appointed, and organized, except that the directors thereof shall have authority to levy, assess and collect tax, procure school houses, and do all other acts necessary to the commencement of the schools for the ensuing year.

School funds to new districts. SECTION 4. That if any balance of school funds shall remain on hand or be due to the district out of which any new district shall be formed, such balance shall, after all just claims against the old district have been settled, be distributed between the old and new districts, in proportion to the assessable value of property within their respective limits, and such new district may recover the amount thus due by suit against the old district or districts from which it was erected.

II.—SCHOOL DIRECTORS AND CONTROLLERS.

Election of directors. SECTION 5. That school directors shall be elected annually in each district of the State, in the following manner to wit: At the same time and place that elections are held for supervisors and constables, and in wards in cities or boroughs, at the time and place of the borough or ward elections, and in like manner two qualified citizens shall be elected school directors in each district, whose term of office shall be three years; but in districts where directors have not been elected or in new districts which may be established by the erection of a new ward, borough or township, 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, and two annually thereafter; and in city and borough districts allowed to elect three directors, the whole number for each ward shall be chosen at the first annual election after the passage of this act, one to serve for one year, one to serve for two years, one to serve for three years and one annually thereafter.

Term of office.

Returns of elections for districts. SECTION 6. That duplicate returns of all elections for directors shall be made out, signed and sealed by the judges and delivered by the constable or proper officer of said election, one to the board of directors and the other to the court of quarter sessions of the county, within ten days thereafter, and each person elected a director shall be notified thereof in writing within five days after the election, by the constable or other officer who held the election: if the legality of any election for directors be contested in writing by not less than ten qualified citizens of the district, the said court of quarter sessions is hereby authorized and required, forthwith to examine into the election, and to confirm or set it aside, as shall seem just and proper, and if set aside, to order a new election at the usual place and in the usual manner, on not less than two weeks public notice given by the proper officer.

Vacancies. SECTION 7. That each board of directors shall have power to fill any vacancy which may occur therein by death, resignation, removal from the district or otherwise, until the next annual election for directors, when such vacancy shall be filled by electing a person from the district in which the vacancy occurs to supply the same.

Refusal to attend meetings. SECTION 8. That if any person duly elected a school director shall refuse to attend a regular meeting of the board, after having received written notice from the secretary to appear and enter upon duties of his office, or if any person having taken

upon him the duties of his office as director, shall neglect to attend any two regular meetings of the board in succession, unless detained by sickness or prevented by absence from the district, or to act in his official capacity when in attendance, the directors present shall have power to declare his seat in the board vacant, and to appoint another in his stead to serve until the next regular election.

SECTION 9. That if all the members of any board of directors or controllers shall refuse or neglect to perform their duties by levying the tax required by law, and to put or keep the schools in operation so far as the means of the district will admit, or shall neglect or refuse to perform any other duty enjoined by law, the court of quarter sessions of the proper county may, upon complaint in writing by any six taxable citizens of the district, and on due proof thereof, declare their seats vacant and appoint others in their stead, until the next annual election for directors.

Neglect of duties by directors; may be removed by the court.

SECTION 10. That all directors shall be exempted from serving in any township, city or borough office, and from the performance of militia duty.

Directors exempted from militia duty or serving in township or borough offices.

SECTION 11. That school directors elected under the provisions of former acts, except in independent districts abolished by this act, and in consolidated city or borough districts entitled to elect three members at the first election, as provided in the fifth section, 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.

Directors elected under former acts, to continue, and taxes, &c., to be collected.

III.—OFFICERS AND MEETINGS OF THE BOARD.

SECTION 12. That annually and within twenty days after the election of directors each board of school directors and each board of controllers, in cities and boroughs, shall meet and organize by choosing a president and secretary, who shall be members of the board, and a treasurer, who may be a member of the board or otherwise, at the discretion of the directors or controllers.

Organization of boards.

SECTION 13. That the president shall preside at the meetings of the board, call special meetings when necessary, issue the duplicate and warrant for the collection of the district taxes, take sufficient bond from the district treasurer for the faithful discharge of his duty, and sign the certificate of the assessment of the district taxes, and all orders issued on the district treasurer by order of the board, also the annual report of the district to the county superintendent, and generally do and perform all other acts and duties lawfully pertaining to the office of president of the board.

Duties of president.

SECTION 14. That the secretary shall keep full minutes of all the proceedings of the board, in a book provided for that purpose, prepare the duplicate of school tax, keep an account of all abatements and exonerations made by the board, prepare, attest and forward to the county superintendent the annual certificate that the schools have been kept open during the minimum period specified by law, also the annual report of the district, prepare and attest all orders on the treasurer, and do and perform all other acts and duties lawfully pertaining to the office of

Duties of secretary.

secretary of the board, and for his services shall receive such compensation as the board may direct.

President and
secretary pro
tempore.

SECTION 15. That if the president or secretary shall absent himself from any meeting of the board, or being present, shall refuse to perform any of the duties of his office, a president or secretary pro tempore shall be appointed by the members present, an entry thereof being made on the minutes, and the acts necessarily performed by such president or secretary pro tempore, during such meeting, shall be as valid and binding on the board and district as if they had been performed by the regular officer of the board.

Bond of treas-
urers.

SECTION 16. That the treasurer shall give bond to the president for the use of the district, in such amount and with such sureties as shall be approved by the board, for the faithful performance of his duty; he shall receive all State appropriations, district tax, and other funds of the district, and pay thereout all orders of the board signed by the president and attested by the secretary; he shall settle his accounts annually with the directors or controllers, in default of which he shall not be re-appointed; he shall pay over the balance without delay to his successor in office, and generally do and perform all acts and duties lawfully pertaining to his office as district treasurer, and shall be allowed to retain not exceeding two per cent. on the money passing through his hands for his services.

Duties of Treas-
urer.

Stated meetings.

SECTION 17. That each board of directors and controllers shall hold at least one stated meeting in every three months; and such other meetings as the circumstances of the district may require, shall be held at such time and place as may be designated by the president and secretary, upon due notice given to each member of the board. If less than a majority of directors or controllers attend any meeting, no business shall be transacted thereat, except that of adjournment, and of appointment to fill vacancies in the board, as is hereinbefore directed.

IV.—CORPORATE NAME AND POWERS OF SCHOOL DISTRICTS.

Bodies corporate.

SECTION 18. That the several school districts within this Commonwealth shall have capacity as bodies corporate:

I. To sue and be sued as such, by the corporate name of the school district of _____

To hold real and
personal property
and to sell, &c.

II. To purchase and hold such real and personal property as may be necessary for the establishment and support of the schools, and the same to sell, alien, and dispose of, when it shall no longer be necessary for the purposes aforesaid, and, also, whenever the board of directors, or controllers in cases where school property has been conveyed to them, shall deem it expedient to make sale of the said real estate, for the purpose of re-investing the proceeds thereof for school purposes; and in cases where real estate is held by trustees, or others, for the general use of a neighborhood—for a school house or its appendages—and when the same shall cease to be required, it shall be lawful for the said trustees, or others, their survivor or survivors, or successors, to convey the same to the proper district, which shall be thereafter held by said district, for the same term and for the same uses for which it was originally granted to said trustees or others. But should the said trustees, from indisposition on the part of the proper board of school directors of the district, to accept of said conveyance, or from other causes, find it impossible to release themselves from said trust, they, or

Real estate held
by trustees.

a majority of them, may apply to the court of common pleas of the proper county, praying said court to authorize and direct the aforesaid trustee, trustees, or other persons, to make sale of the same, having first given two weeks' previous notice, in one or more of the public prints of said county, of the time and place of said sale, and shall make return of proceeds of sale to said court, that the same may, by the direction of said court, be added to the funds of the proper school district; whereupon the said trustee, trustees, or other person, shall be discharged from all responsibility in the premises.

SECTION 19. That all deeds and other contracts in writing, *Deeds.* made by a school district, shall be signed and sealed by the president of the board of directors or controllers, and countersigned by the secretary.

SECTION 20. That all suits by a school district shall be *Suits.* brought in its corporate name, and be conducted and managed by the board of directors or controllers, as the case may be; and all suits against such district shall style the same by its corporate name, and all legal process, other than writs to enforce payment of a judgment, shall be served on either the president or secretary of the board of directors or controllers, as the case may be.

SECTION 21. That if judgment shall be obtained against a *Judgments and* school district, in any action or proceeding, the party entitled *executions.* to the benefit of such judgment may have execution thereof, as follows, and not otherwise, to wit: It shall be lawful for the court in which such judgment shall be obtained, or to which such judgment shall be removed by transcript, from a justice of the peace or alderman, to issue thereon a writ, commanding the directors or controllers and treasurer of such school district to cause the amount thereof, with interest and cost, to be paid to the party entitled to the benefit of such judgment, out of any monies unappropriated of such district, or, if there be no such monies, out of the first monies that shall be received for the use of such district, and to enforce obedience to such writ by attachment.

V.—REAL ESTATE FOR SCHOOL HOUSES.

SECTION 22. That for the purpose of erecting school houses *Borrow money.* or purchasing ground whereon to erect school houses, it shall be lawful for the directors or controllers of any district to borrow money at a rate of interest not exceeding six per centum, and issue bonds therefor in sums of not less than one hundred dollars each: *Provided,* That the total indebtedness incurred by any district under the provisions of this act shall not at any time exceed one-half of one per centum of the assessed value of the real estate of such district.

VI.—GENERAL POWERS AND DUTIES OF THE DIRECTORS.

SECTION 23. That the board of directors of every district, and controllers in cities and boroughs, under the provisions of section second, shall possess and exercise the following powers and perform the following duties, together with the other powers and duties given and enjoined by this act:

1. They shall establish a sufficient number of common schools *To establish* for the education of every individual above the age of five and *schools.* under twenty-one years, in their respective districts, who may *Age of pupils.*

- apply for admission and instruction, either in person or by parent, guardian or next friend.
- Erection of buildings.** II. They shall cause suitable lots of ground to be procured and suitable buildings to be erected, purchased or rented for school houses, and shall supply the same with the proper convenience and fuel, and shall have power with the directors and controllers of adjoining districts to establish joint schools, and the expenses shall be paid as may be agreed upon by the directors or controllers of said districts.
- Joint schools.**
- Real estate held by trustees for use of neighborhood.** III. In all cases where real estate has been or is held by trustees for the general use of the neighborhood as a school house or its appendages, and the same has been or shall be conveyed to the school district by the surviving trustees, such conveyance shall be as valid to pass the legal estate in the premises to such school district as if executed by all of them, pursuant to the fourteenth section of the act of thirteenth June, Anno Domini, one thousand eight hundred and thirty-six.
- To visit schools.** IV. They shall exercise a general supervision over the schools of their respective districts, and shall by one or more of their number visit every school in the district at least once in each month, and shall cause the result of such visit be entered on the minutes of the board.
- Appoint teachers.** V. They shall have the appointment of all the teachers of common schools in the district, fix the amount of teachers salaries, and may dismiss them at any time for incompetency, cruelty, negligence or immorality.
- Branches to be taught.** VI. They shall direct what branches of learning shall be taught in each school, and what books shall be used, agreeably to the provisions of the twenty-fifth and thirty-eighth sections of this act, and may suspend or expel from the school all pupils found guilty on full examination and hearing of refractory or incorrigibly bad conduct.
- May expel or suspend pupils.**
- Expenses.** VII. They shall pay all necessary expenses of the schools by drafts on the district treasurer, signed by the president and attested by the secretary of the board, the same being entered on the minutes.
- Report to county superintendent.** VIII. Each board of directors and controllers shall annually on or before the first Monday in June, make a report to the county superintendent, setting forth the number and situation of the schools in their district; the character of the teachers, designating whether male or female; the number and sex of the scholars admitted during the year; the number of months in the year during which each school shall have been open; the amount of school tax levied and collected; 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 operation of the school system.
- Grades of schools.** IX. The directors and controllers of the respective districts, shall have power to establish schools of different grades, and to determine into which school each pupil shall be admitted; and if it shall be found, that on account of great distance from, or difficulty of access to the proper school house in any district, some of the pupils thereof could be more conveniently accommodated in the schools of an adjoining district, it shall be the duty of the directors or controllers of such adjoining districts, to make an arrangement by which such pupils may be instructed.
- Pupils may attend schools of adjoining districts.**

ted in the most convenient school of the adjoining district; and the expense of such instruction shall be paid, as may be agreed upon by the directors or controllers of such adjoining districts, by resolution or agreement entered upon the minutes of the respective boards.

SECTION 24. That the directors or controllers of the several districts of the State, are hereby authorized and required to establish, within their respective districts, separate schools for the tuition of negro and mulatto children, whenever such schools can be so located as to accommodate twenty or more pupils; and whenever such separate schools shall be established, and kept open four months in any year, the directors or controllers shall not be compelled to admit such pupils into any other schools of the district: *Provided*, That in cities or boroughs, the board of controllers shall provide for such schools out of the general funds assessed and collected by uniform taxation for educational purposes. Schools for negroes.

SECTION 25. That immediately after the annual election of teachers in each school district of the State, and before the opening of the schools for the ensuing term, there shall be a meeting of the directors, or controllers, and teachers of each district; at which meeting the directors and controllers shall select and decide upon a series of school books, in the different branches, to be taught during the ensuing school year; which books, and no other, shall be used in the schools of the district during said period. Meeting of controllers or directors and teachers.

SECTION 26. That it shall not be lawful for the county superintendents, directors or controllers, or any other persons officially connected with the common school system, to become agents for the sale, or in any way to promote the sale of any school books, maps, charts, school apparatus or stationery, or to receive compensation for such sale, or promotion of sale, in any manner whatsoever; and any violation of the provisions of this section shall be deemed a misdemeanor, and punishable with a fine or imprisonment. Agents for sale of books.

SECTION 27. That it shall be the duty of every teacher employed under the provisions of this act to make out and file with the board of directors or controllers of the district at the end of each month, a report, setting forth the whole number of pupils attending school during the month, designating whether male or female, the number of days each attended, the books used and branches taught; and until such report shall have been made, it shall not be lawful for the board of directors to pay said teacher for his or her services. The reports made in pursuance of the foregoing provisions, shall be regularly filed by the secretary of the board of directors or controllers, and shall at all times be subject to the inspection of any citizen of the district. Report of teachers.

VII.—ASSESSMENT AND COLLECTION OF SCHOOL TAX.

SECTION 28. That the school directors or controllers of every district shall annually, on or before the first Monday of May, and by the votes of not less than a majority of the members of the board, determine the amount of school tax which shall be levied on their district for the ensuing school year, which shall, together with such additional sums as the district may be entitled to receive out of the State appropriation, and from other sources, be sufficient and necessary to keep the schools of the district in

operation not less than four nor more than ten months in the year.

County commissioners to furnish adjusted valuation.

SECTION 29. That for the purpose of enabling the board of directors or controllers to assess and apportion the tax for the ensuing school year, the county commissioners shall, when required, furnish the president or secretary of the board with a correct copy of the last adjusted valuation of proper subjects and things made taxable in the same, for State or county purposes, which said property, subjects and things are hereby made taxable for school purposes, according to the provisions of this act.

Apportionment of tax.

SECTION 30. That the board of directors or controllers shall, on or before the first Monday in June, annually, proceed to levy and apportion the said school tax, pursuant to this act, not exceeding the amount of State and county taxes authorised by law to be assessed on all objects, persons and property, made or to be made taxable for State or county purposes, and that all the taxes levied and assessed by the directors or controllers within each school year, shall be contained in the same duplicate: *Provided*, That any tax on trades, professions and occupations, or on single freemen, shall in no case be less than fifty cents.

Tax collectors.

SECTION 31. That the board of directors or controllers shall appoint some suitable and competent person as collector of the school tax duplicate for each township, borough or ward, who shall be allowed such compensation as may be agreed upon, not exceeding five per centum on the money collected, for his services, and to whom a warrant shall be issued by the president, and countersigned by the secretary of the board of directors or controllers, authorizing and requiring him to demand and receive from every person in such duplicate named, the sum wherewith such person stands charged, in the same manner, and with like power and authority to enforce the collection of the same as is now or may hereafter be conferred by law upon the collector of county taxes; and the board shall have the right at all times, to make such abatements or exonerations for mistakes, indigent persons or unseated lands, as to them shall appear just and reasonable; and the secretary shall enter on the minutes the names of all persons in whose favor such abatements or exonerations were made, together with the reasons therefor: *Provided*, That in the event of their failure to procure a collector for any reason, they may appoint to that duty the constable or treasurer of the school district, who shall forfeit for every refusal to execute the same, by proof thereof being made before any alderman or justice of the peace, the sum of fifty dollars, which shall be added to the school fund of the proper district.

Abatements.

Constable or treasurer may be appointed collector.

Collector to give bond.

SECTION 32. That no person shall be appointed collector of the school tax, unless he shall give bond in such amount as shall be determined by the board of directors or controllers, and with such surety or sureties therein as shall be satisfactory to the directors or controllers, or a bond with mortgage of real estate sufficient to secure such amount.

Special tax for building purposes

SECTION 33. That the board of directors or controllers in cities or boroughs, where the school property is vested in them agreeably to the provisions of section second, may at any time, not oftener than once in each school year, levy a special tax, not exceeding the amount of the regular annual tax for such year, to be applied solely to the purpose of purchasing or paying for the ground, and the building or erection of school buildings

thereon, which said tax shall be levied and collected at the same time, in the same manner, and with like authority, as the regular annual tax.

SECTION 34. That whenever school tax assessed on unseated lands in any district, shall not be voluntarily paid by the owner or owners thereof, the collector shall certify the same to the proper county commissioners, who shall enforce the collection thereof, with the taxes assessed on unseated lands, for county purposes; and when so collected, shall be paid to the district treasurer by orders drawn on the county treasurer. Tax on unseated lands.

SECTION 35. That it shall be the duty of the several assessors, to assess such persons as may remove into the respective districts between the last assessment and the first of May in each year, or who may have been omitted from the last assessment, and to return their names, with the amount of State and county tax, payable by each to the board of school directors, who shall thereupon assess the amount of school tax payable by such persons, which tax shall be collected as in other cases. Duty of assessors.

SECTION 36. That as soon as the schools of any district have been kept open and in operation at least four months subsequent to the first Monday in June preceding, the president of the board of directors, or controllers, shall certify the same under oath, or affirmation, together with the name of the district treasurer, and his post office address, to the county superintendent, who shall immediately forward the same to the superintendent of common schools, who upon the receipt of the same shall draw his warrant on the State Treasurer for the whole amount such district is entitled to receive from the annual State appropriation: Warrant for annual appropriation.
Provided, That said board of directors or controllers shall also have made report of the condition of the schools in their districts, as directed in the twenty-third section of this act. *And provided also*, That the foregoing certificate shall have been transmitted to the superintendent of common schools within the school year for which the warrant is to be issued.

IX.—COUNTY SUPERINTENDENTS.

SECTION 37. That there shall be chosen in the manner hereinafter directed an officer for each county, to be called the county superintendent. It shall be his duty to visit, as often as practicable, the several school of his county, and to note the course and method of instruction and branches taught, and to give such directions in the art of teaching and the method thereof in each school, as to him, together with the directors or controllers, shall be deemed expedient and necessary; so that each school shall be equal to the grade for which it was established, and that there may be, as far as practicable, uniformity in the course of studies in schools of the several grades respectively. Duty of county superintendent.

SECTION 38. It shall be the duty of each county superintendent to see that in every district there shall be taught orthography, reading, writing, English grammar, geography and arithmetic; as well as such other branches as the board of directors or controllers may require. In case the board of directors, or controllers shall fail to provide competent teachers to teach the several branches above specified, it shall be the duty of the county superintendent to notify the board of directors or controllers, in writing, of their neglect, and in case provision is not made forthwith for teaching the branches aforesaid, to report such facts to the Superintendent of Common Schools, whose duty it shall be to withhold Branches to be taught in schools

any warrant for the quota of such district of the annual State appropriation, until the county superintendent shall notify him that competent teachers of the branches aforesaid have been employed. And in case of neglect or refusal of the board of directors or controllers to employ such competent teachers as aforesaid, for one month after such notification by the county superintendent that such teachers have not been provided, such district shall forfeit absolutely its whole quota of the State appropriation for that year.

Triennial convention of directors.

SECTION 39. That the school directors of the several counties of the Commonwealth, shall meet in convention at the seat of justice of the proper county, on the first Monday of June next, and on the first Monday of May, in each third year thereafter, and select *viva voce* by a majority of the whole number of directors present, one person of literary and scientific acquirements, and of skill and experience in the art of teaching, as county superintendent for three succeeding school years; and the school directors, or a majority of them, in such convention, shall determine the amount of compensation for the county superintendent, which said compensation shall be paid by the Superintendent of Common Schools, by his warrant drawn upon the State Treasurer, in half yearly instalments if desired, and shall be deducted from the amount of the State appropriation to be paid to the several school districts for said county.

Duties of president and secretary.

SECTION 40. That it shall be the duty of the president and secretary of the triennial convention of directors, to certify to the Superintendent of Common Schools, the name and post office address of the person elected county superintendent in pursuance of the provisions of this act, and those of all the other candidates who received votes, together with the amount of compensation fixed upon by said convention. Upon the receipt of such certificate, if no valid objection be made, the Superintendent of Common Schools shall commission the person so elected for the term of three years; but if objection be made within thirty days to the issuing of such commission, the Superintendent of Common Schools may require such evidence, under oath or affirmation, in regard to the election or qualifications of the person elected county superintendent, as he shall deem necessary, and shall then issue his commission to the person properly qualified who shall have received the highest number of votes.

Examination of teachers.

SECTION 41. That it shall be the duty of the county superintendent to examine all the candidates for the profession of teacher, in the presence of the board of directors or controllers, should they desire to be present, to whom they shall first apply in his county, and to give each person found qualified a certificate, setting forth the branches of learning he or she is capable of teaching; and such examination and certificate shall be renewed as often as any such teacher shall be employed in teaching any branch of learning other than those enumerated in his or her certificate, and no teacher shall be employed in any school to teach other branches than those set forth in such certificate of said teacher: *Provided*, That the county superintendent may annul any such certificate given by him or his predecessor in office, when he shall think proper, giving at least ten days previous notice thereof, in writing, to the teacher holding it, and to the directors and controllers of the district in which he or she may be employed.

SECTION 42. That the county superintendents shall annually, on or before the first Monday in June, forward to the Superintendent of Common Schools, the reports of the several school districts of their respective counties, and shall also themselves make an extended report of the condition of the schools under their charge, suggesting such improvements in the school system as they may deem useful, and giving such other information in regard to the practical operation of common schools, and the laws relating thereto as may be deemed of public interest.

Reports of directors and county superintendent.

SECTION 43. That until after the election of county superintendents, provided for in this act, it shall be the duty of the Superintendent of Common Schools, by publication at least three successive weeks, in two newspapers for each county, if so many there be, but if none are published in such county, then by printed notices sent by mail to the secretary of each board of directors of each school district in such county, of the time and place for holding the triennial convention of directors; who shall then and there assemble, and select a presiding officer from one of their number, and the directors then present shall proceed to the election of a county superintendent in the manner hereinafter provided. The notice that shall thereafter be given of the assembling of the aforesaid triennial convention, shall be by the county superintendent, in the manner above provided. All expenses of giving notices, directed by this section, shall be paid out of the same funds as the salary of the county superintendent.

Notice of meeting of triennial convention.

Election of superintendent.

SECTION 44. That all vacancies in the office of county superintendent, shall be filled by the appointment of the Superintendent of Common Schools, until the next triennial convention of directors; when any existing vacancy shall be filled by election in the usual manner, for the full term of three years.

Vacancies.

X.—PLANS FOR SCHOOL BUILDINGS.

SECTION 45. That the Superintendent of Common Schools shall be authorized to employ a competent person or persons to submit and propose plans and drawings for a school architecture for different grades and classes of school buildings, that shall be adapted for furnishing good light and healthful ventilation; and if such plans and drawings are approved by the Superintendent of Common Schools, he is hereby directed to have them engraved and printed, with full specifications and estimates for building in accordance therewith, and shall furnish a copy of the same to each school district.

Superintendent to procure plans for school houses.

XI.—THE SUPERINTENDENT—HIS POWERS AND DUTIES.

SECTION 46. That the Secretary of the Commonwealth shall be the Superintendent of Common Schools, and shall possess and exercise the following powers, and perform the following duties, to wit:

Superintendent, his duties.

I. He shall decide without appeal, and without cost to the parties, all controversies or disputes that may arise or exist among the directors or controllers of any district, between directors or controllers of adjoining districts, or between collectors or treasurers and directors or controllers, concerning the duties of their respective offices; the facts of which controversies or disputes shall be made known to him by written state-

To settle controversies.

ments, by the parties thereto, acting in their official capacities, verified by oath or affirmation if required, and accompanied by certified copies of all necessary minutes, contracts, orders, or other documents.

II. That he shall, whenever required, give advice, explanation, construction or information to the district officers, and to citizens, relative to the common school law, the duties of common school officers, the rights and duties of parents, guardians, pupils, and all others, the management of the schools, and all other questions and matters calculated to promote the cause of education.

III. He shall sign all orders on the State Treasurer for the payment of such moneys to the treasurers of the several school districts as they may be entitled to receive from the State, and for all other moneys to be paid out of the appropriation to common schools made by this act.

IV. He shall prepare blank forms for the annual district reports, with suitable instructions and forms for conducting the various proceedings and details of the system in a uniform and efficient manner, and forward the same to the county superintendents, who shall distribute them to and among the proper district officers of their respective counties.

V. He shall prepare, and submit to the Legislature, an annual report, containing a full account of the condition of the common schools in the State, the expenditure of the system during the year, estimates of the sums requisite for the ensuing year, the whole number of pupils, the cost of teaching each, the number of districts, plans for the improvement of the system, and all such matters relating to the concerns of common schools, and to the duties of his office, as he may deem it expedient to communicate.

VI. He shall provide a seal, with suitable device, for the use of the Department of Common Schools, by which copies of papers deposited or filed therein, and all official acts and decisions may be authenticated under said seal; and when so authenticated, shall be evidence equally, and in like manner as the originals: he may also designate and appoint one of the clerks employed by him to be his general deputy, who may perform all the duties of Superintendent of Common Schools in case of his absence, or a vacancy in his office.

VII. He shall have the power of removing any county superintendent for neglect of duty, incompetency or immorality, and to appoint another in his stead until the next triennial convention of directors.

XII.—DUTIES OF COUNTY COMMISSIONERS.

SECTION 47. That it shall be the duty of the commissioners of each county, to ascertain triennially, with the assistance of the respective assessors, the exact number of taxable citizens residing in each school district in their several counties, and to certify the same under their hands and seals of office to the Superintendent of Common Schools, who is hereby directed to adopt the number of taxables thus certified to him, as the basis of distribution of the State appropriation, which said certificates shall be prepared and transmitted on or before the first Monday of June in every third year, commencing with the first Monday of June, Anno Domini one thousand eight hundred and fifty-four; and if the commissioners of any county shall neglect to forward

such certificates on or before said day, the superintendent may in such case, adopt the number of taxables set forth in the next preceeding certificate or return.

SECTION 48. That if any error in the certificate of taxables shall occur, whereby a district shall receive more or less of the State appropriation than is justly due said district, the county commissioners shall have authority, and they are hereby required, immediately to forward to the superintendent a correct list of taxables, and the superintendent shall thereupon make it the basis of the appropriation due said district.

SECTION 49. That whenever any new district shall be formed in any county of this Commonwealth, it shall be the duty of the commissioners thereof to certify to the Superintendent of Common Schools, before the commencement of the next succeeding school year, the number of taxable inhabitants therein, and also the number in the district or districts from which it was taken, separately, according to the last preceeding triennial enumeration of taxables made for school purposes, so that the whole number in such new district, and in that or those out of which it was taken, being added together, shall be neither greater nor less than the number that was therein before the change was made, and according to the last triennial certificate or return of taxables thereof made by said commissioners.

XIII.—GENERAL AND REPEALING SECTIONS.

SECTION 50. That 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," are declared to be concurrent with the provisions of this act, and are in no wise to be considered 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, nor shall anything contained in this act be deemed and taken to alter or in any manner to interfere with the system of public schools now in operation, in the said city and county; and that the act entitled "An act relating to common schools of the city of Lancaster," approved the second day of January, Anno Domini, one thousand eight hundred and fifty, and the act relative to the common schools in the borough of Carlisle, approved April fifteenth, one thousand eight hundred and fifty, are also hereby continued in full force, so that none of the provisions of this act shall apply to said city or borough, except such as are not inconsistent with the provisions of those acts.

SECTION 51. That no person shall hereafter be incompetent to give evidence in any suit or action in which any school district, or any officer thereof, is a party, for or on account of said person being an inhabitant of the district, or by reason of his being liable to the payment of any tax in which said school district may be interested.

SECTION 52. That all former acts, and parts of acts, relative to the common school system which are supplied by or are inconsistent with the provisions of this act, and all laws relating to or creating independent districts, or authorizing the establishment of sub-districts, and the appointment of committees, are hereby repealed.

Not to apply to Philadelphia.

Not to apply to Lancaster and Carlisle.

Inhabitancy or liability to pay district tax, not to disqualify a witness.

Repeal.

LAWS OF PENNSYLVANIA,

Repeal.

SECTION 53. That the twenty-third section of the act entitled "An act regulating Boroughs," approved April third, one thousand eight hundred and fifty-one, be and the same is hereby repealed.

SECTION 54. That immediately after the passage of this act the Superintendent shall prepare and have printed and forward six copies of it to the secretary of each board of directors, and one copy to the commissioners of each county in the State.

E. B. CHASE,

Speaker of the House of Representatives.

M. M'CASLIN,

Speaker of the Senate.

APPROVED — The eighth day of May, one thousand eight hundred and fifty-four.

WM. BIGLER.

No. 611.

A SUPPLEMENT

To an act, entitled "An act for the regulation and continuance of a 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 the report of the county superintendent, as provided for by the forty-second section of the act for the regulation and continuance of a system of education by common schools, passed at the present session, shall be made on or before the first Monday of August, A. D., one thousand eight hundred and fifty-four, and on or before the first Monday of June, in each and every year thereafter; and so much of the said act as abolishes independent districts at present established under special acts of Assembly, shall not take effect until the first day of June, one thousand eight hundred and fifty-five.

E. B. CHASE,

Speaker of the House of Representatives.

M. M'CASLIN,

Speaker of the Senate.

APPROVED — The eighth day of May, one thousand eight hundred and fifty-four.

WM. BIGLER.