

Schools.

I. GENERAL SCHOOL LAW.

1. STATE BOARD OF EDUCATION.

1. Amended by sections 196 and 227.
2. Power and duty of state board of education.
3. No compensation; expenses paid.
4. To report annually to legislature.

2. STATE SUPERINTENDENT OF PUBLIC INSTRUCTION.

5. Amended by section 171.
6. Office, where.
7. Duties.
8. Shall exercise sundry duties *ex officio*.
9. Have supervision of schools.
10. Apportion state school moneys.
11. Shall withhold appropriation, when.
12. To prepare forms of reports, &c.
13. Decide disputes.
14. Preserve books, apparatus, &c.
15. File reports, &c.
16. Official seal.
17. Make yearly report to board of education.
18. Deliver to successor seal, &c.
- 18a. May cause withholding of salary of county superintendents, &c.

3. COUNTY SUPERINTENDENTS.

19. Amended by section 177.
- 19a. Repealed by section 178.
20. County superintendent's salary.
- 20a. Expenses to be paid.
21. County superintendent to apportion money among townships.
22. And school districts.
23. Amended by section 234.
24. Amended by sections 175, 195 and 235.
25. Amended by section 236.
26. Amended by section 189.
27. Shall examine candidates for state scholarships, &c.
28. Give opinion in disputes.
29. State association of superintendents.
30. Annual reports of superintendents.

4. SCHOOL TRUSTEES.

31. Amended by sections 134 and 237.
- 31a. Township board, when to meet.
32. Repealed by section 261.
33. Repealed by section 261.
34. Amended by sections 238 and 270.
35. Duties of district clerk.
36. Amended by sections 135 and 229.
37. Repealed by section 261.
38. Repealed by section 261.
39. Amended by section 239.
40. Repealed by section 261.

5. TEACHERS.

41. Teachers to keep register.
42. Teachers to make report.
43. When not entitled to salary.
44. School month.
45. Power of teachers to suspend pupil.
46. Compensation of teacher when dismissed.

6. PUPILS.

47. Duties of pupils.

7. BOARD OF EXAMINERS.

48. State board of examiners, constitution and duty of.
49. Amended by section 205.
50. Amended by section 143.

8. SCHOOLS.

State Normal School.

51. School for training teachers.
52. Amended by section 144.
53. Expenses of trustees paid.
54. Powers and duties of trustees.
55. Repealed by section 201a.
- 55a. Repealed by section 201b.
56. Examination of applicants.
57. Amended by section 201c.
58. Further duties of trustees.
59. Model school.
60. Appropriation.
- 60a. School year, when to end.

Graded Schools.

61. Repealed by section 261.

District Schools.

62. Buildings to be provided.
63. Districts not keeping school five months denied share of school appropriation.
64. Amended by section 206.

9. REVENUE AND APPORTIONMENT.

State Appropriations.

65. Amended by section 220.
66. Funds, what and how supplied.
67. Riparian funds appropriated.
68. Money for leases for lands under water appropriated.
69. Amended by section 161.
70. Fund to be loaned to build school-houses.
71. Treasurer to make statement.
72. Secretary of state to be secretary of board.
73. Amended by sections 105 and 283.
74. Repealed by section 106.
75. Amount divided and paid in installments.
76. Amended by sections 142 and 158.

Taxation.

77. Amended by sections 127, 165 and 240.
78. Amended by section 128.
79. Duty of county collector.
80. Amended by section 128.
81. Amended by sections 130, 166, 221 and 241.
82. Comptroller to draw on treasurer for apportionment.
83. Amended by section 242.
84. Amended by section 243.
85. Repealed by section 261.
86. Amended by sections 121 and 244.
87. Amended by sections 104 and 141.
88. Amended by sections 141 and 159.
89. Repealed by section 261.
90. Interest on surplus revenue to be appropriated.

10. MISCELLANEOUS.

91. Amended by section 140.
92. Amended by sections 133 and 245.
93. Reports of district clerks.
94. No tuition fees to be charged.
95. Amended by section 110.
96. Selection of books, &c.
97. Rules for schools.
98. Amended by section 202.
99. County superintendent may administer oaths.
100. Repealer.

11. SUPPLEMENTS.

101. Trustees may purchase lands sold to satisfy mortgage.
102. May sell and convey such lands.
103. When district trustees to give bonds.
104. Amended by section 141.

- 104a. Bonds heretofore issued by trustees validated.
105. Amended by section 233.
106. Repealer of section 74.
107. Repealer.
108. Board of trustees may borrow money in anticipation of receipts.
109. Trustees for support of free schools may invest income of school fund in public bonds.
110. Appropriation for library, &c.
111. Apparatus to teach metric system to be furnished to schools.
112. Amount of appropriation for such purpose.
113. Amended by section 137.
114. Election of treasurer of school board.
115. Amended by section 138.
116. Classification of term of office of trustees.
117. Legal voters may change the number of trustees, &c.
118. Each member to take oath.
119. Restrictions of act.
120. Repealer.
121. Amended by section 244.
122. When school trustees to meet.
123. Bills to be passed on in open session.
124. Bills to be itemized and sworn to.
125. Form of affidavit, &c.
126. Penalty for violating act.
127. Amended by sections 185 and 240.
128. Comptroller to apportion tax among the counties.
129. State board to apportion reserve fund among the counties.
130. Amended by sections 188, 221 and 241.
131. No child to be excluded from public school.
132. Penalty for violating such provision.
133. Amended by section 245.
134. Amended by section 237.
135. Supplanted by section 229.
136. Repealer.
137. District clerk to be secretary of board of trustees, &c.
138. Election of trustees, when to be held.
139. When county superintendent may withhold part of state appropriation.
140. Money of school districts, how expended.
141. When trustees may issue bonds to build school-houses, &c.
142. Amended by section 158.
143. City boards of examiners may be appointed in certain cities.
144. Superseded by section 197.
145. Persons having care of children to cause them to be instructed.
146. Child under fifteen years not to be employed unless school has been attended.
147. Certain children to be sent to school.
148. Penalty for non-compliance with act.
149. What children deemed juvenile disorderly persons.
150. Appointment of truant officers.
151. Duties of truant officers, &c.
152. Parents, &c., violating act may be prosecuted.
153. What deemed efficient school in certain cases.
154. What considered a week's schooling.
155. Proceedings against corporations violating act.
156. Repealer.
157. School districts may borrow money to pay teachers' salaries.
158. Expenses of teachers' institutes, how paid.
159. Bonds issued to be a lien on real and personal estate of inhabitants of district.
160. Duties of district clerk.
161. School fund to be invested by state treasurer under direction of trustees.
162. Amended by section 198.
163. County superintendent may declare office of district clerk vacant and appoint successor in certain cases.
164. Special meeting of legal voters of district, how called.
165. Amended by section 240.
166. Amended by sections 221 and 241.
167. Amended by section 190.
168. Terms of district trustees where the number is increased.
169. Notice of election of trustees.
170. Repealer.
171. State superintendent, how appointed. Term and salary.
172. Executed.
173. Repealer.
174. Trustees to admit to public schools children between five and twenty years.
175. Amended by sections 195 and 235.
176. State board to appoint county superintendents.
177. Term of county superintendent, &c.
178. Repealer of section 19.
179. Repealer.
180. Amended by section 201.
181. Compensation of county board of examiners.
182. Repealer.
183. Boards of education may borrow money for erection of school-houses from trustees of state school fund, &c.
184. Limitations upon amount that may be borrowed.
185. State treasurer authorized to invest school fund.
186. Copies of papers to be submitted to attorney-general.
187. State superintendent to furnish blanks.
188. Payment of bonds, how provided for.
189. Repealer.
190. Legal voters to determine the increase of number of trustees.
191. Repealer.
192. Trustees authorized to provide text-books, &c., for free use of pupils.
193. Cost thereof, how provided for.
194. Repealer.
195. Amended by section 235.
196. Amended by section 227.
197. Trustees of state normal school abolished.
198. Custodian of school district moneys to pay all balances annually to county collector. County superintendent to re-apportion such moneys.
199. Provision for establishing one library in district containing more than one school-house.
200. Provision for state aid in maintaining school library, &c.
201. Salary of county superintendent.
- 201a. Repealer of section 55.
- 201b. Repealer of section 55a.
- 201c. Number of pupils in normal school to which each county is entitled.
- 201d. Repealed.
202. Corporal punishment prohibited.
203. Resolutions, &c., authorizing corporal punishment void.
204. Repealer.
205. Appointment and duties of county board of examiners. Compensation.
206. School year prescribed.
207. Amended by section 225.
208. Effects of alcoholic drinks to be taught.
209. Character of text-books on such subject.
210. Teachers to be examined thereon.
211. Graded series of text-books thereon to be adopted.
212. State superintendent to notify school boards of this act.
213. Reports to state superintendent concerning such requirements to be made.
214. Act applies to all schools in the state.
215. Moneys derived from sales of riparian lands appropriated to support of public schools.
216. All leases of such lands transferred to trustees of state school fund.
217. Repealer.
218. School district having special charter may issue bonds.
219. Bonds may be ordered at annual or special meeting.
220. Who shall be trustees of state school fund. Religious services in schools.
221. Amended by section 241.
222. Bondsmen of township or borough collector shall be liable until final settlement.
223. Borough collector legal custodian of school moneys.
224. Act applicable to certain boroughs only.
225. Board of education, &c., may borrow money to pay teachers' salaries.
226. Repealer.
227. State board of education, how appointed. Term. Vacancy, how filled.
228. Act not to affect terms of present members.
229. School trustees to designate census enumerators. Duties of enumerators, &c.
230. Duty of state superintendent when he believes census has been incorrectly taken.
231. State board of education to appoint superintendent of school census. His term, duties and compensation.
232. Act to apply to all school districts.
233. All methods of former acts for taking census abolished.

234. County superintendent to issue orders on county collector for appropriation of school moneys.
235. Shall examine and license teachers, &c.
236. Shall appoint trustees in certain cases.
237. Annual meeting for election of district trustees.
238. Board of trustees to organize when.
239. Powers and duties of board.
240. State school tax to be assessed and collected annually.
241. How school moneys shall be apportioned amongst school districts.
242. County collector to pay to township collectors, &c., on order of county superintendent.
243. Township collector to pay on orders of district clerk, &c.
244. District may raise additional moneys by tax. Mode of procedure in such case.
245. Forfeiture by school district for misuse of school money.
246. School districts of townships required to be consolidated into one district.
247. Townships and municipalities not divided into wards to elect school board of nine trustees.
248. Townships and municipalities divided into wards to elect two trustees from each ward.
249. First trustees to be elected at special meeting.
250. Trustees to be a body corporate.
251. Elections to be by ballot.
252. Legal voters may authorize board of education to purchase land, &c., and to issue bonds.
253. Provision for payment of principal and interest of bonds.
254. Children required to attend school in district where they reside.
255. District may raise money to transport children to and from school.
256. Amended by section 273.
257. Each city, borough, &c., to be a separate school district. Consolidated districts.
258. Word "district" defined.
259. Special tax uncollected shall be assessed on district as now constituted.
260. Property of abolished school district to be appraised. Copy of appraisal to be filed. Remittance to taxpayers.
261. Repealer.
262. Repealer.
263. Executed.
264. Repealer.
265. When and how county superintendent shall apportion school moneys.
266. Such apportionment to be made after 1894.
267. Line between school districts, how fixed and determined. Re-adjustment of lines.
268. Property in annexed territory subject to tax for school purposes. Special school tax, how assessed and collected. Fees of assessors and collectors.
269. Repealer.
270. Board of education, when and how organized. Vacancy, how filled.
271. Provision for reducing board of education to less than nine members in certain cases.
272. Repealer.
273. To what districts act is applicable.
274. When county superintendent may declare office of president or district clerk vacant.
275. Notice of special meetings of district shall be posted.
276. Expenses of county superintendent may be paid semi-annually.
277. Repealer.
278. Board of education, &c., may borrow money to build or enlarge school-houses.
279. Bonds may be issued.
280. Limitations of charter provisions not to be applicable.
281. Payment of principal and interest of bonds, how provided for.
282. Repealer.
283. Trustees of state school fund to make annual appropriations out of income of school fund.
284. Provision for remitting to taxpayers appraised value of school property.
285. Compensation allowed to assessor.
286. Districts to which act shall apply.
287. Districts acting under special charter may be relieved therefrom by adopting act of 1895.
288. Question thereon to be submitted at an election.
289. Each city, borough and town containing 400 or more children, &c., to be a separate school district. Present school district not abolished until consolidated with another district.
290. Proceedings to consolidate school districts.
291. How new school board in consolidated district shall be organized. Election and terms of members.
292. Repealer.
293. State superintendent authorized to contribute state aid to certain school libraries.
294. Special township or district taxes not to be paid to county collector.
295. When reports of city superintendents, district clerks, &c., shall be made.

II. INDUSTRIAL EDUCATION.

296. When governor may cause moneys to be drawn from state treasury for schools for industrial education.
297. Moneys raised and contributed by voluntary subscriptions, how applied.
298. Moneys for such education may be raised by tax.
299. Amended by section 303.
300. Expenses of trustees, how paid.
301. Repealer.
302. Board of trustees of schools for industrial education incorporated.
303. How such board shall be constituted and appointed. Terms of office.
304. Repealer.
305. Amended by section 307.
306. Trustees of district to make annual report of progress of industrial education.
307. Provision for state aid to district schools for industrial education.
308. Trustees to make annual report.
309. Trustees and citizens may associate in management of fund.
310. Where industrial education has been abandoned, one-half of unexpended balance of moneys to be returned to state treasurer. Disposition of remaining half.
311. Implements, &c., to be sold and divided between state treasurer and local school funds.
312. Provision for state aid to schools established for manual training.
313. District trustees to report annually concerning progress of manual training.
314. State aid in cases where application therefor has been lost.
315. Manual and training school of Bordentown designated as branch institution. Who to be trustees of said school.
316. What laws applicable to said school.
317. Who may receive free scholarships therein.
318. State superintendent to make examination of records of colored industrial education association of New Jersey, &c.
319. What property to be turned over to said trustees.
320. Annual appropriation to said branch institution.

III. MISCELLANEOUS ACTS.

321. Quorum of trustees of state board of education.
322. City may, by ordinance, fix new locality and direct purchase of land and erect school-house thereon and issue additional bonds.
323. In certain cities teachers' salaries shall be paid although appropriation is exhausted.
324. When reports of board of education in certain cities shall be made.
325. Repealer.
326. Appropriations may be modified by boards of education.
327. Money appropriated for current expenses not to be otherwise used.
328. Repealer.
329. Boards of education may purchase supplies without advertising.
330. Repealer.
331. Township committee may in certain cases authorize the issue of school bonds. Bonds, how executed, &c.
332. Amended by section 333.
333. State superintendent authorized to employ assistants.
334. Certain cities may borrow money, purchase land and erect school-houses thereon.

335. Such moneys, how expended.
 336. Annual sum to be raised by tax.
 337. Certain cities authorized to expend \$10,000 in any one year for erecting school-houses, &c.
 338. Terms of contract to build school-house, &c., to be approved by common council, &c.
 339. Repealer.
 340. Amended by sections 345, 347 and 348.
 341. School trustees may enter upon lands to make examinations, &c.
 342. Proceedings to condemn lands.
 343. Trustees to pay owner value and damages.
 344. Proceedings on appeal from assessment or award.
 345. Amended by sections 347 and 348.
 346. Amendment of title to act.
 347. Amended by section 348.
 348. School districts authorized to purchase lands and erect school-houses, &c.
 349. Repealer.
 350. Trustees of school districts may issue bonds at less rate of interest to redeem former bonds.
 351. Payment of principal and interest, how provided for.
 352. President of board of education not to receive salary.
 353. Repealer.
 354. Certain towns may build and furnish school-houses, &c.
 355. Repealer.
 356. Custodian of school moneys to give security.
 357. Cities authorized to purchase lands and erect school-houses and borrow money therefor.
 358. Loans to be authorized by ordinance.
 359. Amount of bonds that may be issued.
 360. Who to have custody of money and securities of district school sinking fund.
 361. Such moneys and securities to be transferred to proper officer.
 362. Liability of such officer's sureties.
 363. Repealer.
 364. Cities may purchase lands and erect school-houses.
 365. Money for such purposes, how raised and applied.
 366. Temporary loan bonds or scrip may be issued.
 367. Temporary bonds or scrip may be taken for sinking fund, &c.
 368. Cities may borrow money on mortgage to purchase lands and erect school buildings.
 369. Mortgage to be payable in less than ten years. Interest thereon, how raised.
 370. Amended by section 374.
 371. Cities of first class may raise money by temporary loans for purchase of lands.
 372. How such loans may be secured.
 373. Such securities may be taken for sinking fund, &c.
 374. Cities of first class may purchase lands and erect and furnish school-houses.
 375. Term of office of members of board of education in third-class cities.
 376. Members of the board of education shall divide themselves into classes, &c.
 377. Trustees not to invest school fund on mortgage except in certain cases.
 378. Real estate held by trustees to be sold. Proceeds, how invested.
 379. Real estate acquired under foreclosure to be sold.
 380. Foreclosure proceedings to be commenced where interest is unpaid for six months.
 381. Repealer.
 382. Appropriation for education of indigent children in cities.
 383. Boards of education in certain cities, how constituted and appointed.
 384. Term of members first appointed.
 385. Not more than majority to be of same political party.
 386. Mayor may remove members for cause.
 387. Act to be submitted to voters for acceptance or rejection.
 388. Repealer.
 389. Township authorities may authorize additions to school-houses, &c.
 390. May issue bonds therefor.
 391. Bonds to be provided for by taxation.
 392. Repealer.
 393. Municipal board of any city may authorize school tax.
 394. Repealer.
 395. Trustees may renew outstanding bonds.
 396. Bonds to be a lien on property.
 397. Payment of principal and interest of bonds, how provided for.
 398. Outstanding bonds taken up to be canceled, &c.
 399. State treasurer may invest funds in school district bonds.
 400. State treasurer may invest in school district bonds at five per cent.
 401. Repealer.
 402. Amount authorized for current expenses of public schools in cities.
 403. Repealer.
 404. Securities in state fund may be sold or transferred to school fund.
 405. Principal or income of state school fund, how invested.
 406. Districts relieved from special laws upon adopting act of 1888.
 407. Question of adoption to be submitted to voters.
 408. Upon adoption, district to retain all property, &c.
 409. Division of municipality not to create division of consolidated school district.
 410. Designation of consolidated districts. Board of trustees, how constituted.
 411. Election of trustees, &c.
 412. To what districts act shall not apply.
 413. Who entitled to vote at school meetings.
 414. Cities may borrow money for purchase of land and erection of school buildings. Bonds may be issued.
 415. Cities may issue bonds to pay for school-houses in process of erection, &c.
 416. Bonds, how issued and when payable.
 417. Bonds, how sold.
 418. Proceeds of bonds, how applied.
 419. School trustees to be elected by ballot.
 420. Voters shall vote by ballot to raise money for school purposes.
 421. Repealer.
 422. Cities of the second class may erect school buildings on donated lands.
 423. Bonds may be issued therefor.
 424. Payment of bonds, how provided for.
 425. Repealer.
 426. Out of what moneys teachers' salaries in third and fourth-class counties may be paid.
 427. Repealer.
 428. Amended by section 431.
 429. Flags may be paid for out of school moneys.
 430. Tax may be imposed to raise money to pay for flags.
 431. Board of education shall purchase flag and display it.
 432. Repealer.
 433. Board of education in any city may incur expenditures for current expenses beyond limit fixed by law.
 434. May also incur expenditures for erection of buildings, &c.
 435. Cities of the second class may purchase lands and erect school-houses.
 436. Bonds may be issued.
 437. Authority to be given by ordinance.
 438. Board of education in second-class cities may appoint city superintendent of schools.
 439. Term of office of city superintendent.
 440. Repealer.
 441. State aid to county teachers' library of pedagogical books.
 442. Committee to select books, &c.
 443. Second-class cities may reconstruct school-houses.
 444. May issue bonds therefor.
 445. Repealer.
 446. Constitution of board of education in second-class cities exceeding 50,000 inhabitants.
 447. Powers and duties of board.
 448. Oath of members of board. Time for organization.
 449. Former boards, &c., abolished.
 450. Governing bodies to provide rooms, &c., for board.
 451. Corporate name of board.
 452. Repealer.
 453. Repair of school buildings in cities.
 454. Financial board may borrow money therefor.
 455. Second-class cities may borrow money and issue bonds for purchase of lands and erecting school-houses, &c.
 456. Public schools shall observe certain holidays.
 457. Patriotic exercises to be had.

458. School officers to enforce provisions of act.
 459. Trustees to supply text-books, &c. Tax imposed for such purpose.
 460. Annual report of amounts expended therefor.
 461. School officials not to act as agents for sale of text-books, &c. Penalty.
 462. Director or president of school board not to be interested in furnishing books, &c.
 463. School commissioners in second-class cities may provide manner of paying teachers.
 464. Repealer.
 465. Board of education in townships having population exceeding 10,000 to control school expenditures.
 466. Township committee to keep separate account with such board. Treasurer to hold such moneys in separate fund.
 467. Board of education in first-class cities to have control of school buildings.
 468. Unexpended appropriations to be transferred to board.
 469. Existing contracts not to be affected.
 470. What laws binding on board.
 471. Repealer.
 472. Amended by section 474.
 473. Repealer.
 474. When approval of governing body of city necessary before board of education may borrow money to purchase lands or erect school buildings.
 475. When first-class cities may raise money to purchase lands and erect building for high school purposes.
 476. Governing body of such city may borrow money and issue bonds.
 477. When lands may be purchased and buildings erected.
 478. How funds shall be kept and disbursed.
 479. Governing body of first-class cities may provide for manner of paying teachers.
 480. Repealer.
 481. Governing body of city may lease lands and erect buildings thereon.
 482. Board of finance in first-class cities may issue bonds.
 483. Proceeds to be at disposal of board charged with erection of school buildings.
 484. Moneys now appropriated for same purpose to be set aside for a sinking fund.
 485. Moneys so raised may be used for reconstruction and alteration.
 486. To what cities this act shall not apply.
 487. Repealer.
 488. Cities of second class may borrow money to purchase lands and reconstruct or build new school-houses.
 489. Bonds may be issued therefor.
 490. Repealer.
 491. Towns and cities of third class may borrow money and build new school-houses.
 492. Bonds may be issued therefor.
 493. Charter limitations shall not apply to this act.
 494. Repealer.
 495. Governing body of city may issue bonds for purchase of lands and building school-houses.
 496. Buildings shall be erected and furnished by school board.
 497. Members of school board in any city not to act after expiration of term for which he was elected.
 498. Repealer.
 499. Vacancies in board in any first-class city caused by failure to hold election, how filled.
 500. Repealer.

I. General school law.

An act to establish a system of public instruction.

Revision—Approved March 27, 1874.

P. L. 1867, p. 380.
 " 1871, p. 94, 98,
 122.
 " 1872, p. 61, 83,
 65, 73.
 " 1873, p. 12, 61,
 110.

1. STATE BOARD OF EDUCATION.

1. [Amended by Secs. 196 and 227, *post.*]
 2. That the state board of education shall have power, and it shall be their duty:
 I. To frame and modify at pleasure such by-laws as may be deemed expedient for their own government, not inconsistent with the provisions of this act, and to prescribe and cause to be enforced all rules and regulations necessary for carrying into effect the school laws of this state.
 II. To consider the necessities of the public schools, and recommend to the legislature from time to time such additions and amendments to the laws as are deemed necessary for perfecting the school system of the state.
 III. To appoint the state superintendent of public instruction.
 IV. [Amended by Sec. 176, *post.*]
 V. To prescribe all rules and regulations for holding teachers' institutes.
 VI. To order all necessary repairs to the grounds, buildings and furniture of the state normal school, and to keep said buildings and furniture insured, and the comptroller shall draw warrants for the payment of the same, upon the certificate of the president of said board.
 VII. To authorize the payment by the state treasurer, upon the warrant of the state comptroller, of all the necessary incidental expenses incurred by the state superintendent in the performance of his official duties.
 VIII. To decide all appeals from the decision of the state superintendent of public instruction.
 3. That the members of the board shall receive no compensation for their services, but the state treasurer shall pay the necessary expenses of the said members upon the warrant of the state comptroller.
 4. That the board shall report annually to the legislature in regard to all matters committed to their care.
- Power and duty of state board of education. P.L. 1867, p. 380, § 2. Make rules.
 Recommend laws.
 Appoint state superintendent.
 Make rules for institutes. Repairs, &c., normal school.
 Authorize expenses paid.
 Decide appeals.
 Compensation. *Ib.*, § 3.
 Report annually. *Ib.*, § 4.

2. STATE SUPERINTENDENT OF PUBLIC INSTRUCTION.

5. [Amended by Sec. 171, *post.*]
- Office where. 6. That he shall be required to have his office in the state-house at Trenton.
- Duties. 7. That it shall be his duty to carry out the instructions of the board, and to enforce all rules and regulations prescribed by them.
- Ib., § 7.
- Shall be what, ex officio. 8. That he shall be ex-officio secretary of the board of education, president of the state association of school superintendents, and a member of the state board of examiners, and of all county and city boards of examiners.
- Ib., § 8.
- Have supervision of schools. 9. That he shall have the supervision of all the schools of this state receiving any part of the state appropriation, and shall be the general adviser and assistant of the county superintendents; he shall from time to time, as he shall deem for the interests of the schools, address circular letters to said superintendents, giving advice as to the best manner of conducting schools, constructing school-houses, furnishing the same and procuring competent teachers.
- Ib., § 9.
- Apportion moneys. 10. That the state superintendent, under the direction of the trustees of the school fund, shall apportion to the several counties the state school moneys to which each may be entitled, which apportionment shall be made in the ratio of the number of children between the ages of five and eighteen in the said counties, as ascertained by the last annual report of the state superintendent; he shall furnish to the state comptroller, and to the county superintendent, and the county collector of each county, an abstract of such apportionment, and shall draw his order on the state comptroller for the amount to which each county is entitled, in favor of the county collector of said county.
- How apportionment made. Ib., § 10.
- Withhold appropriation. 11. That he shall have power, and it shall be his duty to direct and cause the county superintendent of any county, or any board of trustees or other school officers, to withhold from any officer or district, or teacher, that part of the state appropriation derived from the revenue of the state, until such officer, district, or teacher shall have complied with the provisions of this act and its supplements, relating to his, its, or their duties, and with all the rules and regulations made in pursuance thereof by the state board of education; he shall forbid the payment of said part of the state appropriation to any district in which the school or schools have not been kept according to law, or in which a public school has not been kept for at least five months, during the year next preceding the demand for payment.
- Ib., § 11.
- Prepare forms for reports. 12. That he shall prepare and cause to be printed suitable forms for making all reports and conducting all necessary proceedings under the school laws of this state, and shall transmit them to the local school officers and teachers; he shall cause all school laws to be printed in pamphlet form, and shall annex thereto forms for making reports and conducting school business.
- Ib., § 12.
- Decide disputes. 13. That he shall decide, subject to appeal to the state board of education, and without cost to the parties, all controversies or disputes that may arise under the school laws of the state or under the rules and regulations prescribed by the state board of education the facts of which controversies or disputes shall be made known to him by written statements by the parties thereto, verified by oath or affirmation, if required, and accompanied by certified copies of all documents necessary to a full understanding of the question in dispute; and his decision shall be binding until a different decision shall be given by the state board of education. (a)
- Ib., § 13.
- Preserve books, apparatus, &c. 14. That he shall preserve in his office such school-books, apparatus, maps, charts, works on education, plans for school buildings, and other articles of interest to school officers or teachers, as may be secured without expense to the state.
- Ib., § 14.

(a) See *Thompson v. Board of Education*, 28 Vr. 628.

15. That he shall file all school reports of this state and of other states which may be sent to his office, and shall keep a record of all the acts connected with his official duties, and preserve copies of all the decisions given by him.

File reports, &c.
Ib., § 15.

16. That he shall provide a seal with suitable device for use in his office, by which all his official acts and decisions may be authenticated.

Seal.
Ib., § 16.

17. That he shall report to the state board of education, at its annual meeting in December of each year, a statement of the condition of the public schools and of all the educational institutions receiving support from the state, which report shall contain full statistical tables of all items connected with the cause of education that may be of interest to the school officers or people of the state, together with such plans and suggestions for the improvement of the schools and the advancement of public instruction in the state as he shall deem expedient.

Report to board.
Ib., § 17.

18. That he shall, at the expiration of his term of office, deliver to his successor his official seal, together with all property, books, and documents, maps, records, reports, and other papers belonging to his office, or which may have been received by him for the use of his office.

Deliver to successor seal, &c.
Ib., § 18.

18 a. That he shall (unless the state board of education shall, for good cause shown, otherwise direct) have power, and it shall be his duty to direct and cause the county collector of any county to withhold from any county superintendent any portion of his salary until he has fully complied with the provisions of the act to which this is a supplement, or any of its supplements relating to his duties; and (unless the state board of education shall, for good cause shown, otherwise direct) it shall be his duty to direct and cause the county superintendent of any county, or any board of trustees or school officers, to withhold from any officer, or district, or teacher, that part of the state appropriation derived from the revenue of the state, until such officer, district, or teacher, shall have complied with the provisions of the act to which this is a supplement, or any of its supplements, relating to his, its, or their duties, and with all the rules and regulations made in pursuance of any of these acts by the state board of education, and by and with the advice and consent of the state board of education; he shall have power, and it shall be his duty to suspend or revoke the license of any teacher, when the county superintendent shall make formal report that such teacher does not possess the attainments or qualifications which are essential to his office, or that the school or department of a school under the charge of such teacher is suffering from his or her incompetency, or from his or her failure or inability to govern or instruct the children who are under his or her care.

To cause county collector to withhold from county superintendent his salary until he has complied with this act.
P. L. 1872, p. 73, § 1.

3. COUNTY SUPERINTENDENTS.

19. [This section was amended by P. L. 1885, p. 101. The amendatory act of 1885 was repealed by P. L. 1889, p. 31. The section has been again amended by Sec. 177, *post.*]

19 a. [Repealed by Sec. 178, *post.*]

20. That the yearly salary of the county superintendent shall be at the rate of ten cents for each child in the county between the ages of five and eighteen, as ascertained from the last annual report of the state superintendent, which salary shall be paid by the county collector, on the warrant of the state superintendent; *provided*, that the salary shall in no case be less than five hundred dollars, nor more than twelve hundred dollars; *and provided*, that in case any city shall have a city superintendent of schools, who is not also the county superintendent, the children belonging to such city shall not be counted in determining the salary of the county superintendent, and the supervision of the schools of said city, which would otherwise belong to the county superintendent, shall devolve upon the city superintendent.

Salary.
P. L. 1867, p. 360,
§ 20.
How paid.
Proviso.
City superintendent.

Expenses of county superintendents to be paid.
P. L. 1871, p. 122.

Proviso.

Salaries of superintendents, how determined.

Duties to apportion moneys among townships.
P. L. 1867, p. 360, § 21.

And among school districts.
Ib., § 22.

Examine candidates for agricultural college.
Ib., § 27.

Give opinion in disputes.
Ib., § 28.

Association of superintendents.
Ib., § 29.
P. L. 1872, p. 73, § 3.

Annual reports of superintendents to be specific on certain facts.
P. L. 1873, p. 152.

20 a. That in order to enable county superintendents of schools to discharge their duties with greater efficiency, they shall receive annually, in addition to the salary now allowed them, such sums as they may need to pay the actual expenses incurred by them in the performance of their official duties, which sums shall be paid by the collector of the county on the order of the state superintendent of public instruction; *provided*, that no such order shall be given in favor of any county superintendent until such county superintendent shall have furnished the state board of education a certified statement under oath, by items, of the expenses he has incurred, and that, during the year for which such order is drawn, he has performed faithfully, all the duties imposed by the school law and by the regulations of the state board of education; *and provided further*, that in no case shall the expenses aforesaid exceed three hundred dollars annually; and after the passage of this act the salaries received by the county superintendents shall be determined by the school census report for the year eighteen hundred and seventy.

21. That the county superintendent shall apportion annually among the several townships of his county, and to the city or cities therein, not included in said townships under the direction of the board of chosen freeholders, the school moneys belonging to said county, in the ratio of the number of children between the ages of five and eighteen, as ascertained by the last preceding annual report of the state superintendent of public instruction.

22. That he shall further apportion among the several school districts of each township the state appropriation to which they are entitled, together with the township appropriation, in the ratio of the number of children between the ages of five and eighteen, as reported by the district clerk.

23. [Amended by Sec. 234, *post.*]

24. [Amended by Secs. 175, 195 and 235, *post.*]

25. [Amended by Sec. 236, *post.*]

26. [Amended by Sec. 139, *post.*]

27. That it shall be the duty of the county superintendent, at such time and place as the state superintendent may appoint, to examine such candidates for state scholarships at the agricultural college as may present themselves, and the candidates shall be subjected to such examination as the faculty of the said college and the state superintendent shall prescribe; and the candidates who shall receive certificates of appointment to the agricultural college in any one county shall be those who obtain on such examination the highest average for scholarship; and the number of certificates thus granted shall in no case exceed the number of state scholarships to which such county is entitled.

28. That in all controversies arising under the school law the opinion and advice of the county superintendent shall first be sought, and from him appeal may be made, if necessary, to the state superintendent of public instruction. (*a*)

29. That the county and city superintendents shall together constitute an association to be called "the state association of school superintendents," which association shall meet annually at such times and places as the state board of education may appoint, and at such other times as they may agree upon.

30. That each county superintendent and each city superintendent, on or before the first of October of each year, shall make an annual report to the state superintendent in the manner and form prescribed by him; which report shall specifically set forth any and all such facts within his purview as touch and describe the location and capacity of each school healthfully to accommodate the pupils in attendance, to the end that a full observation may be deduced, favorable or otherwise, as to an ample supply of sittings, suitability of conveniences, eligibility of position, atten-

(*a*) In controversies arising in Gloucester City the appeal should be to the county and not to the city superintendent of schools. *MacFarland v. Gloucester City*, 16 Vr. 100. A dispute

over the election of a school trustee may be appealed to the county superintendent. *Buren v. Albertson*, 25 Vr. 72.

tion to ventilation, and as to all such other pertinent subjects as may clearly and fully exhibit the sanitary condition of the public schools under his official inspection.

4. SCHOOL TRUSTEES.

31. [Amended by Secs. 134 and 237, *post.*]

31 *a.* That township boards of trustees of the several townships of this state shall meet semi-annually at such times and places as the county superintendent may appoint.

Township boards when to meet. P. L. 1872, p. 73, § 4.

32. [Repealed by Sec. 261, *post.*]

33. [Repealed by Sec. 261, *post.*]

34. [Amended by Secs. 238 and 270, *post.* See, also, Sec. 261, *post.*]

35. That he shall record, in a suitable book, all proceedings of the board, and of the annual school meetings, and of special school meetings; and pay out, by orders on the township collectors, in the manner prescribed by law, all school moneys of the district, received from the state, township or district; he shall keep a correct and detailed account of all expenditures of school moneys in his district, and report the same to the county superintendent, and also to the township committee; at each annual school meeting he shall present his record-book and his accounts for public inspection, and shall make a statement of the financial condition of the district and of the action of the trustees. (*a*)

Duties of district clerk. Ib., § 35.

36. [Amended and supplied by Secs. 135 and 229, *post.*]

37. [Repealed by Sec. 261, *post.*]

38. [Repealed by Sec. 261, *post.*]

39. [Amended by Sec. 239, *post.*]

40. [Repealed by Sec. 261, *post.*]

5. TEACHERS.

41. That every teacher of a public school shall keep a school register in the manner provided therefor, and no salary shall be paid to such teacher until said register is exhibited to the district clerk or other officer authorized to make payment, and until said officer finds by examination, that the register has been properly kept for the time for which salary is demanded, and enters upon the register a certificate to that effect. (*b*)

Teachers to keep register. Ib., § 41.

42. That every teacher who shall leave a school before the close of the school year, shall, at the time of leaving, make to the county superintendent a report of the school for all that portion of the current school year that the school has been in his or her charge, and shall at the same time give a duplicate of said report, and surrender the school register to the district clerk, and any teacher who may be teaching any school at the close of the school year, shall, in his or her annual report, include all the statistics from the school register for the entire school year, notwithstanding any previous report for a part of the year; no school money shall be paid to any teacher for the last month of his or her services, until the report herein required shall have been made and received, and the register exhibited; *provided*, that in graded schools, in which there are more teachers than one, the principal teacher alone shall be responsible for the school report and register.

Make report. Ib., § 42.

43. That no teacher shall be entitled to any salary unless such teacher shall be the holder of a proper teacher's certificate in full force and effect. (*c*)

When not entitled to salary. Ib., § 43.

44. That in every contract, whether written or verbal, between any teacher and board of trustees, a school month shall be construed and taken to be twenty school days, or four weeks of five school days each;

School month. Ib., § 44.

(*a*) See *Zimmerman v. Mathe*, 20 Vr. 47.
(*b*) A school teacher who has rendered services according to the requirements of the school law, and is refused compensation out of the fund specially provided for that purpose, is entitled to a *mandamus* to compel the proper officers to perform their

duty, and to make payment of what is justly due. *Appar v. School Trustees of District No. 4*, 5 Vr. 308. As to the necessity of the teacher proving that he has kept a register, as required by section 41, see *Appar v. School Trustees of District No. 4*, 5 Vr. 311.
(*c*) See *Sprout v. Smith*, 11 Vr. 314.

When no school. and no teacher shall be required to teach school on Christmas day, the first day of January, the fourth day of July, and such days of fasting or thanksgiving as may be appointed by the president of the United States or the governor of this state; and no deduction from the teacher's time or wages shall be made by reason of the fact that a school day happens to be one of the days referred to in this section; any contract made in violation of this section shall have no force or effect as against the teacher. (a)

May suspend pupils.
Ib., § 45.

45. That every teacher shall have power to hold every pupil accountable, in school, for any disorderly conduct on the way to or from school, or on the playgrounds of the school, or during recess, and to suspend from school any pupil for good cause; *provided*, that such suspension shall be reported by the teacher to the trustees as soon as practicable; and if such action is not sustained by them, the teacher may appeal to the county superintendent, whose decision shall be final.

Compensation of teacher when dismissed.
Ib., § 46.

46. That in case of the dismissal of any teacher before the expiration of any contract entered into between such teacher and trustees, the teacher shall have the right of appeal to the county superintendent, and if the county superintendent shall decide that the removal was made without good cause, said teacher shall be entitled to compensation for the full time for which the contract was made; but it shall be optional with the trustees whether he or she shall or shall not teach for the unexpired term.

6. PUPILS.

Duties of pupils.
Ib., § 47.

47. That the pupils of the public schools shall comply with the regulations established in pursuance of law for the government of such schools; shall pursue the course of study, and use the series of text-books prescribed by the trustees and county superintendent, and shall submit to the authority of the teachers; continued and willful disobedience, or open defiance of the authority of the teacher, the use of habitual profanity or obscene language, shall constitute good cause for suspension or expulsion from school; any pupil who shall in any way cut, deface or otherwise injure any school-house, fences or outbuildings thereof, shall be liable to suspension and punishment, and the parents of such pupil shall be liable for damages to the amount of injury, on complaint of the teacher, the amount to be determined by the trustees, and collected by the district clerk, by an action in debt therefor, in any court having jurisdiction, in his name as district clerk, together with the costs of said action.

Parents liable for damages.

7. BOARDS OF EXAMINERS.

Constitution and duty of state board of examiners.
Ib., § 48.

Certificates of state board.

48. That there shall be a state board of examiners, consisting of the state superintendent of public instruction and the principal of the state normal school; they shall have power, and it shall be their duty to hold examinations of teachers, and to grant state certificates or revoke the same, under such rules and regulations as the state board of education may prescribe, and a certificate thus granted shall entitle the holder, without further examination, to teach in any part of the state, so long as the certificate remains valid by the terms thereof, and in any school not of a higher grade than that for which the certificate represents him as qualified.

49. [Amended by Sec. 205, *post.*]

50. [Amended by Sec. 143, *post.*]

(a) See *Steinson v. School Trustees*, 26 Fr. 567.

8. SCHOOLS.

State normal school.

51. That there shall be a normal school, or seminary, for the training and education of teachers in the art of instructing and governing the common schools of this state, the object of which normal school or seminary shall be the training and education of its pupils in such branches of knowledge, and such methods of teaching and governing as will qualify them for teachers of our common schools.

School for training teachers.
Ib., § 51.

52. [Amended by Sec. 144, *post.* See, also, Sec. 197, *post.*]

53. That the said trustees shall receive no compensation for their services, but the expenses necessarily incurred by them in the discharge of their duties shall be defrayed out of the funds hereinafter appropriated for the support of said school.

Expenses of trustees paid.
Ib., § 53.

54. That to the said board of trustees shall be committed the control and use of the buildings and grounds owned and used by the state for the use of the normal school, the application of the funds for the support thereof, the appointment of teachers and the power of removing the same, the power to prescribe the studies and exercises of the school, and rules for its management, to grant diplomas, to appoint some suitable person treasurer of the board, and to frame and modify, at pleasure, such by-laws as they may deem necessary for their own government; and they shall report annually to the legislature their own doings and the progress and condition of the school.

Duties of trustees.
Ib., § 54.

55. [Repealed by Sec. 201*a*, *post.*]

55 a. [Repealed by Sec. 201*b*, *post.*]

56. That at the opening of each term of the normal school, the principal, with his assistants, shall proceed to examine applicants, and to admit to the school such as appear to be possessed of the proper qualification to the number to which each county may be entitled.

Examination of applicants.
P. L. 1867, p. 260, § 56.

57. [Amended by Sec. 201*c*, *post.*]

58. That the board of trustees shall appoint and procure the number of teachers which may be necessary to carry out, in the best and highest sense, the purposes and designs of this act, and shall furnish for the use of the pupils the necessary apparatus and text-books, so far as the funds hereafter to be named and appropriated for the support of the school will allow; and the tuition in the normal school shall be gratuitous.

Further duties of trustees.
Ib., § 58.

59. That the board of trustees are authorized to maintain a model school under permanent teachers, in which the pupils of the normal school shall have opportunity to observe and practice the modes of instruction and discipline inculcated in the normal school, and in which pupils may be prepared for the normal school.

Model school.
Ib., § 59.

60. That for the support of the normal school and to carry out the purposes and designs of this act, there is appropriated hereby the annual sum of fifteen thousand dollars to be paid out of the treasury of the state upon the warrant of the comptroller. [This section was amended by Sec. 201*d*, *post.*, and the amendatory section repealed by P. L. 1895, p. 791.]

Appropriation.
Ib., § 60.
Amended by
P. L. 1872, p. 63.

60 a. That the school year, so far as regards the state normal school, shall hereafter terminate on the last day of June.

Day when normal school year shall terminate.
P. L. 1872, p. 65.

Graded schools.

61. [Repealed by Sec. 261, *post.*]

District schools.

62. That the inhabitants of every school district shall be required to provide a suitable school building and outhouses for the accommodation of their children; and in case such buildings are not provided, or those

Buildings to be provided.
Ib., § 62.

already in use shall be pronounced by the county superintendent and a majority of the trustees of said district, unfit for the purposes for which they are applied, such district shall be deprived of the benefit of that part of the state appropriation derived from the revenues of the state until suitable buildings shall be erected.

Else no appropriation.

School to be kept five months.
Ib., § 68.
Proviso.

63. That no school district shall be entitled to receive any part of the school appropriation which shall not have maintained a public school for at least five months during the then next preceding school year; *provided*, that any new district, or a district in which the school is discontinued on account of the repairing of an old, or the erection of a new school building, shall not be deprived of its full share of the public school funds on account of the restrictions of this section.

64. [Amended by Sec. 206, *post.*]

9. REVENUE AND APPORTIONMENT.

State appropriations.

65. [Amended by Sec. 220, *post.*]

Funds, how supplied.
Ib., § 66.

66. That the public stocks and moneys heretofore appropriated by law, shall constitute the funds in the hands of the trustees appointed by the foregoing section of this act, and shall be held by the said trustees in trust; the interest and dividends arising therefrom to be applied by the said trustees, or a majority of them, for the support of public schools in this state, in the mode now prescribed or hereafter to be prescribed by any act or acts of the legislature, and for no other use or purpose whatsoever.

Bipartisan funds appropriated.
P. L. 1871, p. 98.

67. That all moneys hereafter received from the sales and rentals of the land under water, belonging to this state, shall be paid over to the trustees of the school fund and appropriated for the support of free public schools, and shall be held by them in trust for that purpose, and shall be invested by the treasurer of the state, under their direction, in the same manner as the funds now held by them are invested; the same to constitute a part of the permanent school fund of the state, and the interest thereof to be applied to the support of public schools, in the mode which now is, or hereafter may be, directed by law, and to no other use or purpose whatever; and all acts and parts of acts inconsistent herewith, be and the same are hereby repealed.

Money for leases of lands under water to be a portion of the free school fund.
P. L. 1872, p. 61.

68. That all leases which shall hereafter be made of lands belonging to the state, now or formerly lying under water, or which have been made since the sixth day of April, one thousand eight hundred and seventy-one, shall be transferred to the trustees of the school fund of this state, and become a portion of the free school fund; and that the annual income arising from said leases shall be distributed by the said trustees for the support of free public schools, in the same manner that other moneys are now distributed for that purpose.

69. [Amended by Sec. 161, *post.*]

Trustees for the support of free schools to make loans for the purpose of building school houses.
P. L. 1872, p. 91, § 1.

70. That the treasurer of this state, under the direction of "the trustees for the support of free schools," is authorized to invest the fund for the support of public schools in this state, in addition to the securities mentioned in the preceding section of this act, in the bonds of the several school districts of this state, and in the bonds of any city or municipality of this state, legally issued, for the purpose of building school-houses, either by authority of special acts of the legislature, or by the consent of the inhabitants of the district, as hereafter herein provided for.

Treasurer to make statement.
P. L. 1867, p. 360, § 68.

71. That the treasurer of this state shall annually make and furnish to the board of trustees for the support of public schools on the first day of the stated annual meeting of the legislature, and at such other times as the majority of the said trustees shall require the same, a particular statement of the school fund, containing an account of the securities belonging to said fund, with the dates of investment, their value, and the interest arising from each denomination of securities, together with an account of the moneys in the treasury belonging to said fund.

72. That the secretary of state is hereby constituted and appointed secretary of the said board of trustees, whose duty it shall be to record, in a book to be kept for that purpose, the proceedings of the said board, and the accounts to be furnished by the treasurer as hereinbefore stated.

Secretary of state
to be secretary of
board.
Ib., § 69.

73. [Amended by Secs. 105 and 283, *post.*]

74. [Repealed by Sec. 106, *post.*]

75. That the trustees of the school fund of this state shall have authority to divide the aforesaid sum of one hundred thousand dollars into two or more annual installments, which shall be paid by the state treasurer to the several county collectors on the warrants of the state comptroller.

Amount divided
and paid in install-
ments.
Ib., § 72.

76. [Amended by Secs. 142 and 158, *post.*]

Taxation.

77. [Amended by Secs. 127, 165 and 240, *post.*]

78. [Amended by Sec. 128, *post.*]

79. That it shall be the duty of the county collectors of the several counties of this state to pay to the treasurer of this state the quotas due from their respective counties of the taxes imposed by this act on or before the first day of January, annually, next ensuing the assessment thereof. (*a*)

County collector,
duty of.
Ib., § 2.

80. [Amended by Sec. 129, *post.*]

81. [Amended by Secs. 130, 166, 221 and 241, *post.*]

82. That the state comptroller, annually, after having received from the state superintendent of public instruction a statement of the apportionment of the state appropriation among the several counties, shall draw his warrant on the state treasurer in favor of the county collector of any county for the portions to which said county is entitled, whenever such county collector shall present an order for the same, drawn by the state superintendent of public instruction in favor of such county.

Comptroller to
draw on treasurer
for apportion-
ment.
P. L. 1867, p. 260.
§ 74.

83. [Amended by Sec. 242, *post.*]

84. [Amended by Sec. 243, *post.*]

85. [Repealed by Sec. 261, *post.*]

86. [Amended by Secs. 121 and 244, *post.*]

87. [Amended by Secs. 104 and 141, *post.*]

88. [Amended by Secs. 141 and 159, *post.*]

89. [Repealed by Sec. 261, *post.*]

90. That the several townships in this state are authorized and required to appropriate the interest of the surplus revenue received by them, and from other funds not raised by tax, such sums for the support of the public schools as they shall order and direct at their annual town meetings, in addition to the amount received from the state appropriation and the amount which they raise by tax.

Interest on sur-
plus revenue to be
appropriated.

10. MISCELLANEOUS.

91. [Amended by Sec. 140, *post.*]

92. [Amended by Secs. 133 and 245, *post.*]

93. That in case of the failure of any district clerk or city superintendent to send his annual report to the county superintendent of his county in the form prescribed, on or before the first of September, such county superintendent shall make up his report for such district or city from the last published report of the state superintendent; in making up such report, however, he shall deduct one-fifth from the school census; *provided, however*, that all such cases of delay or negligence shall be reported to the state superintendent of public instruction, whose duty it shall be to investigate the same, and to restore the number deducted from the school census in all cases, when he receives satisfactory reasons for such delay or negligence.

District clerks,
reports of.
Ib., § 12.

Proviso.

(a) See *Board of Education of Elizabeth v. Sheridan* 18 Vr. 64, 16 Vr. 276.

No tuition fees to be charged.
P. L. 1871, p. 94, § 9.

94. That after the expiration of the present school year it shall not be lawful to charge tuition fees for the support of public schools in this state, but that all such schools shall be free to all persons over five and under eighteen years of age residing within the district, so long as such schools can be thus maintained with the public school funds.

Selection of books, &c.

95. [Amended by Sec. 110, *post.*]

96. That the selection of books and apparatus shall be approved by the school trustees of such district.

Rules for schools.

97. That the school trustees of each district shall make proper rules and regulations for the management, use and safe keeping of such libraries.

98. [Amended by Sec. 202, *post.*]

County superintendent may administer oaths.

99. That the county superintendent shall have power to administer all necessary oaths or affirmations to district clerks and other school officers, for which he shall receive no compensation.

Repealer.

100. That all acts and parts of acts of a general character on the subject of public schools and of the normal school and its appropriations, passed before the twenty-first day of March, one thousand eight hundred and sixty-seven, are hereby declared to be repealed.

11. SUPPLEMENTS.

Supplement.

P. L. 1875, p. 88.

Trustees for the support of public schools may purchase and hold lands and premises sold to satisfy mortgage held by them.
Proviso.

Approved April 9, 1875.

101. SEC. 1. That the "trustees for the support of public schools" be and they are hereby authorized and empowered to bid for and purchase any lands and premises exposed to sale under the order and decree of any court, for the payment and satisfaction of any mortgage incumbrance thereon held by the said trustees, and to take and hold the title to the lands and premises so purchased in and by their official name, style and title, and as part of the assets of the school fund of New Jersey; *provided*, that said trustees shall not bid a higher price for such lands and premises than shall be sufficient to save the amount due upon their said mortgage incumbrance and costs, the taxed costs attending such proceedings and sale, if any, to be paid by the treasurer of this state out of the state funds, on warrant of the comptroller, and not out of the school fund.

May sell and convey any lands and premises so purchased.

102. SEC. 2. That the said "trustees for the support of public schools" be and they are hereby empowered and directed to sell and convey to any purchaser any lands and premises by them acquired under the provisions of this act, at such times, for such prices and on such terms of payment as the governor of the state for the time being shall, in writing under his hand, approve, and the consideration received therefor shall be assets of the school fund of this state.

Supplement.

P. L. 1877, p. 66.

When trustees of school districts to give bonds for honest investment of moneys.

Approved March 8, 1877.

103. SEC. 1. That whenever the trustees of any school district, in any township in this state, shall have been or shall be authorized to receive any moneys for the purpose of establishing a sinking fund, for the redemption of any bonds, or the payment of any indebtedness, or the extinguishment of any lien upon the school property of such district, the said trustees shall be required to execute, and to deliver to the township committee of their respective townships, their several bonds to the inhabitants of such townships, by their corporate name, in such sums and with such sufficient freehold security as shall be approved by such committee; the said bonds to be conditioned for the honest and faithful investment and appropriation of all such moneys, and the interest thereon, for the purposes aforesaid; and, in case of the breach of the condition of any of said bonds, the same shall be prosecuted by the said committee, in the name of said township, and all moneys to be collected thereupon shall be paid over to the trustee or trustees of said district, for the purposes aforesaid; and that if any trustee shall refuse or neglect to make and deliver any such bonds as afore-

said, within thirty days after he shall be thereunto required by a resolution of the said committee, he shall thereby be held to have resigned his office as such trustee, and such office shall be thereby vacated, and may be filled in the manner provided by law for the filling of vacancies in such board of trustees.

Supplement.

Approved March 9, 1877.

P. L. 1877, p. 115.

104. SEC. 1. [This section, amending Sec. 87, *ante*, is again amended by Sec. 141, *post*.]

104 a. SEC. 2. That any and all bonds which have been heretofore issued by the trustees of any district in this state, the proceeds of which have been applied to school purposes in such district, and the issue of which bonds shall have been authorized by a majority of the inhabitants or legal voters present at any meeting had in pursuance of the eighty-sixth section of the act to which this is a supplement, or at any meeting held at the call of the trustees of such district, and all proceedings in relation thereto, notwithstanding the provisions of the act to which this act is a supplement, have not been complied with, are hereby made valid and binding in all respects on the inhabitants and property of such district; the same as if such bonds had been issued and proceedings had, in compliance and conformity with all the provisions of said act, to which this is a supplement.

Bonds heretofore issued by trustees validated.

Supplement.

Approved March 4, 1878.

P. L. 1878, p. 41.

105. SEC. 1. [This section, amending Sec. 73, *ante*, is amended by Sec. 283, *post*.]

106. SEC. 2. That the seventy-fourth section of the act to which this is a supplement, which is in the following language :

“From the revenue of the state the sum of sixty thousand dollars per annum shall be appropriated, in addition to the sum of forty thousand dollars from the annual income of the school fund, as mentioned in the preceding section of this act,” be and the same is hereby repealed.

Repealer of section 74.

107. SEC. 3. That all acts and parts of acts inconsistent with this act, be and the same are hereby repealed, and this act shall take effect immediately.

Repealer.

Supplement.

Approved March 21, 1878.

P. L. 1878, p. 166.

108. SEC. 1. That in all cases in which the public schools of any city are under the management and control of a body corporate, consisting of a superintendent and board of trustees, it shall be lawful for said body corporate to borrow temporarily, in anticipation of receipts, and at the legal rate of interest, a sum of money not exceeding the total annual appropriation from the state two-mill tax to such body corporate, and to give a note or notes or other evidence of indebtedness therefor, signed by the proper officers; and whenever any such loan shall be effected, the next moneys coming to the hands of said body corporate shall be applied to the payment thereof, until the whole, principal and interest, is paid; *provided*, that this act shall apply only to such school superintendent and trustees as are made by their act of incorporation the direct custodians of the moneys appropriated by the state of New Jersey for school purposes.

Superintendent and board of trustees of public schools may borrow money in anticipation of receipts.

Proviso.

Supplement.

Approved March 21, 1878.

P. L. 1878, p. 168.

109. SEC. 1. That whenever, in the judgment of the trustees for the support of free schools of this state; or a majority of them, it shall not be deemed advisable or for the best interests of the school fund to invest the income of the said fund in bonds secured by mortgage on land, they shall have power to invest the said income, or any portion thereof, in the bonds of the United States and of this state, and of the several counties, townships, boroughs and cities of the same.

Trustees authorized to invest income of school fund in public bonds.

Supplement.

Approved April 5, 1878.

P. L. 1878, p. 364.

110. SEC. 1. That section ninety-five of the act to which this is a supplement, which section reads as follows [see Sec. 95, *ante*], be amended to read as follows :

Appropriation
for library, &c.

[The treasurer of the state, upon the order of the state superintendent of education, is hereby authorized and directed to pay over the sum of twenty dollars, out of any money that may be in the public treasury, to every public school for which there shall have been raised by subscription or entertainment a like sum for the same purpose, to establish in such school a school library, and to procure philosophical and chemical apparatus ; and the further sum of ten dollars annually, upon a like order, to the said public school, upon condition that there shall have been raised by subscription or entertainment a like sum for such year, for the purposes aforesaid.]

Supplement.

Approved April 5, 1878.

P. L. 1878, p. 398.

Preamble.

WHEREAS, The metric bureau of Boston, Massachusetts, of which the Hon. Charles Francis Adams is president, has offered to furnish metric weights and measures at a large reduction on the cost thereof, in order to encourage the general use of the same ; therefore,

Apparatus to
teach metric
system to be
furnished every
public school.

111. SEC. 1. That the state superintendent of education, with the approval of the state board of education, is authorized and directed to place in every public school of this state applying for the same, one simplest set of apparatus to teach the metric system of weights and measures.

Amount of appro-
priation.

112. SEC. 2. That the sum of two thousand dollars is hereby appropriated, out of any money not otherwise appropriated in the state treasury, for the purposes of this act.

Supplement.

Approved April 5, 1878.

P. L. 1878, p. 413.

Election of treas-
urer of school
board.

113. SEC. 1. [Amended and supplied by Sec. 137, *post*.]

114. SEC. 2. That at the annual election of officers of such board a treasurer may be elected from the members of the board, who shall receive from the collector of the township or townships in which such district is situated all moneys due said district, from whatever source, within ten days from the time when such moneys shall come into such collector's hands ; and said treasurer shall disburse the same in the way and manner provided in section eighty-four of the act to which this is a supplement, and, within ten days after his election, he shall give such bonds for the faithful discharge of his duty as shall be acceptable to the town committee of the township in which the school-house is situated, for double the amount that may come into his hands during any one year ; and every year at the annual meeting for the election of trustees he shall present an itemized statement of the receipts and the expenditures of the year then closing, which statement, in conjunction with the annual report of the secretary, shall be published in the newspaper printed nearest to said district, or in such other manner as may be deemed best for the public good ; and for his services he shall be entitled to receive the amount provided for the town collector for such disbursements in section eighty-four of the act to which this is a supplement.

Powers and duties
of the treasurer.

115. SEC. 3. [Amended and supplied by Sec. 138, *post*.]

Classification of
term of office of
trustees.

116. SEC. 4. That in all boards of education or trustees hereafter elected, of which all the members are now elected annually, and to which this supplement applies, the principle of classification provided for trustees elected under the general school law shall govern, so that at least two members of the board shall remain in office from each previous year.

Legal voters may
change the num-
ber of trustees or
members of
board.

117. SEC. 5. That where the present number of trustees or members of the board of education of any district to which this supplement is applicable may be such as to embarrass a proper classification of the term of service of the members of the board, it shall be lawful for the legal voters of

such district, by a majority vote at an annual meeting of the district, to make any such change as may be desired in the number of trustees or members of the board of education; *provided*, that by such change the whole number shall not exceed six; *and provided further*, that public notice be given of such contemplated change by the district secretary in his notice for the annual meeting.

Proviso.
Proviso.

118. SEC. 6. That each member-elect of such boards of education, before entering upon the duties of his office, shall take the following oath or affirmation before some person duly authorized to administer an oath, to wit:

Each member to take oath.

"I, A. B., having been duly elected a member of the board of education of school district number C, B. county, New Jersey, do solemnly swear (or affirm) that I will faithfully execute the trust reposed in me as a member of said board.

Form of oath.

"Dated _____, A. D. _____. (Signed) _____."

119. SEC. 7. That the provisions of this act shall not apply to boards of education in any city or borough of this state, nor to any county in this state containing less than twenty-five thousand inhabitants.

Restrictions of act.

120. SEC. 8. That the provisions of other acts, inconsistent with the provisions of this act, be and the same are hereby repealed, and that this act shall take effect immediately.

Repealer.

Supplement.

Approved March 14, 1879.

P. L. 1879, p. 293.

121. SEC. 1. [This section, amending Sec. 86, *ante*, is again amended by Sec. 244, *post*.]

Supplement.

Approved March 10, 1880.

P. L. 1880, p. 155.

122. SEC. 1. That the trustees of the public schools, elected in each school district in this state, shall meet for the transaction of business connected with the public schools in their respective districts, on the first Tuesday after the first Monday in March, June, September and December, or oftener if the business of the board require it.

Trustees of public school, when to meet.

123. SEC. 2. That all bills and demands for money expended for school purposes, and all contracts entered into, shall be presented and passed on in open session of the board of school trustees, and no bills or demands for money on that account shall be paid which have not been thus passed on and approved.

Bills and demands to be presented and passed on in open session.

124. SEC. 3. That it shall be unlawful for any board of school trustees or board of education of this state to pay or disburse, out of the school moneys under their control, any sum for school supplies, books, maps, charts, globes, fuel, erecting, enlarging, repairing or improving school buildings and grounds, and janitors' salaries, unless the person claiming or receiving the said moneys shall first present to the board of trustees or boards of education a detailed bill of items or demand, specifying particularly how such bill or demand is made up, and the dates thereof, and the names of the persons to whom the amount composing such bill or demand is due; *provided*, that the district clerk, as he may be authorized by the board of trustees, is empowered to purchase for the school or schools under their control, such supplies as may be necessary, and shall present an itemized bill of the same, with affidavit attached, which shall be acted on and paid as other bills; and said itemized bill shall be considered as satisfying all the provisions of this act.

Unlawful for trustees to pay any bills or demands unless the same are itemized.

Proviso.

125. SEC. 4. That any person or persons presenting any such bill or demand shall make an affidavit that the goods or services itemized in said bill or demand have been delivered or rendered; that no bonus has been given or received by any person or persons with the knowledge of the deponent, in connection with the claim, and that the same is correct and true; *provided*, that the clerk of any board of trustees or board of education is hereby authorized to take such affidavit without cost.

Form of affidavit, &c.

Proviso.

Penalty for willfully violating this act.

126. SEC. 5. That any board of school trustees or board of education who shall willfully violate the provisions of this act shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not to exceed one hundred dollars, or as the court may direct.

Supplement.

P. L. 1881, p. 119.

Approved March 16, 1881.

127. SEC. 1. [This section, amending Sec. 77, *ante*, is again amended by Secs. 165 and 240, *post*.]

128. SEC. 2. That section seventy-eight of said act be and is hereby amended so as to read as follows :

Comptroller shall apportion tax among the counties. And transmit statement.

[That it shall be the duty of the comptroller aforesaid to apportion the said tax among the several counties, in proportion to the amount of taxable real and personal estate of said counties respectively, as shown by the rates respectively, as aforesaid, and it shall be his further duty to transmit, on or before the first day of April of each year, to the county collector of each county, a statement of the amount of said tax apportioned to and payable by said county, and said county collector shall lay said statement before the board of assessors of the townships and wards within his county at their annual meeting, to apportion the taxes among said townships and wards, and said assessors shall thereupon proceed to apportion said school taxes as other taxes are apportioned, and to assess the same according to law.](a)

Duties of assessors.

129. SEC. 3. That section eighty of said act be and is hereby amended so as to read as follows :

State board of education shall apportion reserve fund among the counties.

[That ten per centum of the full amount of money, annually raised by virtue of the seventy-seventh section of this act, shall be known as a reserve fund, and shall be apportioned among the several counties of the state, by the state board of education, equitably and justly, according to their own discretion, on or before the fifteenth day of April subsequently to the aforesaid apportionment by the comptroller of the treasury ; and it shall be the duty of the state superintendent of public instruction, on or before the tenth day of January next ensuing said apportionment, to draw orders on the comptroller of the treasury, and in favor of the county collectors, for the payment of ninety per centum of the amount of school tax paid by the counties respectively ; and the said county collectors shall apply for and be entitled to receive the amount of said orders as soon as the same are received ; and the said superintendent shall also draw his orders in favor of the respective county collectors, for such portion of the reserve fund as shall have been apportioned to the counties respectively, as aforesaid, which orders shall be payable when the said reserve fund has been paid by the several counties ; *provided*, that no portion of said moneys shall be used for the support of sectarian schools.]

Proviso.

130. SEC. 4. [This section, amending Sec. 81, *ante*, is amended by Secs. 166, 221 and 241, *post*.]

Supplement.

P. L. 1881, p. 186.

Passed March 23, 1881.

No child to be excluded from any public school.

131. SEC. 1. That no child between the age of five and eighteen years of age shall be excluded from any public school in this state on account of his or her religion, nationality or color. (b)

Penalty for board of trustees to vote to exclude any child from any public school.

132. SEC. 2. That any member of any board of trustees of any school district, or any member of any board of education in this state, who shall vote to exclude from any public school in this state any child between the age of five and eighteen years of age, on account of his or her religion, nationality or color, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not less than fifty dollars nor more than two hundred and fifty dollars, or by imprisonment in the county

(a) See *Board of Education v. Sheridan*, 13 Vr. 64. *State Board of Assessors v. Central R. R. Co.*, 19 Vr. 342.

(b) This supplement makes it unlawful for school trustees to

exclude children from any public school on the ground that they are of the negro race. *Pierce v. Trustees*, 17 Vr. 76; affirmed, 18 Vr. 348.

jail, workhouse or penitentiary of the county in which the offense is committed not less than thirty days nor more than six months, or both fine and imprisonment may be imposed, in the discretion of the court.

Supplement.

Approved March 25, 1881. P. L. 1881, p. 229.

133. SEC. 1. [This section, amending Sec. 92, *ante*, is again amended by Sec. 245, *post*.]

Supplement.

Approved February 21, 1882. P. L. 1882, p. 20.

134. SEC. 1. [This section, amending Sec. 31, *ante*, is again amended by Sec. 237, *post*.]

135. SEC. 2. [This section, amending Sec. 36, *ante*, is supplanted by Sec. 229, *post*.]

136. SEC. 3. That all acts or parts of acts inconsistent with the provisions of this act, relating to districts in townships in this state, be and the same are hereby repealed. Repealer.

An act to amend an act entitled "A further supplement to an act entitled 'An act to establish a system of public instruction,' approved March twenty-seventh, one thousand eight hundred and seventy-four," which supplement was approved April fifth, one thousand eight hundred and seventy-eight.

Approved March 10, 1882. P. L. 1882, p. 90.

137. SEC. 1. That section one of the act entitled "A further supplement to an act entitled 'An act to establish a system of public instruction,' approved March twenty-seventh, one thousand eight hundred and seventy-four," which supplement was approved April fifth, one thousand eight hundred and seventy-eight, being chapter two hundred and sixty-two of the laws of eighteen hundred and seventy-eight [see Sec. 113, *ante*], be and is hereby amended so that the same shall read as follows :

[That wherever in the school districts of this state, except school districts in cities and towns of five thousand inhabitants and upwards, which said cities or towns have a common council, there may exist a board of education or trustees holding their charters by special act of the legislature and independent of any city charter, the district clerk shall be secretary of the board, and in addition to the duties as laid down in sections thirty-five and thirty-six of the act to which this is a supplement, he shall conduct the correspondence of the board, keeping copies of such letters as he may write, in some suitable manner, and filing all such letters and papers as the board may direct at their stated meetings ; also, he shall notify the assessor of the amount of special tax to be assessed and collected in each and every year for the payment of the principal and interest of school bonds that may have been issued in such districts ; also, the amount of special tax to be assessed and collected to defray the incidental expenses of such schools during the year ; and at the close of each year he shall present, at the annual meeting for the appropriation of moneys for such district, a report of the general financial state of the district, the condition of the school property, the school work during the year, the requirements for the year to come, and such other matters as may be needful to an intelligent understanding of the present state or which is desirable for the future promotion of public education in the district ; and for such services he shall receive such compensation as the board may allow.]

District clerk to be secretary of board of education or trustees.

Duties of district clerk.

138. SEC. 2. That section three of said act [see Sec. 115, *ante*] be amended so that the same shall read as follows :

[That the election of trustees or members of such boards of education shall be held in each district on the Tuesday of the week following the annual town meeting in each and every year ; the terms of service of those then elected to begin immediately ; and the term of any trustee which would expire on the first Monday of July following such election shall expire on the Tuesday of the week following the annual town meeting ;

Election of trustees, when held.

Term of trustees, when to expire, and notice of election to be given.

and that five days' notice of said meeting for election of trustees shall be set up by the secretary in five of the most prominent places of the district ; *provided, however*, that in all cases where the trustees of any district are elected at any municipal election, by virtue of any independent charter, the election for such trustees in such district shall be held in the manner and at the same time as heretofore, and the beginning and length of their terms of service shall remain as before the passage of this act.] [See Sec. 237, *post.*]

Proviso.

Supplement.

P. L. 1883, p. 185.

Approved March 23, 1883.

139. SEC. 1. That section twenty-six of the act entitled "An act to establish a system of public instruction" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four, be and the same is hereby amended so as to read as follows :

When county superintendent may withhold part of state appropriation
Proviso.

[That he shall have power to withhold that part of the state appropriation derived from the revenue of the state from any district in which the inhabitants fail to provide a suitable school building and outhouses ; *provided*, that no building of two or more stories, used for the purpose of public instruction, in which any of the doors, at places of exit, are so constructed as to open inwardly, shall be considered a suitable school building within the meaning of this section.]

Supplement.

P. L. 1884, p. 98.

Approved March 25, 1884.

140. SEC. 1. That section ninety-one of the act entitled "An act to establish a system of public instruction" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four, be and the same is hereby amended so as to read as follows :

Money of school districts, how expended.

Proviso.

[That not more than twenty dollars annually of the school moneys received by any school district, except such as may be raised within the district, shall be used for any other purpose than the payment of teachers' salaries and fuel bills ; *provided, however*, that when there has been apportioned to any district more than three hundred and fifty dollars, and such district, by such apportionment, shall receive from the state appropriation, state school tax and interest of surplus revenue a sum exceeding five dollars for each child in such district, according to the last published school census, it shall be lawful for the trustees of such district to use such excess for the improvement of the school-house and grounds, the purchase of school furniture or apparatus, or for any other purpose connected with the school or schools under their charge ; *provided*, that the written consent of the county superintendent of the county in which such district is situated shall be first obtained.] [See Sec. 261, *post*, which repeals Sec. 91 of the original act.]

Proviso.

Supplement.

P. L. 1884, p. 297.

Approved May 9, 1884.

141. SEC. 1. That sections eighty-seven [see Secs. 87 and 104, *ante*] and eighty-eight of the act entitled "An act to establish a system of public instruction" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four, be and the same are hereby amended to read as follows :

When trustees may issue bonds to build school-houses, &c.

Bonds, when due ; rate of interest.

[That it shall and may be lawful for the inhabitants of each district, when met in conformity to the provisions of the eighty-sixth section of this act, or at the call of the trustees, as provided in the eleventh division of the thirty-ninth section of this act, and the inhabitants so met shall have power, by the consent of a majority of those present, to authorize the trustees, for the purpose of purchasing land for school purposes, or for the purpose of building a school-house or school-houses in such district, to issue bonds of the district, in the corporate name of such district, in such sums and in such amounts, and payable at such times as the inhabitants so met may direct, with interest at a rate not exceeding six per

centum per annum, payable half yearly ; which bonds shall be signed by the trustees of such district and attested by the clerk under the seal of the district ; and the bonds so issued shall be a lien upon the property of the said district.](1)

[Sec. 88 amended and supplied by Sec. 159, *post.*]

Supplement.

Approved March 11, 1885. P. L. 1885, p. 81.

142. SEC. 1. [This section, amending Sec. 76, *ante*, is again amended by Sec. 158, *post.*]

Supplement.

Approved March 11, 1885. P. L. 1885, p. 84.

143. SEC. 1. That section fifty of the act to which this is a supplement be amended so as to read as follows :

[That in every city having a board of education governed by special laws, there may be a city board of examiners, to consist of such members as said board of education of that city may appoint ; said examiners shall have power, subject to such rules and regulations as may be prescribed by the city board of education, to grant certificates of qualification, which shall be valid for all schools of that city ; and no teacher shall be employed in any of the schools of that city unless possessing such certificate, or a state certificate, nor in any school of a higher grade than that for which said certificate represents the holder to be qualified ; any city board of examiners may recognize the certificates of any other city, and without examination issue to the holders certificates of a corresponding grade.]

City boards of examiners may be appointed in certain cities.

Supplement.

Passed March 25, 1885. P. L. 1885, p. 134.

144. SEC. 1. [This section, amending Sec. 52, *ante*, and providing for appointment of trustees of normal school, is of no effect, the office of such trustees having been abolished by Sec. 197, *post.*]

Supplement.

Approved April 20, 1885. P. L. 1885, p. 280.

145. SEC. 1. That all parents and those who have the care of children, shall instruct them or cause them to be instructed in spelling, reading, writing, English grammar, geography and arithmetic, and every parent, guardian or other person having control and charge of any child or children, between the ages of seven and twelve years, shall be required to send any such child or children to a public day school for a period of at least twenty weeks in each year, eight weeks, at least, of which attendance shall be consecutive, unless such child or children are excused from such attendance by the board of the school district in which such parents or guardians reside, upon its being shown to their satisfaction that the bodily or mental condition of such child or children has been such as to prevent his, her or their attendance at school, or that such child or children are taught in a private school, or at home by some qualified person or persons in such branches as are usually taught in primary schools.

Persons having care of children to cause them to be instructed.

146. SEC. 2. That no child under the age of fifteen years shall be employed by any person, company or corporation to labor in any business whatever, unless such child shall have attended within twelve months immediately preceding such employment, some public day or night school, or some well-recognized private school ; such attendance to be for five days or evenings every week during a period of at least twelve consecutive weeks, which may be divided into two terms of six consecutive weeks each, so far as the arrangement of school terms will permit, and unless each child or his or her parents or guardians shall have complied with the pro-

Child under fifteen years not to be employed unless school has been attended.

(1) This section was amended by P. L. 1888, p. 472, which amendatory act was repealed by P. L. 1894, p. 517, § 29.

visions of the act approved March fifth, eighteen hundred and eighty-three, limiting the employment hours of the labor of children.

Certain children to be sent to school.

147. SEC. 3. That every parent, guardian or other person having charge or control of any child, from twelve to sixteen years of age, who has been temporarily discharged from employment in any business in order to be afforded an opportunity to receive instruction or schooling, shall send such child to some public or private day school for the period for which such child shall have been discharged, unless such child shall have been excused from such attendance by the inspectors of factories and workshops, or by the board of the school district for reasons as stated in section one hereof.

Penalty for failing to comply with provisions of act.

148. SEC. 4. That in case any parent, guardian or other person shall fail to comply with the provisions of sections one and three of this act, such parent, guardian or other person shall be deemed guilty of a misdemeanor, and shall, on conviction, be liable to a fine of not less than ten dollars nor more than twenty-five dollars for the first offense, and of not less than twenty-five dollars for each subsequent offense, or to imprisonment for not less than one month nor more than three; the said fines, when paid, to be added to the public school money of said school district in which the offense occurred.

What children deemed juvenile disorderly persons.

149. SEC. 5. That all children between the ages of seven and fifteen years, who are habitual truants from school, or who while in attendance at any public school are incorrigible, vicious or immoral in conduct, and all children between the said ages who absent themselves habitually from school, and habitually wander about streets and public places during school hours, having no business or lawful occupation, shall be deemed juvenile disorderly persons, and subject to the provisions of this act.

Appointment of truant officers.

150. SEC. 6. That in all cities having a duly-organized police force, it shall be the duty of the police authority, at the request of the inspectors of factories and workshops, or of the school authority, to detail one or more members of said force to assist in the enforcement of this act, and in districts having no regular police force, subject to this act, it shall be the duty of the board of education or the school district officers to designate one or more constables of said city, township or village, whose duty it shall be to assist in the enforcement of this act, as occasion may require, and said board of education shall fix and determine the compensation to be paid such police officer or constable for the performance of his duties under the act; members of any police force or any constable designated to assist in the enforcement of this act, as provided in this section, shall be known as truant officers; *provided*, that in districts where no constable resides the said board shall have power to appoint some other suitable person as truant officer.

Proviso.

Duties of truant officers.

151. SEC. 7. That it shall be the duty of any such truant officer or officers detailed to enforce the provisions of this act to examine into all cases of truancy, when requested so to do by the inspectors of factories and workshops, or by a district school board, and to warn such truants, their parents or guardians, in writing, of the final consequences of truancy, if persisted in, and also to notify the parents, guardian or other person having the legal charge and control of any juvenile disorderly person, that the said person is not attending any school, and to require said parent, guardian or other person to cause the said child to attend some recognized school within five days from said notice, and it shall be the duty of said guardian or other person having the legal charge and control of said child to cause the attendance of said child at some recognized school; if said parent, guardian or other person having the legal charge and control of said child shall willfully refuse, fail or neglect to cause said child to attend some recognized school, it shall be the duty of said officer to make or cause to be made a complaint against said parent, guardian or other person having the legal control and charge of such child, in any court of competent jurisdiction in the school district in which the offense occurred, for such refusal or neglect, and upon conviction thereof said parent, guardian or other person, as the case may be, shall be punished by a fine of not less than ten dollars nor more than twenty-five dollars, or the court may in its discretion require the

Of parents, &c.

Punishment of parents, &c., on conviction.

person so convicted to give a bond in the penal sum of one hundred dollars, with one or more sureties, to be approved by said court, conditioned that said person so convicted shall cause the child or children under his or her legal charge or control to attend some recognized school within five days thereafter, and to remain at said school during the term prescribed by law; *provided*, that if said parent or guardian, or other person in charge of said child shall prove inability to cause said child to attend said recognized school, then said parent or guardian or other person shall be discharged and said court shall, upon complaint of said truant officer or other person that said child is a juvenile disorderly person, as described in section five of this act, proceed to hear such complaint, and if the said court shall determine that said child is a juvenile disorderly person within the meaning of this act, then said court shall thereupon sentence said child to a juvenile reformatory until such child shall arrive at the age of sixteen years, unless sooner discharged by the board of control of said juvenile reformatory; *provided, however*, that such sentence may be suspended in the discretion of said court for such time as the child shall regularly attend school and properly deport himself or herself; *it is further provided*, that if, for any cause, the parent or guardian, or other person having charge of any juvenile disorderly person, as defined in this act, shall fail to cause such juvenile disorderly person to attend said recognized school, then complaint against such juvenile disorderly person may be made, heard, tried and determined in the same manner as is provided for in case the parent pleads inability to cause said juvenile disorderly person to attend said recognized school; *and it is further provided*, that no child under the age of nine years shall be sent to a juvenile reformatory under the provisions of this act.

Proviso.

Proviso.

Proviso.

Proviso.

152. SEC. 8. That it shall be the duty of the officers empowered, detailed or appointed under the provisions of this act to assist in the enforcement thereof, to institute or cause to be instituted proceedings against any parent, guardian or other person having legal charge and control of any child, or any person, company or corporation violating any of the provisions of the sections of this act; *provided*, this law shall not be operative in those school districts of the state where there are not sufficient accommodations to seat the children compelled to attend school under the provisions of this act, and that no prosecution shall be instituted against any parent, guardian or child unless they have received due notification from an officer empowered under this act that they are acting in violation of the provisions of this act.

Parents, &c.,
violating act may
be prosecuted.

Proviso.

153. SEC. 9. That when there is not, within the distance of two miles from the factory or shop in which a child under the age of fifteen years is employed, or from the residence of the child, a recognized efficient school, attendance at a school temporarily approved by an inspector of factories and workshops shall, for the purposes of this act, be deemed attendance at a recognized efficient school, and the inspector of factories shall immediately report to the education department every case of the approval of a school by him under this section.

What deemed
efficient school
in certain cases.

154. SEC. 10. That two weeks' attendance of children between twelve and fifteen years of age at a recognized half-time or evening school shall, for all purposes of this act, be counted as one week at a day school.

What considered
a week's school-
ing.

155. SEC. 11. That when any of the provisions of this act are violated by a corporation, proceedings may be had against any of the officers or agents of said corporation who in any way participate in or are cognizant of such violation by the corporation of which they are the officers or agents, and said officers or agents shall be subject to the same penalties as individuals similarly offending.

Proceedings may
be had against
corporation
violating act.

156. SEC. 12. That all acts and parts of acts inconsistent with this act are hereby repealed, and that this act shall take effect on the first day of September, one thousand eight hundred and eighty-five.

Repealer.

Supplement.

Approved March 16, 1886.

P. L. 1886, p. 93.

School districts
may borrow
money to pay
teachers' salaries.

157. SEC. 1. That any school district may, after the first day of September and before the thirty-first day of December, in any year, borrow a sum not exceeding four-tenths of the amount apportioned to such district from the state school moneys for such year, for the purpose of paying teachers' salaries falling due within said year; and that the said district may pay the amount so borrowed, together with interest thereon at a rate not exceeding six per centum per annum, out of the state school moneys apportioned to said district for the then current school year, as soon as the same shall have been received by the township collector of the township in which said district is situated. [See Sec. 225, *post.*]

Supplement.

Approved March 16, 1886.

P. L. 1886, p. 94.

Expenses of insti-
tutes to be paid by
state from income
of school fund.

158. SEC. 1. That section seventy-six of an act entitled "An act to establish a system of public instruction" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four [see Secs. 76 and 142, *ante*], be and the same is hereby amended so as to read as follows;

[That for the purpose of defraying the expenses of teachers' institutes and procuring teachers and lecturers for said institutes and other necessary expenses of the same, there may be paid annually to the state superintendent of public instruction, out of the income of the school fund, upon the warrant of the comptroller upon itemized accounts rendered to him by the state superintendent of public instruction of the expenses incurred, a sum not exceeding one hundred dollars to one teachers' institute in any county; and where two or more counties join in holding a union institute, there may be paid a sum not to exceed one hundred dollars for each county joining in such union institute.]

Supplement.

Approved March 26, 1886.

P. L. 1886, p. 185.

Bonds issued to
be a lien on real
and personal
estate of inhabi-
tants.Copies of papers
and proceedings
to be submitted.Duties of district
clerk.

159. SEC. 1. That section eighty-eight of an act entitled "An act to establish a system of public instruction" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four [see Secs. 88 and 141, *ante*], be and the same is hereby amended so as to read as follows:

[That the bonds of the several school districts of this state heretofore or hereafter legally issued for the purpose of building school-houses, or for enlarging or repairing school-houses, shall be a lien upon the real and personal estates of the inhabitants of the said districts, as well as the property of the districts; and the property of the inhabitants, as well as the property of the districts, shall be liable for the payment of the same; and the interest on said bonds shall be payable semi-annually, and coupons shall be attached thereto; and that in all cases copies of all papers and proceedings authorizing the issuing of such bonds shall be submitted to the attorney-general for his approval of the legality of the same; and that duplicate copies of such papers and proceedings shall be sent to the state superintendent of public instruction.] (1)

160. SEC. 2. That the district clerk, or other person performing the duties of a district clerk, in any district in which there is any interest-bearing school debt, shall, on or before the first day of September in each year, report to the state superintendent of public instruction the amount of such debt then remaining unpaid, together with the rate of interest, the date or dates on which the bonds, notes or other evidences of indebtedness were issued, and the date or dates on which they shall fall due.

(1) Section 88 was amended by P. L., 1884, p. 297. See Sec. 141, *ante*. The original section 88 was then repealed by P. L., 1884, p. 517, § 28. See Sec. 261, *post*. Query—What is the effect of the repealer?

Supplement.

Approved April 5, 1886. P. L. 1886, p. 167.

161. SEC. 1. That section sixty-nine of an act entitled "An act to establish a system of public instruction" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four, be and the same is hereby amended to read as follows :

[That the fund above mentioned, together with all the moneys which shall be received by the treasurer in payment of the principal or interest of the bank or turnpike stock belonging to the fund for the support of free schools, all the taxes which may hereafter be received into the treasury from any of the banking and insurance companies in this state, the capital stock of which now is, or may hereafter be, liable by law to be taxed, all appropriations to said funds made, or to be made, by any law of this state, and the amount of all gifts, grants, bequests or devises hereafter made by any person or persons to the said trustees for the purpose contemplated by this act, shall be invested by the treasurer of this state, under the direction of said trustees, or a majority of them, in the bonds of the United States, or of New Jersey, or in the bonds of any county, city, town or township of this state, in any case where the total indebtedness of such county, city, town or township does not exceed in the aggregate fifteen per centum of the total assessable valuation of all taxable property within such county, city, town or township, the interest thereof to be applied to the support of the public schools in the mode which now is, or may hereafter be, directed by law, and to no other use or purpose whatsoever ; an account of the management of the said fund shall be laid before the legislature, with the annual statement of the treasurer's account ; and no compensation shall be paid to said trustee or treasurer for any service performed in pursuance of the direction of this act ; and all investments of money and property belonging to said fund, now held or existing in the name of "the trustees for the support of free schools," are hereby and shall hereafter be vested in and held, and any proceedings or action whatever relative thereto may be taken, had, made and maintained by said trustees, in the name of the trustees for the support of public schools.] [See Sec. 185, *post.*]

School fund to be invested by state treasurer, under direction of trustees.

How invested.

Supplement.

Approved April 21, 1887. P. L. 1887, p. 220.

162. SEC. 1. [Amended by Sec. 198, *post.*]

Supplement.

Approved February 22, 1888. P. L. 1888, p. 92.

163. SEC. 1. That whenever any county superintendent of schools shall receive satisfactory evidence that any district clerk in his county has neglected or refused to perform any official duty assigned to him by law, he may declare the office of said district clerk vacant and proceed to fill, by appointment, such office for the unexpired term ; *provided*, that due notice of his proposed action shall be sent by the county superintendent to such district clerk, who shall have opportunity to present satisfactory reasons for such neglect or refusal, and that the office of such district clerk shall not be declared vacant until the expiration of three weeks from the date of said notice ; *and provided further*, that the action of the county superintendent shall be approved by the state superintendent of public instruction.

County superintendent may declare office of district clerk vacant, and appoint successor in certain cases. Proviso.

Proviso.

164. SEC. 2. That it shall be the duty of the trustees of any school district in this state to call a special meeting of the legal voters of such district whenever one-fourth of such legal voters shall request them, by petition, so to do ; and in the notices calling such special meeting shall be inserted the purpose or purposes named in said petition.

Trustees of school district to call special meeting of voters of district when requested by one-fourth thereof.

Supplement.

P. L. 1888, p. 177.

Approved March 20, 1888.

165. SEC. 1. [This section, amending Secs. 77 and 127, *ante*, is again amended by Sec. 240, *post*.]

166. SEC. 2. [This section, amending Secs. 81 and 130, *ante*, is again amended by Secs. 221 and 241, *post*.]

An act regulating the number of school trustees to be elected in the respective school districts in this state, being a supplement to an act entitled "An act to establish a system of public instruction," approved March twenty-seventh, one thousand eight hundred and seventy-four.

P. L. 1888, p. 255.

Approved March 26, 1888.

Terms of district trustees where the number is increased.

167. SEC. 1. [Amended by Sec. 190, *post*.]

168. SEC. 2. That in case it be decided to increase the number of school trustees in any such school district to six, then the said legal voters shall proceed to elect, in the manner in which school trustees are now elected, three additional trustees, one to hold office for one year, one for two years and one for three years; and annually thereafter trustees shall be elected for the term of three years, to fill the places of those whose terms expire.

Notice of election of trustees.

169. SEC. 3. That it shall be the duty of the district clerk in districts coming within the provisions of the first section of this act, in his notice of the annual meeting for the election of school trustees, to insert a notice that there are within the district one thousand or more children of legal school age, and that it will be determined at said annual meeting whether the board of school trustees shall consist of three or six; *provided, further*, that no vote shall be taken upon this subject unless public notice shall have been given as herein provided for.

Proviso.

Repealer.

170. SEC. 4. That all acts and parts of acts inconsistent with the provisions of this act be and the same are hereby repealed.

Supplement.

P. L. 1889, p. 15.

Approved February 14, 1889.

171. SEC. 1. That section five of the act to which this is a supplement be and the same is hereby amended so that the same shall read as follows, to wit:

State superintendent, how appointed.

Term and salary.

Proviso.

[The state superintendent of public instruction shall be appointed by the governor, by and with the advice and consent of the senate, and shall hold office for the term of three years, and until his successor is appointed, and shall receive annually a salary of three thousand dollars, to be paid out of the income of the school fund; *provided*, that nothing herein contained shall prevent his re-appointment.]

Repealer.

172. SEC. 2. [Executed.]

173. SEC. 3. That all acts or parts of acts inconsistent with the provisions of this act be and the same are hereby repealed.

Supplement.

P. L. 1889, p. 55.

Approved March 18, 1889.

Trustees to admit to public schools children between five and twenty years.

174. SEC. 1. That the trustees of all public school districts within this state, be and they are hereby authorized and required to admit to such public schools, all pupils between the ages of five and twenty years, residing in their respective districts; *provided, always*, that attendance shall not be compulsory in the case of any pupil under the age of six or over the age of eighteen years; *and provided further*, that in taking the school census, only pupils between the ages of five and eighteen years shall be enrolled, as heretofore.

Supplement.

P. L. 1889, p. 178.

Approved April 4, 1889.

175. SEC. 1. [This section, amending Sec. 24, *ante*, is amended by Secs. 195 and 235, *post*.]

Supplement.

Approved April 16, 1889. P. L. 1889, p. 270.

176. SEC. 1. That subdivision four of section two of an act entitled "An act to establish a system of public instruction" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four, be and the same is hereby amended so as to read as follows :

[IV. To appoint the county superintendents of the several counties of the state.] State board to appoint county superintendents.

177. SEC. 2. That section nineteen of said act be amended so as to read as follows :

[That the state board of education shall appoint for each county a person of suitable attainments to be the county superintendent of the public schools of that county, who shall hold office for a term of three years and until his successor shall have been appointed as aforesaid, unless sooner removed for cause by the state board of education.] Term of county superintendent, &c.

178. SEC. 3. That section nineteen *a* of said act be and the same is hereby repealed. Repealer of section 19a.

179. SEC. 4. That all acts and parts of acts inconsistent with the provisions of this act, be and the same are hereby repealed, and that this act shall take effect immediately. Repealer.

Supplement.

Approved May 6, 1889. P. L. 1889, p. 352.

180. SEC. 1. [Amended by Sec. 201, *post.*]

181. SEC. 2. That each member of the county board of examiners, except the county superintendent, shall receive for his services, in addition to traveling expenses, a sum not exceeding five dollars for each of the quarterly examinations held by said board in February, August and November, and eight dollars for the regular quarterly examination held in May. Compensation of county board of examiners.

182. SEC. 3. That all acts or parts of acts inconsistent with this act be and the same are hereby repealed. Repealer.

Supplement.

Approved May 6, 1889. P. L. 1889, p. 353.

183. SEC. 1. That the board of education, board of school trustees or other body having charge and control of the public schools in any school district in this state, acting under a special charter, or under the provisions contained in the charter of any city, town, borough or other municipality, is hereby authorized and empowered, for the purpose of building or enlarging school-houses, by and with the consent of the board having charge and control of the finances of such municipality, to borrow from the "trustees of the fund for the support of public schools" such sum or sums of money as may be necessary for that purpose ; that the money thus borrowed shall be secured by bonds to be issued in the corporate name of said municipality or school district, to be known as district school bonds, which bonds shall bear interest at the rate of five per centum per annum, payable annually, and the said bonds shall and are hereby declared to be the first lien upon the school-house and lot on which the same is erected, and for the erection or repair of which they shall have been issued ; that no loan authorized by this act shall be less than five hundred dollars ; that such loan may be paid at such times and in such amounts as the board of education, board of school trustees or other body borrowing money under the provisions of this act may direct ; *provided*, that the first payment on any such loan shall become due and payable not later than five years from the date of said loan, and that the last payment on any such loan shall be made not later than ten years from the date thereof. Boards of education may borrow money for erection of school-houses from trustees of state school fund.

Money to be secured by bonds of district.

Minimum amount of loan.

Proviso.

184. SEC. 2. That if any charter of any incorporated school district, city, town, borough or other municipality in this state shall limit the amount of indebtedness that may be incurred, or shall limit the amount of tax or the rate of taxation in any incorporated school district, city, town, borough or other municipality or by its terms prevent the carrying out of the provisions of this act, the same shall not hereafter be held to apply to the Limitations upon amount that may be borrowed.

raising of money under the provisions of this act, and the powers herein conferred shall embrace every school district in this state, any public, local, special or other law to the contrary notwithstanding.

State treasurer
authorized to
invest fund.

Proviso.

185. SEC. 3. That the treasurer of this state, under the direction of the "trustees for the support of public schools," is hereby authorized to invest the fund for the support of public schools in this state in the bonds issued by virtue of this act; *provided, always,* that said trustees, before giving such direction shall be satisfied that the lot upon which the school-house is proposed to be erected or repaired is free from all incumbrance, and that the said bonds, when issued, will become the first lien upon said lot with the improvements thereon, and that the city, town, borough or other municipality applying for the loan has not defaulted in the payment of the principal or interest of any bonds theretofore issued within two years from the date of the application.

Copies of papers
to be submitted
to attorney-
general.

Duplicates filed.

186. SEC. 4. That copies of all papers and proceedings authorizing the issuing of such bonds shall be submitted to the attorney-general for his approval of the legality of the same, and that duplicate copies of such papers and proceedings shall be filed in the office of the state superintendent of public instruction.

State superin-
tendent to furnish
blanks.

187. SEC. 5. That the state superintendent of public instruction shall prepare and furnish the necessary blanks and forms for all proceedings under this act.

Amount sufficient
to pay bonds and
interest thereon to
be assessed upon
inhabitants of
district.

188. SEC. 6. That it shall be the duty of the officers or board charged with the raising, levying and assessing of taxes in any school district or municipality issuing bonds under the provisions of this act, to assess upon the inhabitants thereof and their estates and the taxable property therein, an amount sufficient to pay the bond or bonds of the district maturing in such year, together with the interest accruing upon the whole issue of the unpaid bonds of such district or municipality, and the tax thus ordered shall be assessed, levied and collected in the same manner as other taxes for school purposes are assessed, levied and collected.

Repealer.

189. SEC. 7. That the act entitled "A supplement to an act entitled 'An act to establish a system of public instruction' [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four," approved March twenty-seventh, one thousand eight hundred and eighty-eight, and all acts and parts of acts inconsistent with the provisions of this act, be and the same are hereby repealed, and that this act shall take effect immediately.

An act to amend an act entitled "An act regulating the number of school trustees to be elected in the respective school districts in this state, being a supplement to an act entitled 'An act to establish a system of public instruction,' approved March twenty-seventh, one thousand eight hundred and seventy-four," which act to be amended was approved March twenty-sixth, one thousand eight hundred and eighty-eight.

Approved March 31, 1890.

P. L. 1890, p. 145.

190. SEC. 1. That section one of the act to which this is an amendment [see Sec. 167, *ante*] be and the same is hereby amended so that it shall read as follows :

Legal voters to
determine the
increase of num-
ber of trustees.

[That whenever it shall appear by the annual school census that there are five hundred or more children of legal school age in any school district in this state having but three trustees, before the number of such trustees shall be changed at least one-fifth in number of the legal voters residing within such school district shall petition the trustees, by a petition duly signed and witnessed by two persons of lawful age, who shall make affidavit that such petition was signed by said voters in their presence, requesting said trustees to insert in the call for the annual school meeting a notice as prescribed in section three of this act, then it shall be lawful for the legal voters to determine by a majority vote of those present whether the number of school trustees shall or shall not be increased to five.]

Repealer.

191. SEC. 2. That all acts and parts of acts inconsistent with the provisions of this act be and the same are hereby repealed.

Supplement.

Approved April 7, 1890.

P. L. 1890, p. 180.

192. SEC. 1. That the trustees of all public schools within this state are hereby authorized to provide such text-books and other school supplies as shall, pursuant to existing law, be approved by the county superintendent and such boards of trustees, and supply the same free to the use of the pupils in said schools; *provided*, that when any pupil shall lose, deface or destroy any book supplied to such pupil under the provisions of this act, the parents or guardians of such pupil shall replace such book so lost, defaced or destroyed, or shall be liable for damages to the amount of the cost of such book, on the complaint of the teacher, and collected by the district clerk, by an action in debt therefor, in any court having jurisdiction, in his name as district clerk, together with the costs of said action.

Trustees authorized to provide text-books, &c., for free use of pupils.

Proviso.

193. SEC. 2. That the payment of the cost of such text-books and other school supplies shall be provided by special district tax in the same manner as other special school taxes are assessed and collected; *provided, however*, that if any district now has, or hereafter shall have, to its credit, surplus funds which shall have accrued otherwise than from appropriations made by the state, and available, wholly or in part, to defray said cost, then and in that case the trustees of such district may, with the written consent of the county superintendent, use such surplus for such payment.

Costs thereof, how provided for.

Proviso.

194. SEC. 3. That all acts and parts of acts inconsistent with the provisions of this act, be and the same are hereby repealed, and that this act shall take effect immediately.

Repealer.

Supplement.

Approved April 7, 1890.

P. L. 1890, p. 187.

195. SEC. 1. [This section, amending Secs. 24 and 175, *ante*, is again amended by Sec. 235, *post*.]

Supplement.

Approved March 17, 1891.

P. L. 1891, p. 167.

196. SEC. 1. [This section, amending Sec. 1, *ante*, is again amended by Sec. 227, *post*.]

197. SEC. 2. That the board of trustees of the state normal school is hereby abolished; all the duties and offices of such board shall hereafter be exercised and performed by the state board of education provided for in the first section of this act. [See Secs. 52 and 144, *ante*.]

Board of trustees of state normal school abolished.

An act to amend the first section of an act entitled "A supplement to an act entitled 'An act to establish a system of public instruction' [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four," which act was approved April twenty-first, one thousand eight hundred and eighty-seven.

Approved April 3, 1891.

P. L. 1891, p. 319.

198. SEC. 1. That section one of the above-entitled act [see Sec. 162, *ante*] be and the same is hereby amended to be and read as follows:

[That on or before the fifteenth day of September in each year, it shall be the duty of all township collectors, city treasurers and other persons who may be the custodians of moneys belonging to the several school districts in this state, to pay to the county collectors of their respective counties all balances derived from moneys apportioned to said districts by the county superintendents, which may then be in their hands to the credit of said districts, and to report forthwith to the county superintendents of their respective counties the amounts thus paid over; and it shall be the duty of each county collector, on or before the first day of October in each year, to report to the county superintendent of his county the amount of money received by him by virtue of the provisions of this act, and the county superintendent shall thereupon re-apportion such amount among all the school districts in his county, except as hereinafter provided, and the sums thus re-apportioned shall immediately be returned to the

Custodians of school moneys of districts to pay to county collectors all balances.

County collector to report to county superintendent.

County superintendent to re-apportion amount of money.

several township collectors, city treasurers, and other persons entitled to the custody of the school moneys, on the orders of the county superintendent, and shall be available for the then current school year; and the sum thus re-apportioned to any district shall be in addition to and in excess of the sum apportioned to such district by the county superintendent for said school year; *provided*, that the county superintendent may, for good cause shown, allow the balance due any school district to remain in the hands of the custodian of the school funds of such district, to the credit of such district, and such balance shall thereafter be used and expended by the trustees of such school district for the purpose of paying teachers' salaries and fuel bills, or, by and with the written consent of the county superintendent, in the improvement of the school-house and grounds, the purchase of school furniture or apparatus, or for any other purpose connected with the schools of such district; *and provided, also*, that in case the county superintendent shall allow any district to retain any such balance, the said district shall not be included in any such re-apportionment nor entitled to any of the proceeds thereof.]

Proviso.

Proviso.

Supplement.

Approved April 14, 1891.

P. L. 1891, p. 369.

Provision for establishing one library in district containing more than one school-house.

199. SEC. 1. That in all school districts where there are more than one school-house it shall be lawful to receive from the state treasury, as in said bill directed, the sum prescribed to be paid to each school-house, and that such district shall have power to consolidate and establish a library in one place in said district as may be designated by the board of education or such other power as has control of the public schools in said district.

Supplement.

Approved March 7, 1892.

P. L. 1892, p. 51.

Provision for state aid in maintaining school library, &c.

200. SEC. 1. That in case any public school in this state shall (after the date of the establishment of a school library therein), have neglected in any year or years to raise, by subscription or entertainment, the sum of ten dollars annually, for the establishment and maintenance in such school of a school library and to procure philosophical and chemical apparatus; and such school shall in consequence have failed to receive from the treasurer of the school fund, upon the order of the state superintendent of education, the sum of ten dollars, in any such year or years, for the purposes aforesaid; the treasurer of the school fund, upon the order of the state superintendent of education, is hereby authorized and directed to pay over to said school, out of the income of the school fund, the sum of ten dollars for each year during which such school shall have so neglected to raise, by subscription or entertainment, a like sum for the purposes aforesaid, provided that within one year from the passage of this act there shall have been raised for such public school, by subscription or entertainment, a like sum for each of such years for the purpose aforesaid, and further provided that the amount to be paid any one school district under this act shall not exceed forty dollars, and provided further that the total amount expended under the provisions of this act shall not exceed the sum of one thousand dollars.

Proviso.

Proviso.

Proviso.

An act to amend an act entitled "An act to amend an act entitled 'An act to establish a system of public instruction' [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four," which was approved May sixth, one thousand eight hundred and eighty-nine. [See Sec. 180, *ante*.]

Approved March 29, 1892.

P. L. 1892, p. 364.

Salary of county superintendent.

201. SEC. 1. That in order to enable county superintendents of schools to devote more time to the discharge of the duties of their office, and to properly examine and direct the schools under their charge, by frequent visits to said schools and counsel and direction to teachers in the proper method of instruction, their yearly salary shall be at the rate of

twelve and a half cents for each child in the county between the ages of five and eighteen, as ascertained from the last annual report of the state superintendent; *provided*, that the salary shall in no case be less than eight hundred dollars, nor more than thirteen hundred dollars; *and provided*, that the salary of a superintendent having fifty or more district schools to visit shall not be less than one thousand dollars; *and provided*, that in case any city or town shall have a city or town superintendent of schools, the children belonging to such city or town shall not be counted in determining the salary of the county superintendent, and the supervision of the schools of said city or town, which would otherwise belong to the county superintendent shall devolve upon the city or town superintendent.

Proviso.

Proviso.

Proviso.

Supplement.

Approved March 7, 1893.

P. L. 1893, p. 98.

201 a. SEC. 1. That section fifty-five of the act entitled "An act to establish a system of public instruction" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four, be and the same is hereby repealed.

Repealer of section 55.

201 b. SEC. 2. That section fifty-five *a* of said act be and the same is hereby repealed.

Repealer of section 55a.

201 c. SEC. 3. That section fifty-seven of said act be and the same is hereby amended to read as follows:

[That each county shall be entitled to at least six times as many pupils in the school as it has representatives in the legislature; and in case any county is not fully represented additional candidates may be admitted from other localities on sustaining the requisite examination; the applicants shall give on admission a written declaration signed with their own hands, that their object in seeking admission to the school is to qualify themselves for the employment of public school teachers, and that it is their intention to engage in that employment in this state for at least two years or refund to the state the cost of their tuition.]

Number of pupils in normal school to which each county is entitled.

201 d. SEC. 4. [This section, amending Sec. 60, *ante*, is repealed by P. L. 1895, p. 791.]

Supplement.

Approved March 10, 1893.

P. L. 1893, p. 194.

202. SEC. 1. That section ninety-eight of an act entitled "An act to establish a system of public instruction" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four, be and the same is hereby amended so as to read as follows:

[That no principal, teacher or other person employed or engaged in any capacity in any school or educational institution within this state, whether public or private, shall be permitted to inflict, or cause to be inflicted, corporal punishment upon any child or pupil attending or that may attend the same.]

Corporal punishment prohibited.

203. SEC. 2. That any and every resolution, by-law, rule, ordinance or other act or authority heretofore or hereafter passed, adopted, approved, made or given, by any person or persons whomsoever, natural or artificial, permitting or authorizing corporal punishment to be inflicted upon any child or pupil attending or that may attend any school or educational institution in this state, is hereby made and shall be henceforth absolutely void and of no force or effect.

Resolutions, &c., authorizing corporal punishment void.

204. SEC. 3. That any and all acts and parts of acts, and any and all resolutions and parts of resolutions, enacted or passed by the legislature of this state, whether public or private, general or special, inconsistent with the provisions of this act, be and the same are hereby repealed.

Repealer.

P. L. 1893, p. 325.

Supplement.

Approved March 15, 1893.

205. SEC. 1. That section forty-nine of an act entitled "An act to establish a system of public instruction" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four, be and the same is hereby amended so as to read as follows :

Appointment and duties of county board of examiners.

[That there shall be in each county a county board of examiners, which shall be composed of the county superintendent, who shall, ex officio, be chairman, and of a number of teachers, not to exceed three, to be appointed by him, who shall hold office for one year from the time of their respective appointments ; but no person shall be appointed as a county examiner unless he holds either a state or a first-grade county certificate ; the county superintendent shall fill vacancies that occur from absence or other cause, but if he cannot find any teacher in his county qualified under the provisions of this section willing to serve, he shall conduct the examination himself ; the board shall meet at such places as may be designated by the chairman, and shall hold at least three regular sessions each year ; each member of the county board of examiners, except the county superintendent, shall receive for his services, in addition to traveling expenses, such compensation as may be fixed by the state board of education not exceeding ten dollars for each regular examination, to be paid by the county collector on the order of the county superintendent ; *provided*, that whenever said board shall hold sessions at any other time than as appointed by the state board of education, no compensation shall be allowed from the county ; but in case of special examinations said board may charge each applicant an examination fee not exceeding two dollars ; the county board of examiners shall have power to conduct examinations and to grant certificates of different grades, in accordance with the general regulations on the subject prescribed by the state board of education.]

Compensation of board.

Proviso.

206. SEC. 2. That section sixty-four of said act shall be amended to read as follows :

School year prescribed.

[That the school year shall begin on the first day of July, and end on the last day of June.]

Supplement.

P. L. 1893, p. 332.

Approved March 15, 1893.

207. SEC. 1. [Amended by Sec. 225, *post*.]

Supplement.

P. L. 1894, p. 119.

Approved April 24, 1894.

Effects of alcoholic drinks to be taught.

208. SEC. 1. That the nature of alcoholic drinks and narcotics, and special instruction as to their effects upon the human system, in connection with the several divisions of the subject of physiology and hygiene, shall be included in the branches of study taught in the common or public schools, and shall be studied and taught as thoroughly and in the same manner as other like required branches, with adequate tests of the efficiency of the teaching by the use of graded text-books in the hands of pupils where other branches are thus studied, and orally only in the case of pupils unable to read, and by all pupils in all grades of all schools supported wholly or in part by public money.

Character of text-books on such subject.

209. SEC. 2. That the space in the text-books devoted to the consideration of the nature of alcoholic drinks and narcotics and their effects upon the human system shall be sufficient for a full and adequate treatment of the subject.

Teachers shall pass satisfactory examination on subject.

210. SEC. 3. That no certificate shall be granted to any person to teach in the public schools of New Jersey after January first next, who has not passed a satisfactory examination in physiology and hygiene, with special reference to the nature of alcoholic drinks and other narcotics and their effects upon the human system.

211. SEC. 4. That in order to carry into effect the provisions of this supplement, each district shall, in the manner now provided by law, on or before the first day of July next, adopt a graded series of text-books in accordance with the provisions of this supplement.

Graded series of text-books thereon to be adopted.

212. SEC. 5. That the state superintendent of public instruction shall, immediately after the passage of this supplement, notify all boards of education, boards of school trustees, or other bodies having charge and control of public schools, of the provisions of this supplement, and particularly call their attention to their duty in enforcing the same.

State superintendent shall notify school boards of this act.

213. SEC. 6. That it shall be the duty of all city and county superintendents to report to the state superintendent of public instruction whether the provisions of this act have been complied with, as specified in the preceding sections; and any refusal thus reported, or otherwise satisfactorily proven, shall be deemed sufficient cause for withholding the state appropriation of school money from such district or districts until such district or districts have fully complied with the provisions of this supplement.

Reports to state superintendent concerning such requirements to be made.

214. SEC. 7. That this act shall apply to all schools in this state supported wholly or in part by money received from the state, whether such schools are governed by the act to which this is a supplement or by any special law, or the provisions contained in the charter of any city, town, borough or other municipality, and that this act shall take effect at the beginning of the next school year.

Act applies to all schools in the state.

Supplement.

Approved April 24, 1894.

P. L. 1894, p. 123.

215. SEC. 1. That all the lands under water belonging to this state be and the same hereby are irrevocably appropriated for the support of free schools in this state, and that all moneys hereafter received from the sales and rentals of such lands under water belonging to this state, shall be paid over to the trustees of the school fund, and appropriated for the support of free public schools, and shall be held by them in trust for that purpose, and shall be invested by the treasurer of the state, under their direction, in the same manner as the funds now held by them are invested, the same to constitute a part of the permanent school fund of the state, and the interest thereof to be applied to the support of public schools in the mode which now is, or may hereafter be directed by law, and to no other purpose whatever.

Moneys derived from sales of riparian lands appropriated to support of public schools.

Treasurer shall invest the money.

Interest shall be applied to support of public schools.

216. SEC. 2. That all leases which have been made by this state or any board or officer of this state, in pursuance of the provisions of an act entitled "An act to provide for the use of the proceeds of riparian sales, grants and leases," approved March nineteenth, one thousand eight hundred and ninety, of lands belonging to the state now or formerly lying under water, be and the same hereby are transferred to the trustees of the school fund of this state to become a portion of the free school fund, and that the income arising from such leases shall be distributed by the said trustees for the support of free public schools in the same manner that other moneys are now distributed for that purpose.

All leases transferred to trustees of state school fund.

217. SEC. 3. That all acts or parts of acts inconsistent with this act be and the same are hereby repealed, and that this act shall take effect immediately.

Repealer.

Supplement.

Approved April 25, 1894.

P. L. 1894, p. 144.

218. SEC. 1. That any school district in this state acting under a special charter, and which has no power under such charter to issue bonds for the purpose of purchasing lands for school purposes, or for the erection or enlargement of a school-house or school-houses, may issue bonds for such purpose or purposes in the manner provided for the issuing of bonds by districts organized under the provisions of the act to which this is a supplement; *provided*, that this act shall not apply to any district until such district shall decide to accept the same by a vote of the majority of the legal voters present at any regular annual meeting of the district.

School district having special charter may issue bonds.

Proviso.

May order bonds issued either at annual or special meeting.

219. SEC. 2. That any district voting to accept this act, may order the issue of bonds as provided in section one, either at the annual meeting or at a special meeting, which special meeting shall be called in the same manner as is provided by the charter of such district for calling the annual meeting.

Supplement.

P. L. 1894, p. 156.

Approved April 30, 1894.

220. SEC. 1. That section sixty-five of the said act be and the same is hereby amended so as to read as follows, to wit :

Who shall be trustees of state school fund.

[That the governor of this state, the president of the senate, the speaker of the house of assembly, the attorney-general, the secretary of state, the comptroller and the treasurer and their successors in office, be and they are hereby constituted and appointed trustees of the fund for the support of public schools in this state arising either from appropriation heretofore made or which may hereafter be made by law, or which may arise from the gift, grant, bequest or devise of any person or persons whatsoever, which trustees shall be known by the name, style and title of "the trustees for the support of public schools;" *provided*, that it shall not be lawful for any teacher, trustee or trustees to introduce into or have performed in any school receiving its proportion of the public money, any religious service, ceremony or forms whatsoever, except reading the Bible and repeating the Lord's prayer.](a)

Religious services in schools.

Supplement.

P. L. 1894, p. 196.

Approved May 2, 1894.

221. SEC. 1. [This section, amending Secs. 81, 130 and 166, *ante*, is again amended by Sec. 241, *post*.]

Supplement.

P. L. 1894, p. 292.

Approved May 14, 1894.

Term of township collector, &c., as to school moneys.

222. SEC. 1. That when the term of office of any township or borough collector shall expire before the close of the school year, such township or borough collector shall remain and continue to be the custodian of the school moneys, and shall pay the orders legally issued in accordance with the provisions of the act to which this is a supplement, until the close of the school year, and his bondsmen shall remain and be legally bound for the faithful performance of his duties until the final settlement of his accounts.

Borough collector legal custodian of school moneys.

223. SEC. 2. That in any borough in this state having a borough collector, said borough collector shall be the legal custodian of the school moneys belonging to the school district in which such borough is situated, and such borough collector shall be entitled to the same compensation as is now paid township collectors for receiving and paying out school moneys; *provided*, that if such borough collector is paid a stated salary by the borough for the performance of his duties as borough collector, then and in that case he shall not be paid any additional compensation for receiving and paying out the school moneys.

Applies only to certain boroughs.

224. SEC. 3. That this act shall apply only to boroughs in which are located all the school buildings belonging to the school districts in which such boroughs are situated, and that the township collector shall be the custodian of the school moneys belonging to any school district comprised of a borough and a portion of an adjoining township, and which school district has school-houses located both in the borough and in the township.

(a) See *Am. Dock and Imp. Co. v Trustees of Public Schools*, 8 *Stew.* 251, 252, 255.

An act to amend an act entitled "A supplement to an act entitled 'An act to establish a system of public instruction' [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four," which supplement was approved March fifteenth, one thousand eight hundred and ninety-three.

Approved May 15, 1894.

P. L. 1894, p. 350.

225. SEC. 1. That section one of an act entitled "A supplement to an act entitled 'An act to establish a system of public instruction' [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four," which supplement was approved March fifteenth, one thousand eight hundred and ninety-three [see Sec. 207, *ante*], be amended so as to read as follows :

[That the board of education, board of school trustees or other body having charge and control of the public schools in any school district in this state, acting under a special charter or under the provisions contained in the charter of any city, town, borough or other municipality, may in any year borrow a sum of money not exceeding four-tenths of the amount apportioned to such district from the state school moneys for such year for the purpose of paying teachers' salaries falling due within said year ; and that the said district may pay the amount so borrowed, together with interest thereon at a rate not exceeding six per centum per annum, out of the state school moneys apportioned to said district for the then current school year as soon as the same have been received by the city treasurer or other person designated by law as the custodian of the school moneys belonging to such district.] [See Sec. 157, *ante*.]

Board of education, &c., may borrow money to pay teachers' salaries.

Amount limited.

226. SEC. 2. That all acts and parts of acts inconsistent herewith be and the same are hereby repealed, and that this act shall take effect immediately.

Repealer.

Supplement.

Approved May 22, 1894.

P. L. 1894, p. 462.

227. SEC. 1. That section one of an act entitled " An act to establish a system of public instruction " [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four [see Secs. 1 and 196, *ante*], be and the same is hereby amended so as to read as follows :

[That the general supervision and control of public instruction in the state of New Jersey shall be vested in a state board of education, which board shall consist of two members from each congressional district, only one of whom shall be a member of the same political party, and no two of whom shall reside in the same county, except where a congressional district lies entirely within one county ; said members shall be appointed by the governor, by and with the consent of the senate, and shall hold office severally for the term of five years, and until their successors shall be appointed as aforesaid, and hereafter, in the place of those whose terms expire, successors in like manner and for a like term shall be appointed, so that there shall always be two members from each congressional district ; and in case of any vacancy by death, resignation or otherwise, a successor for the unexpired term shall in like manner be appointed.]

State board of education, how appointed.

Term.

Vacancy, how filled.

228. SEC. 2. That the members of the state board of education already appointed shall continue in office, severally for the terms for which they have been appointed ; *provided, however*, that this section shall not apply to any congressional district which now has two members of said state board of education who are both members of the same political party, but the terms of office of each of said members shall terminate upon the passage of this act, and two members shall be appointed from said district in the manner provided in the first section of this act, one of whom shall be appointed for the full term of five years, and one for the term for which the members from said district would have served as members of said board had their term of office not been terminated by this act.

Present members shall serve out terms.

Supplement.

Passed May 25, 1894.

P. L. 1894, p. 504.

School trustees shall designate census enumerators.

Inmates of poorhouses, asylums or almshouses shall not be included.

Absentees attending colleges, boarding schools, &c., shall be included.

Report shall be verified by oath.

State superintendent shall furnish blanks.

Copy of report shall be filed.

Compensation of enumerators.

Duty of state superintendent when he believes census has been incorrectly taken.

State board of education shall appoint superintendent of school census.

229. SEC. 1. That the board of school trustees, or other body having control of the schools in the respective school districts in the state, shall annually designate the district clerk, or some other suitable person or persons, to act as school census enumerators, who shall personally canvass the school, the school district or portion thereof for which they have been appointed, and take, in each year, during the month of May, an exact census of all children residing in the district between the ages of five and eighteen, not including the children who may be inmates of poorhouses, asylums or almshouses, and shall specify the names and ages of such children and the names of their parents or guardians (all children who may be absent from home attending colleges, boarding schools and private seminaries of learning shall be included in the census list of the city, town or district in which their parents or guardians reside, and not be taken by the district clerk or other person or persons appointed to take the census in the city, town or district where they may be attending such institutions of learning); and the person or persons authorized to take the same shall make a full report thereof, verified by him or them under oath or affirmation that the same is correct and true to the best of his knowledge and belief, on the blanks furnished for that purpose, to the state superintendent of public instruction, on or before the fifteenth day of June next, after the taking of such census, and shall file a copy of the same with the board of school trustees, board of education, board of school commissioners or other body having charge and control of the schools, for the use of the district, and said district clerk or other person or persons appointed as aforesaid, making and reporting said census shall be entitled to such compensation, not exceeding five cents for the name of each child on said census list, as the board of school trustees, board of education, board of school commissioners or other body having charge and control of the schools may allow, which compensation shall be paid by the district on the certificate of the state superintendent of public instruction.

230. SEC. 2. That when satisfactory evidence is presented to the state superintendent of public instruction that the census of any district or any portion thereof has been incorrectly taken or reported, as provided in this act or when he has reason to believe that the same is incorrect, he shall return the report to the enumerator for correction; *provided*, that in case any enumerator shall neglect or refuse to make such correction as is necessary to secure an accurate census, it shall be the duty of the state superintendent of public instruction to designate a suitable person, who shall be a resident of the district for which he is appointed, to act as enumerator in the place of the enumerator whose report was found to be inaccurate, and the person so appointed shall take the said census, and the said census so taken shall be deemed the census of such district and shall be used in place and stead of the census taken under the provisions of the first section of this act, and the person or persons appointed by him shall receive such compensation as he may deem proper, not exceeding five cents a name, which compensation shall be paid by the district, if it appears that the census taken under the provisions of the first section of this act was incorrect, but if the census so taken is found to be correct, then and in that case the compensation for retaking the census shall be paid from the income of the school fund, on warrant of the state comptroller, on bills duly certified to him by the state superintendent of public instruction.

231. SEC. 3. That the state board of education, on the first Tuesday in December next, and every two years thereafter, shall appoint a suitable person who shall have charge, under the direction of the state superintendent of public instruction, of all the details connected with the taking of the annual school census; and the person so appointed shall hold his office for the term of two years, unless sooner removed for inefficiency

by the state board of education, and he shall be paid an annual compensation of fifteen hundred dollars, which compensation shall be paid out of the income of the school fund.

232. SEC. 4. That the provisions of this act shall apply to all districts in this state whether acting under the provisions of the act to which this is a supplement, or under any special charter, or the charter of any city, town, borough or other municipality.

Act shall apply to all school districts.

233. SEC. 5. That this act shall take effect on the first day of December, one thousand eight hundred and ninety-four, at which time any and all methods provided by law for taking the annual school census shall be abolished, and the terms and duties of all persons appointed under the provisions of any other act or acts to take or supervise the school census shall cease.

All methods of former acts for taking census abolished.

Supplement.

Approved May 25, 1894.

P. L. 1894, p. 506.

234. SEC. 1. That section twenty-three of an act entitled "An act to establish a system of public instruction" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four, be and the same is hereby amended so as to read as follows :

[That he shall issue orders on the county collector in favor of each township collector or receiver of taxes, and of each city treasurer, for that portion of the state appropriation to which said township, city, town or borough is entitled.]

County superintendent shall issue orders on county collector.

235. SEC. 2. That section twenty-four of said act [see Secs. 24, 175 and 195, *ante*] be and is hereby amended so as to read as follows :

[That he shall examine and license teachers and discharge other duties of general supervision and superintendence over the public schools of the county, in accordance with the regulations prescribed from time to time by the state board of education.]

Shall examine and license teachers, &c.

236. SEC. 3. That section twenty-five of said act be and is hereby amended so as to read as follows :

[That he shall have power, and it shall be his duty, to appoint trustees for any district which, for any cause, fails to elect at the regular time and to appoint trustees to fill vacancies ; *provided*, the terms of office of trustees so appointed shall expire at the next regular election for school trustees, and that the trustees elected to fill vacancies shall be elected for the unexpired term.]

Shall appoint trustees in certain cases.

Proviso.

237. SEC. 4. That section thirty-one of said act [see Secs. 31 and 134, *ante*] be and is hereby amended so as to read as follows :

[That an annual meeting for the election of school trustees shall be held in each district, on the third Tuesday in March, at the school-house or in such other convenient public place within the district as may be selected by the board of education, and notices thereof, specifying the day, time, object and place of such meeting, shall be posted on each school-house within the district, and at such other public places as shall be deemed necessary, at least ten days before the date of such meeting ; *provided*, that not less than seven notices shall be posted in each district, and that a copy of such notice shall be printed in such papers published in the county as are designated, for the time being, to print the pamphlet laws, in the last issue of such papers printed prior to the third Tuesday in March ; the voters shall be the legal voters of the district(*a*) and a plurality of votes shall elect ; and no person shall be eligible to the office of trustee unless he or she is above twenty-one years of age, is a resident of the district and can read and write ; any district clerk who shall fail to post and cause to be printed notices of the election of trustees, as required by this section, shall pay a fine of twenty dollars, to be recovered in an action of debt in the court for the trial of small causes, by any person resident of said school district.] [See Sec. 261, *post*, which repeals Sec. 31 of original act.]

Annual meeting for election of district trustees.

Notice shall be posted.

Proviso.

Penalty for failure to post notices.

(*a*) An alien has no right to vote at an election, held in a school district, for the purpose of altering such district. *State, Vanderbill v. Deahler*, 1 *Dutch*, 177.

238. SEC. 5. That section thirty-four of said act be and is hereby amended so as to read as follows :

Board of trustees
to organize when.

[That each board of education created under the provisions of this act shall organize within ten days after the annual election, by the election of one of its members as president and one of its members as district clerk, and shall have the power to fix the compensation of said clerk, and on its failure to organize the county superintendent shall appoint such president and district clerk.] [See Sec. 261, *post*, which repeals Sec. 34 of original act. It is again amended by Sec. 270, *post*.]

239. SEC. 6. That section thirty-nine of said act be and is hereby amended so as to read as follows :

Powers and duties
of board.

[That the board of education shall have power, and it shall be its duty ;
I. To employ and dismiss teachers, janitors, mechanics and laborers, and to fix, alter and order paid their salaries and compensations ;(a)

II. To make and enforce rules and regulations, not in conflict with the general regulations of the state board of education, for the government of schools, pupils and teachers ;

III. To erect, enlarge or improve school buildings and grounds, and purchase, lease, mortgage or sell school lots or school buildings ; to borrow, with or without mortgage, and to raise money by taxation for any such purpose, or to pay debts incurred therefor or for the current expenses of the schools ; *provided*, that for any such acts they shall have the previous authority of a vote of the district ;

IV. To rent, furnish and repair school buildings and keep the same insured ;

V. To purchase personal property, and to receive, lease and hold in fee, in trust for the district, any and all real or personal property for the benefit of the schools thereof ;

VI. To enforce the regulations prescribed by the state board of education, and, in connection with the county superintendent, to prescribe the course of study to be pursued and a uniform series of text-books to be used in the school or schools under their charge ;

VII. To suspend or expel pupils from school ;

VIII. To provide text-books and other necessary school supplies and loan the same free to all the pupils in the schools under their control ;

IX. To call a special meeting of the legal voters of the district at any time when, in the judgment of the trustees, the interests of the school may require it, which meeting shall be called in the manner provided in section eighty-six of this act, and no business shall be transacted at such special meetings except such as has been set forth in the notices by which said meeting was called ;(b)

X. To call a special meeting of the legal voters of such district whenever one-fourth of such legal voters shall request them by petition so to do ; and in the notices calling such special meeting shall be inserted the purpose or purposes named in said petition, so far as the same are not in conflict with the school laws of this state ;

XI. To permit a school-house to be used for other than school purposes when a majority of the trustees shall consent thereto at a regularly-called meeting of the board of education ;

XII. To make an annual report, on or before the first day of August, to the county superintendent, in the manner and form prescribed by the state superintendent of public instruction.]

240. SEC. 7. That section twenty-seven [see Secs. 77, 127 and 165, *ante*] of said act be and is hereby amended so as to read as follows :

State school tax
to be assessed and
collected
annually.

[That for the purpose of maintaining free public schools there shall be assessed, levied and collected annually, upon the taxable real and personal property in this state, as exhibited by the latest abstract of ratables from the

(a) The employment of teachers is an act judicial in its character and should be done at a meeting of the trustees of which all should have notice, and have opportunity to participate in. *Townsend v. School Trustees*, 12 Vr. 312.
(b) A special school tax ordered by a special meeting of the voters, which has not been called by the board of trustees and of which the district clerk did not give notice, will be set aside. *Appar v. Van Syckel*, 17 Vr. 492. At a special meeting called by

the trustees to build an addition to a school-house, a majority of the votes of the taxable residents present at the meeting is sufficient authority to act. *Crandall v. Trustees*, 22 Vr. 188. A special meeting can vote to raise money to build a school-house although a similar proposition had been rejected at a previous special meeting held in the same year. *Stackhouse v. Clark*, 23 Vr. 291. See, also, *State, Slack, pros., v. Palmer*, 10 Vr. 250. *Chamberlain v. Cranbury*, 28 Vr. 605.

several counties, made out by the several boards of assessors and filed in the office of the comptroller of the treasury, a state school tax equal to five dollars for each child in this state between the ages of five and eighteen years, as exhibited by the next preceding school census, which tax shall be assessed, levied and collected at the same time and in the same manner in which other taxes are assessed, levied and collected.]

241. SEC. 8. That section eighty-one of said act [see Secs. 81, 130, 166 and 221, *ante*] be and is hereby amended so as to read as follows :

[That it shall be the duty of the county superintendent of each county, on or before the fifteenth day of May, to apportion annually, to the districts of his county the state school moneys, together with the interest of the surplus revenue belonging to said county, in the following manner :

How school moneys shall be apportioned amongst school districts.

I. He shall apportion to each district a sum equal to two hundred dollars for each teacher employed in the public schools of such district for the full time for which the schools in such district were maintained during the year next preceding such apportionment ;

II. He shall apportion to each district one-half of the remainder of the school moneys belonging to his county on the basis of the aggregate days' attendance of all the children enrolled in the school registers as ascertained from the last published report of the state superintendent ;

III. He shall apportion to each district the remainder of the school moneys belonging to his county on the basis of the last published school census.]

242. SEC. 9. That section eighty-three of said act be and is hereby amended so as to read as follows :

[That the county collector of each county shall receive and hold in trust that part of the state appropriation belonging to his county, and shall pay out the same to the collectors of the several townships and boroughs, and to the city treasurers of his county, only on the orders of the county superintendent.] (*a*)

County collector shall pay to township collectors, &c., on order of superintendent.

243. SEC. 10. That section eighty-four of said act be and is hereby amended so as to read as follows :

[That it shall be the duty of the township collector to receive and hold in trust all school moneys belonging to the township, whether received from the state appropriation, from district tax or from other sources, and to pay out the same only on the orders of the district clerks, each of which orders shall specify the object for which it is given, and shall be signed by the president of the board of education and by the district clerk, and shall be made payable to the order of and be indorsed by the person entitled to receive it, and he shall pay over any balance of school funds remaining in his hands to his successor in office, and he shall, in the book provided for that purpose by the state superintendent, keep a record of the sums received and paid out by him, and he shall present his accounts to be examined and settled by the township committee at the close of the school year, a copy of which settlement, certified by the committee, showing the amounts received, the amounts expended by him for school purposes during the year, and the balance remaining in his hands, he shall transmit within ten days to the county superintendent and shall file another copy of the same with the district clerk ; he shall also exhibit to the county superintendent, when requested so to do, his book of accounts and the vouchers in his hands, and as compensation for such service he shall be entitled to one and one-half per centum on all school funds paid out by him on the orders signed by the president and district clerk of the board of education, which compensation shall be paid by the township committee from the funds of the township ; *provided*, that when the term of office of any township collector shall expire before the close of the school year, such township collector shall remain and continue to be the custodian of the school moneys and shall pay the orders legally issued as aforesaid until the close of the school year, and his bondsmen shall remain and be

Township collector shall hold moneys and disburse same on orders of district clerk, &c.

Shall present account for examination.

Proviso.

(*a*) The county collector has no discretion as to how much of the state appropriation the several township collectors are entitled to receive from him ; neither can he set off any claim of his own or of the county against the township or its collector *State, Herder v. Hunterdon, 7 Vr. 303.*

Proviso.

legally bound for the faithful performance of his duties until the final settlement of his accounts ; *and provided further*, that where there is a borough situated in a township, and said borough is a separate and distinct school district, the borough collector shall be the legal custodian of the school moneys belonging to the borough, and shall perform the same duties and be entitled to the same compensation, to be paid from borough funds ; but if such borough collector is paid a stated salary by the borough for the performance of his duties as borough collector, then and in that case he shall not be paid any additional compensation for paying out the school moneys belonging to the borough.](a)

244. SEC. 11. That section eighty-six of said act [see Secs. 86 and 121, *ante*] be and is hereby amended so as to read as follows :

District may raise additional moneys by tax.

Mode of procedure in such case.

[That in addition to the moneys apportioned to it by the county superintendent, each school district may raise by tax such other sums of money as it may need for school purposes, in the following manner : the legal voters of such district are hereby authorized and required, at the meeting for the election of trustees, to determine what amount of school tax, if any, shall be levied upon the district, and in the notices calling said meeting shall be inserted the amount of money desired to be raised ; and the legal voters, so met, shall have power, by a consent of a majority of those present, to authorize the board of education to purchase land for school purposes, to build, enlarge, or repair a school-house or school-houses, to borrow money therefor, or to sell or mortgage a school-house or school-houses, and to raise by taxation for these purposes, or to pay a debt of the district incurred for such purposes, and for the current expenses of the school or schools, such sum of money as a majority of the legal voters so assembled shall agree to ; and in case any money shall be ordered to be raised by taxation, the district clerk shall make out and sign a certificate thereof, under oath or affirmation, that the same is correct and true, and deliver the same to the assessor, and shall send a duplicate of said certificate to the county superintendent, and the assessor shall assess on the inhabitants of the school district and their estates, and the taxable property therein, in the same manner as township taxes are assessed, such sum of money as shall have been ordered to be raised by the said meeting in the manner aforesaid ; and said money shall be assessed, levied and collected ; and it shall be the duty of the collector to collect and hold all taxes so assessed, and he shall pay out the same on orders signed by the president and district clerk of the board of education ; *provided*, that whenever any meeting shall be held as aforesaid at the call of the trustees, as provided in the ninth and tenth divisions of the thirty-ninth section of this act, it shall not be lawful for such meeting to order a greater sum of money raised by a special tax than shall have been mentioned and designated in the notices of such meeting set up in the manner required by law.](b)

(a) See *State, ex rel. Minzer, v. Disbrow*, 13 Vr. 141. *Zimmerman v. Mathé*, 20 Vr. 45.

(b) To sustain an assessment ordered by the inhabitants of a school district called together for that purpose, the proof must be clear that ten days' legal notice of the time, place and purposes of such meeting was given. *State v. Van Winkle*, 1 Dutch. 73. Where an assessment of a tax for the purpose of building a school-house is ordered, the sworn certificate delivered by the trustees to the assessor, stating that notice of the meeting was given "in accordance with the act," is not sufficient. The certificate should state what the notice was, when and where copies were put up, and all the facts necessary to show that the law has been complied with. *State v. Hardcastle*, 2 Dutch. 143, 3 Dutch. 351. The notice of the meeting should state that the meeting is to consider and decide whether the taxable inhabitants will authorize the trustees to raise additional money by tax, for the purpose of maintaining a free school or schools in the district. *Id.* The sworn certificate should show that those facts are within the knowledge of at least two of the trustees, and should be verified by their oaths. *Id.* The act of March 27th, 1862 (P. L. 1862, p. 307), is not a supplement to the act of March 14th, 1851 (P. L. 1851, p. 270, § 11), but a distinct and independent act, and does not, in order to raise the necessary money by taxation, require a resolution of two-thirds of the inhabitants present at the meeting of the taxable inhabitants of the district, nor the certificate of the school trustees to be under oath. *State v. Eyrson*, 1 Vr. 263. A notice indicating that the object of the meeting is to purchase a school-house, will not warrant a resolution to pay for a house already built. *State, Lamb v. Hurff*, 9 Vr. 310, 312. *Reed, J.* It is essential to the validity of the certificate of the district clerk, that it set forth that due notice has been given of the amount of money proposed to be raised at the district meet-

ing. *State, Slack v. Palmer*, 10 Vr. 250. Where a meeting of the inhabitants of a school district is held, and money voted to be raised by taxation at a special meeting, the previous action of the trustees in calling the meeting, should appear in the certificate of the clerk to the assessor. *State, Lamb v. Hurff*, 9 Vr. 310. The certificate of the trustees of the proceedings of a meeting to order money to be raised by taxation, need not set forth the places at which the notices of the meeting were set up ; if in the words of the act, "in at least three public places in said district," it is sufficient. *State v. Donahay*, 1 Vr. 404. The school trustees cannot proceed under both a special law and the general law, or abandon the former and resort to the latter, in building and paying for a school-house. *State, North Hudson Co. E. E. Co. v. Kelly*, 5 Vr. 75. A special meeting of the legal voters of a school district, duly called, may vote to raise money for school purposes, although such appropriation has been refused at the annual meeting. *State v. Lewis*, 6 Vr. 377. When a school district is to be assessed, the taxable inhabitants are required to meet, upon a notice stating one or more of the purposes specified in the section. When assembled they must direct the particular purpose for which the money is to be raised, which must be one of the purposes mentioned in the act, and in the notice. The certificate of these proceedings must show a compliance with these requirements. And the money, when raised, is to be applied only to the purposes directed by the meeting. *State, Cochran v. Garabrant*, 3 Vr. 444. A certificate setting forth that the money was to be used for school purposes generally, is insufficient. *Id.* The certificate upon which a school tax is assessed must show how the money ordered to be raised, is to be apportioned. *State, Banghart v. Sullivan*, 7 Vr. 89. The material facts set forth in the certificate must be verified by the oath of the clerk. *Id.* At a special meeting of

245. SEC. 12. That section ninety-two of said act be and is hereby amended so as to read as follows :

[That in case any school district shall use any of the school money received by it, except such as may be raised within the district, for any other purpose than the payment of teachers' salaries and fuel bills, such district shall forfeit out of the next annual appropriation a sum equal to twice the amount thus used, and it shall be the duty of the county superintendent to re-apportion the money thus forfeited among the other districts of his county ; *provided*, the state superintendent may remit such penalty for cause.]

Forfeiture by school district for misuse of school money.

246. SEC. 13. That the several school districts in each township shall be consolidated into one school district, and that the property, real and personal, of said several school districts shall become and be the property of the consolidated district, in its corporate capacity, and shall be held in its corporate name, and the several obligations and debts of said districts, whether secured by bonds or otherwise, shall be assumed by and shall become the obligations and debts of said consolidated district.

School districts of townships shall be consolidated.

247. SEC. 14. That in any township, city, town, borough or other municipality acting under the provisions of this act, which is not divided into wards, there shall be a school board consisting of nine trustees, all of whom shall be elected at the annual school meeting next after the passage of this act ; at the first meeting of said trustees they shall proceed by lot to divide themselves into three classes of three members each, who shall hold office for one, two and three years respectively ; and annually thereafter three trustees shall be chosen at each annual school meeting, who shall hold office for the term of three years. [See Sec. 271, *post*.]

Townships and municipalities not divided into wards shall elect board of nine trustees.

248. SEC. 15. That in any township, city, town, borough or other municipality which is divided into wards, there shall be a school board consisting of two trustees from each ward, all of whom shall be chosen at the annual school meeting next after the passage of this act, and at such election one person shall be chosen from each ward to serve for a term of one year, and one person to serve for a term of two years, and annually thereafter one person shall be chosen from each ward to serve for the term of two years.

Townships and municipalities divided into wards shall elect two trustees from each ward.

249. SEC. 16. That the terms of office of the school trustees now in office shall expire on the first day of July next, and that it shall be the duty of the county superintendents of the several counties in this state to designate the time and place in each district for holding a special election for the selection of trustees, in accordance with the provisions of sections fourteen and fifteen of this amendatory act, and that it shall be the duty of the several district clerks now in office to post three notices in public places within their respective districts (one of which shall be the school-house, if there be one), stating the time, place and object of said meeting ; and it shall be the duty of the state superintendent of public instruction to cause to be printed in each paper designated to print the session laws a notice of said meeting ; and such election shall be taken to be the annual

First trustees to be elected at special meeting.

Shall advertise notice in newspapers.

the voters of a school district pursuant to notice, it was voted to build a new school-house and to borrow money to buy a lot and pay for the house. The meeting then voted a special tax of \$500, and ordered \$1,600 to be raised in three years, for the lot and school house. *Held*, that the order to raise the \$500 was void, no purpose to which it was to be applied having been specified as required by law. *State, Duryee v. Greenleaf*, 5 Vr. 441. The clerk of the district having directed the assessor to raise, by assessment, the sum of \$800 for 1869, towards the expenses of the school-house and lot—*Held*, that the clerk had no right to make such apportionment, and that such order was without authority, and the assessment must be set aside. *Id. Query*—As to the constitutionality of the school law in regard to the territory assessed. *State, McCloskey v. Chamberlain*, 8 Vr. 288, 391. *Van Syckel, J.* The special act passed April 11th, 1887, to enable the school trustees of West Hoboken school district to purchase land, and to erect a school-house thereon, prescribing the manner of paying for the same, and repealing all acts inconsistent therewith, supersedes the general school law, and makes void all proceedings thereunder to levy a tax on said district to pay for said land and school-house. *State, North Hudson Co. E. R. Co. v. Kelley*, 5 Vr. 75. School taxes must be assessed upon the same property and in the same manner as all other taxes. *State, Boli v. Perrine*, 5 Vr. 254. School taxes illegally assessed will be set aside on application of the persons aggrieved, but the whole assessment will not be set aside, although the alteration of the school district be illegal, and the notice to the assessor be

defective. *State v Browning*, 3 Dutch. 527, 4 Dutch. 556. Construction of a special act authorizing the building of a school-house and the issuing of bonds therefor. *State, Trustees v. Readington*, 7 Vr. 66. Notices for special school meeting to raise special school taxes, should be put up at least ten days before the time of meeting. *Davis v. Bapp*, 14 Vr. 594. It is neither necessary nor proper that the notice should state how the money is proposed to be apportioned among the different objects for which it is needed. It is the duty of the voters to apportion the money ; the district clerk, in giving notice, cannot anticipate the action which will be taken. *Point Pleasant Land Co. v. Trustees*, 18 Vr. 235. *Quaid v. Trustees*, 20 Vr. 607. It is essential to the validity of the certificate of the district clerk, under section 86 of the school law, that it set forth that due notice has been given of the amount of money proposed to be raised at the district meeting. *State, Slack, pros., v. Palmer* 10 Vr. 250. Where a special meeting is called, it is also necessary that it appear by the certificate that the meeting was ordered by the trustees, pursuant to subdivision 11 of section 39. *Id.* A special school tax, ordered by a special meeting of the voters, which was not called by the board of trustees, and of which the district clerk did not give notice, will be set aside. *Aggar v. Van Syckel*, 17 Vr. 492. See, also, *Zalyskie v. Trustees*, 23 Vr. 104. *Stackhouse v. Clark*, 23 Vr. 291. *Trustees v. Padden*, 15 Vr. 151. *Landis v. School District No. 44*, 28 Vr. 509. *Chamberlain v. Cranbury*, 28 Vr. 605.

- Proviso.** election for the year one thousand eight hundred and ninety-four ; *provided*, that in any township, city, town, borough or other municipality now having a board of school trustees organized as provided in sections fourteen and fifteen of this amendatory act, the terms of office of such trustees shall not terminate, but such trustees shall continue in office for the terms for which they were severally elected ; *and provided, further*, that the election provided for in this section shall be held ~~with~~ within thirty days after this act takes effect.
- Proviso.**
- Trustees shall be a body corporate.** **250. SEC. 17.** That the trustees elected as provided for in sections fourteen and fifteen of this act, shall be a body corporate, and shall be called and known as "the board of education of the township (city, town, or borough, as the case may be) of _____, in the county of _____."
- Elections shall be by ballot.** **251. SEC. 18.** That all elections for school trustees shall be by ballot, that the legal voters shall appoint two tellers, who shall receive the votes, and with the chairman of the meeting shall count the ballots, and it shall be the duty of the secretary of the meeting to record the name of each person voting at such meeting ; the polls for such election shall remain open at least one hour, and as much longer as may be necessary to enable all the legal voters present to cast their ballots ; the ballots may be either printed or written, and in case a trustee is to be elected to fill an unexpired term, the ballots shall designate which of the persons voted for is for the full term and which for the unexpired term.
- Legal voters may authorize board of education to purchase land, &c., and to issue bonds.** **252. SEC. 19.** That it shall and may be lawful for the legal voters, either at the annual meeting or at a special meeting called for that purpose, by the consent of a majority of those present, to authorize the board of education, for the purpose of purchasing land for school purposes or for the purpose of building a school-house or school-houses, or making additions, alterations, repairs or improvements in or upon such school-house or school-houses already erected, and the lands upon which the same are located, to issue bonds of the district in corporate name of the district in such sums and in such amounts, and payable at such times as the legal voters so met may direct, with interest at a rate not exceeding six per centum per annum, payable half-yearly ; which bonds shall be signed by the president of the board of education and attested by the district clerk, and shall bear the seal of the district, and said bonds shall have coupons attached for current payment of interest, which coupons shall be signed by the district clerk and shall be numbered to correspond to the bond to which they are attached ; and any bonds so issued shall be numbered and a proper registry thereof kept by the district clerk ; and such bonds may be sold at public or private sale for the best obtainable price, but not less than par ; said bonds shall be a lien upon the real and personal estates of the inhabitants of the district, as well as the property of the district, and the property of the inhabitants, as well as the property of the districts, shall be liable for the payment of the same ; and in all cases copies of all papers and proceedings authorizing the issue of such bonds shall be submitted to the attorney-general for his approval of the legality of the same, and duplicate copies of such papers and proceedings shall be sent to the state superintendent of public instruction.
- Bonds shall be approved by attorney-general.** **253. SEC. 20.** That whenever any district shall order and authorize the issue of bonds, it shall be the duty of the district clerk, each and every year, to issue the warrant of the district, signed by the president of the board of education and attested by the district clerk, to the assessor of the township, directing him to assess upon the inhabitants of said township and their estates, and the taxable property therein, an amount sufficient to pay the bond or bonds maturing in such year, together with the interest accruing upon the whole issue of the unpaid bonds of such district, which warrant so issued as aforesaid shall be duly executed by him, and the moneys so assessed, levied and collected shall be held by the township collector, and said collector shall, upon the receipt of the orders of the board of education, signed by the president and attested by the district clerk (which orders shall state at what bank the said principal and interest is payable), deposit in such bank the sum of money necessary to pay the principal and interest as they become due and payable.
- Provision for payment of principal and interest of bonds.**

254. SEC. 21. That all children shall be required to attend the schools in the district in which they reside ; *provided*, that any child living remote from any public school in the district in which he resides may be allowed to attend the public schools in an adjoining district, but only with the consent of the county superintendent, which consent must be in writing, and one copy thereof filed with the district clerk of the district in which such child resides, and one copy filed with the district clerk of the district in which such child attends school ; and in case the districts are not in the same county, the consent of the superintendent of each county must be obtained ; *and provided further*, that the money apportioned to the district for such child on the basis of the school census shall be paid over by the township collector of the township in which such child resides to the township collector of the township in which such child attends school on the order of the county superintendent.

Children shall be required to attend school in districts where they reside.

255. SEC. 22. That when in any district there are children living remote from the school-house, and who are unable on that account to attend such school, such district may order raised by special district tax an amount of money sufficient to enable the board of education to transport such children to and from the school, under such rules and regulations as may be deemed necessary by the board of education of such district ; that the moneys expended in accordance with the provisions of this section shall be entered as a separate item in the accounts kept by the district clerk, and that the total sum expended for the purpose of transporting such children shall not exceed the amount ordered to be raised for said purpose.

District may raise money to transport children to and from school.

256. SEC. 23. [Amended by Sec. 273, *post.*]

257. SEC. 24. That each city, borough and incorporated town shall be a school district, separate and distinct from the township school district ; *provided*, that whenever any borough or any district acting under a special charter, or under the provisions contained in the charter of any city, town, borough or other municipality, desires to consolidate with the township and form but a single school district, such consolidation shall take effect when the board of education of such borough or district shall file with the county superintendent a certificate that at a meeting of the legal voters of such borough or district a majority of the legal voters present voted in favor of such consolidation, which meeting shall be specially called for that purpose by the board of education in the manner provided for calling other special meetings of the legal voters of the district. (*a*)

Each city, borough, &c., shall be separate district.

Consolidated districts.

258. SEC. 25. That wherever the word "district" is used in this act, or in the act to which this is an amendment, it shall be taken as applying only to districts constituted as provided in sections thirteen and twenty-four of this act.

Word "district" defined.

259. SEC. 26. That in any district as now constituted, where there has been ordered a special district tax, which tax has not yet been collected, such tax shall be assessed, levied and collected on the district as now constituted, and that the moneys collected from such tax shall be expended by the board of education solely for the benefit of the school or schools for which it was ordered to be raised, and for no other purpose whatsoever.

Special tax uncollected shall be assessed on district as now constituted.

260. SEC. 27. That the school-houses, lands, apparatus and other property owned by the school districts hereby abolished, shall immediately after the passage of this act, be appraised by the assessors of the several townships ; in making said appraisal, the amount of debt incurred by any district for the purchase of lands, apparatus and other property, or for the erection of a school-house or school-houses, which debt is unpaid at the time of making such appraisal, shall be deducted from the appraised value of such property ; one copy of said appraisal shall be filed with the county superintendent, one copy with the district clerk of the consolidated district, and one copy with the township collector, and at each assessment for special school tax thereafter (until the whole amount is remitted), there shall be remitted to the taxpayers of each of said districts one-tenth of the said appraised value of the property of the school district in which such taxpayers reside or own property ; *provided*, that in

Property of abolished school district to be appraised.

Copy of appraisal shall be filed.

One-tenth of appraisal shall be remitted to taxpayers at each assessment.

- Proviso.** case any such district is situated in two or more townships, the assessors of said township shall jointly make said appraisalment, and shall determine the part thereof belonging to each of said townships, and each township shall remit to the taxpayers in its part of such district the part so determined, in the same manner as in case of districts wholly within a single township; *and provided, further,* that in case any such district is situated in two or more boroughs, or partly in a borough and partly in a township, said appraisalment shall be made by the several borough assessors or by the borough and township assessors (as the case may be) in the manner aforesaid. [See Sec. 284, *post.*]
- Proviso.**
- Sections repealed.** **261.** SEC. 28. That sections thirty-one, thirty-two, thirty-three, thirty-four, thirty-seven, thirty-eight, forty, sixty-one, eighty-five, eighty-eight, eighty-nine and ninety-one of the act to which this is an amendment be and the same are hereby repealed.
- Supplements repealed.** **262.** SEC. 29. That the supplements to the act to which this is an amendment, which supplements were approved March seventh, one thousand eight hundred and seventy-six; May eleventh, one thousand eight hundred and eighty-six; March first, one thousand eight hundred and eighty-eight; April twenty-third, one thousand eight hundred and eighty-eight; February twenty-first, one thousand eight hundred and eighty-nine; March twelfth, one thousand eight hundred and ninety; March thirty-first, one thousand eight hundred and ninety; February twenty-third, one thousand eight hundred and ninety-one, be and the same are hereby repealed.
- Apportionment for current year shall be made and used as heretofore.** **263.** SEC. 30. That the apportionment of school moneys for the year one thousand eight hundred and ninety-four be made by the county superintendents in the same manner as heretofore, and that the moneys apportioned to the several districts shall be used for the current expenses of the schools in the township in which said districts are situated.
- Repealer.** **264.** SEC. 31. That all acts and parts of acts inconsistent with the provisions of this act be and the same are hereby repealed, and that this act shall take effect on the first day of July next.

Supplement.

Approved May 25, 1894.

P. L. 1894, p. 519.

When and how county superintendent shall apportion school money.

265. SEC. 1. That it shall be the duty of the county superintendent of each county, on or before the fifteenth day of May, to apportion annually to the districts of his county the state school moneys, together with the interest of the surplus revenue belonging to said county, in the following manner:

I. He shall apportion to each district a sum equal to two hundred dollars for each teacher employed in the public schools in such district for the full time for which the schools in such district were maintained during the year next preceding such apportionment;

II. He shall apportion to each district the remainder of the school moneys belonging to his county on the basis of the last published school census.

Act shall not apply to current year.

266. SEC. 2. That the provisions of this act shall not apply to the apportionment of the school moneys for the school year beginning July first, one thousand eight hundred and ninety-four.

Supplement.

Approved February 25, 1895.

P. L. 1895, p. 114.

Preamble.

WHEREAS, By reason of the consolidation of the several school districts in a township into one school district, a large number of children are not now residents of the districts in which they formerly resided; *and whereas,* in many cases a school-house in an adjoining district is more convenient of access to a large number of children than any school-house in the district in which such children reside; therefore,

Line between school districts, how fixed and determined.

267. SEC. 1. That the boards of education of any two adjoining school districts may fix and determine the line between said districts in such manner as, in their judgment, may be for the best interests of the schools;

the line thus determined shall be accurately described, and a copy thereof filed with the state and county superintendents and with the district clerks, and the property and children transferred from one district to the other shall become and be a part of the district to which they have been annexed ; in case the boards of education of two adjoining districts are unable to agree, the county superintendent shall, when petitioned so to do, with the approval of the state superintendent, fix said line, and shall file a copy of the description thereof with the state superintendent and with the district clerk of each of the boards of education ; *provided*, that when the districts are situated in adjoining counties, and the boards of education are unable to agree, the line between said districts shall be determined by the county superintendents of said counties, acting jointly ; *and provided further*, that any boundary determined and described as provided in this section shall remain and be the boundary line between said districts for a period of three years, but nothing in this section shall be construed as preventing the re-adjustment of said boundary at the expiration of the three years, and every three years thereafter.

Boundary may be re-adjusted once in three years.

268. SEC. 2. That the portion of any school district annexed to an adjoining district shall become and be a portion of the district to which it is annexed for all school purposes, and the property included in said section shall be deemed to be and be a part of the taxing district to which it is annexed for the assessing, levying and collecting of special school taxes, ordered to be raised for the current school expenses, text-books and supplies of the district to which said property has been annexed, but for no other purpose whatsoever ; and whenever any special district tax shall be ordered raised for any of the purposes enumerated in this section in any school district the boundary line of which is not the same as the boundary of a taxing district, it shall be the duty of the district clerk to make out and sign a certificate thereof, under oath or affirmation, that the same is correct and true, and deliver the same to the assessors of the several taxing districts in which said school district is situated, and to the county superintendent ; it shall be the duty of each of said assessors to assess on the inhabitants of that portion of the school districts residing within the limits of his taxing district, and on their estates and the taxable property therein, in the same manner as township taxes are assessed, such portion of said special tax as shall be found to be due from that portion of the school district assessed by him ; and said money shall be assessed and collected ; and it shall be the duty of the collector of each of said taxing districts to collect that portion of said taxes assessed upon the inhabitants and property of that portion of the school district in his taxing district, and to turn over to the collector or other custodian of the school moneys belonging to said school district situated in his taxing district, and the assessor and collector of the fractional portion of any school district shall receive five cents and no more for each name for assessing, levying and collecting such special district school tax ; but when the property to be assessed for any special school tax is the same as the property assessed for other than school purposes, then and in that case the assessor and collector shall not receive any special compensation for assessing, levying and collecting said special school tax.

Property in annexed territory shall be liable to taxation only for school purposes.

Special school tax, how assessed and collected.

Fees of assessor and collector.

269. SEC. 3. That all acts and parts of acts inconsistent with the provisions of this act be and the same are hereby repealed, and that this act shall take effect immediately.

Repealer.

Supplement.

Approved February 25, 1895.

P. L. 1895, p. 116.

270. SEC. 1. That section thirty-four of an act entitled "An act to establish a system of public instruction" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four [see Secs. 34, 238 and 261, *ante*], be and is amended so as to read as follows :

Board of education, when and how organized.

Vacancy, how filled.

Provision for reducing board of education to less than nine members in certain cases.

Where board consists of five members.

Where board consists of three members.

Repealer.

[That each board of education created under the provisions of this act shall organize within ten days after the annual election, by the election of one of its members as a president and one of its members as district clerk, and shall have the power to fix the compensation of said clerk, and on its failure to organize the county superintendent shall appoint such president and district clerk; in case the office of president or district clerk shall become vacant by reason of death, removal or otherwise, the board of education shall, within ten days after such vacancy occurs, appoint one of its members to fill such vacancy for the unexpired term, and on its failure to fill said vacancy within the said ten days, the county superintendent shall appoint one of the members of said board to fill such vacancy for the unexpired term.]

271. SEC. 2. That if any township, city, town, borough or other municipality acting under the provisions of this act, which is not divided into wards, it shall be deemed for the best interest of the schools that the number of members constituting the board of education of said township, city, town, borough or other municipality, shall be reduced to a number less than nine, it shall be the duty of the district clerk, when directed by the board of education, to insert in the call for the annual school meeting a notice that it will be determined at said annual meeting whether the board of education shall consist of three, five or nine members, and if it be determined at said meeting to reduce the number of members of said board to either five or three, the members of said board shall continue in office for the terms for which they were severally elected, and their successors shall be elected in the manner following:

I. If it be determined that the board of education shall consist of five members, then and in that case no election for members of said board shall be held at said meeting; at the next annual school meeting there shall be elected two members of said board for the term of three years, and at the second annual school meeting held after the meeting at which it was decided to reduce the number of members of the board of education to five, there shall be elected two members of the board of education for the term of three years, and one member of said board for the term of one year, and thereafter there shall be elected at each annual school meeting a member or members of said board, in the place of those whose terms expire, who shall hold office for the term of three years.

II. If at said meeting it shall be determined that the board of education shall consist of three members, then and in that case no election for members of the board of education shall be held until the expiration of the terms of office of all the members of said board then in office, and at the second annual school meeting held after the annual meeting at which it was decided to reduce the number of members of the board of education to three, there shall be elected three members of said board of education for one, two and three years respectively, and thereafter one member of said board shall be chosen at each annual school meeting, who shall hold office for the term of three years. [See Sec. 247, *ante*.]

272. SEC. 3. That all acts and parts of acts inconsistent with the provisions of this act be and the same are hereby repealed, and that this act shall take effect immediately.

Supplement to an act entitled "An act to amend an act entitled 'An act to establish a system of public instruction' [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four," and which supplement was approved May twenty-fifth, one thousand eight hundred and ninety-four.

P. L. 1895, p. 140.

Approved February 27, 1895.

273. SEC. 1. That section twenty-three of an act entitled "Supplement to an act entitled 'An act to amend an act entitled 'An act to establish a system of public instruction' [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four'" [see Sec. 256, *ante*], be and the same is hereby amended so as to read as follows:

[That this act shall apply to all districts in this state receiving any portion of the state school moneys ; *provided*, that in any district acting under a special charter, or under the provisions contained in the charter of any city, town, borough or other municipality, this act shall apply only so far as it is consistent with the provisions of such charter, and that all such charters shall remain and be in full force and effect the same as if this act had not been passed ; *and provided, further*, that in any such district acting under a special charter, or under the provisions contained in the charter of any city, town, borough or other municipality, upon the vote of a majority of its board of trustees, may hold its annual election for the election of a trustee or trustees, and for determining the amount of money to be raised by taxation for the support of its school or schools, upon the third Tuesday of March in each and every year upon like notice and in the same place or places as is provided in said act to which this is an amendment.]

To what districts act is applicable.

Proviso.

Supplement.

Approved March 5, 1895.

P. L. 1895, p. 160.

274. SEC. 1. That whenever any county superintendent shall receive satisfactory evidence that the president or district clerk of any school board in his county has neglected or refused to perform any official duty assigned to him by law, he may declare the office of such president or district clerk vacant ; *provided*, that due notice of his proposed action shall be sent by him to such president or district clerk, who shall have opportunity to present satisfactory reasons for such neglect or refusal, and that the office of such president or district clerk shall not be declared vacant until the expiration of three weeks from the date of said notice ; *and provided further*, that the action of the county superintendent shall be approved by the state superintendent of public instruction.

When county superintendent may declare office of president or district clerk vacant.

275. SEC. 2. That whenever the board of education of any school district in this state, acting under the provisions of the act to which this is a supplement, shall order the calling of a special meeting of the legal voters of the district, a notice thereof specifying the day, time, place and object of said meeting, shall be posted by the district clerk on each school-house within the district, and at such other public places as shall be deemed necessary, at least ten days before the date of said meeting ; *provided*, that at least seven notices shall be posted within the district, but it shall not be necessary to have the notices calling a regular or special meeting published in the newspapers ; *and provided further*, that no business shall be transacted at any special meeting except such as is stated in the notice calling such meeting.

Notice of special meetings of the district shall be posted.

Proviso.

Proviso.

276. SEC. 3. That hereafter the payments to county superintendents for expenses incurred by them in the discharge of their official duties may be made semi-annually.

Expenses of county superintendent may be paid semi-annually.
Repealer.

277. SEC. 4. That all act and part of acts inconsistent with the provisions of this act be and the same are hereby repealed, and that this act shall take effect immediately.

Supplement.

Approved March 19, 1895.

P. L. 1895, p. 337.

278. SEC. 1. That the board of education, board of school trustees, or other body having charge and control of the public schools in any school district in this state acting under a special charter, is hereby authorized and empowered, for the purpose of building or enlarging any school-house or houses in said district, to borrow such sum or sums of money as may be necessary for that purpose ; *provided*, the legal voters of said district shall have first authorized and determined the amount that may be borrowed for said purpose, by a majority of the votes cast at an annual election or at a special election called by said board or said other body for that purpose ; *and provided, further*, that the said board or said other body shall have made an estimate of the amount necessary to be borrowed for such purpose, and notice in writing of such estimate shall have been set up by the district clerk in seven of the most public places in said district at least ten days before the time for holding said election.

Body having control of public schools may borrow money to build or enlarge school-houses.

Proviso.

Money borrowed shall be secured by bonds.

Bonds shall be a first lien.

Proviso.

Limitations of charter provisions not to be applicable.

Payment of principal and interest of bonds, now provided for.

Repealer.

P. L. 1895, p. 339.

Trustees of state school fund to make annual appropriations out of income of school fund.

P. L. 1895, p. 472.

Provision for remitting to taxpayers appraised value of school property.

Proviso.

279. SEC. 2. That the money borrowed by virtue of this act shall be secured by bonds issued in the corporate name of the said school district, to be known as district school bonds, which bonds shall bear interest at a rate not to exceed five per centum per annum, payable semi-annually; and the said bonds shall and are hereby declared to be the first lien upon the school-house and the lot on which the same is erected, and for the erection, enlarging or repair of which they shall have been issued; that such loan may be paid at such times and in such amounts as said board of education, board of school trustees or other body borrowing money under the provisions of this act may direct; *provided*, that the first payment on any such loan shall become and be payable not later than five years from the date of said loan.

280. SEC. 3. That if any charter of any incorporated school district in this state shall limit the amount of the indebtedness that may be incurred or shall limit the amount of tax or the rate of taxation in any incorporated school district, or by its terms prevent the carrying out of the provisions of this act, the said charter shall not hereafter be held to apply to the raising of money under the provisions of this act, any public, local, special or other law to the contrary notwithstanding.

281. SEC. 4. That it shall be the duty of the officer or board charged with the raising, levying and assessing of taxes in any school district issuing bonds under the provisions of this act, to assess upon the inhabitants thereof and their estates and the taxable property therein, an amount sufficient to pay the bonds of the said district maturing in such year, together with the interest accruing upon the whole issue of the unpaid bonds of such district, and the tax thus ordered shall be assessed, levied, collected and paid over in the same manner as other taxes for school purposes are assessed, levied, collected and paid in said school district.

282. SEC. 5. That all acts and parts of acts inconsistent with the provisions of this act be and the same are hereby repealed, and that this act shall take effect immediately.

Supplement.

Approved March 19, 1895.

283. SEC. 1. That section seventy-three of an act entitled "An act to establish a system of public instruction" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four [see Secs. 73 and 105, *ante*], be and the same is hereby amended so as to read as follows:

[That it shall be the duty of the trustees of the school fund of this state, on or before the fifteenth day of November of every year, to appropriate out of the annual income of the fund for the support of public schools the sum of two hundred thousand dollars; and if the annual income of said fund shall not have been received in full, or shall be insufficient for that purpose, then the said trustees are hereby authorized and empowered to draw for any sum necessary to make up the deficiency, by warrant, signed by the comptroller, upon the treasurer of the state, who is directed to pay the same; which sum, so drawn from the treasury aforesaid, shall be replaced from the annual income of said school fund as soon as the same shall be received.]

Supplement.

Approved March 22, 1895.

284. SEC. 1. That each assessor shall include in the next assessment made by him one-fifth of the total value of all the school property situate within his taxing district, as appraised as now provided by law, and there shall be remitted to the taxpayers of each school district, as said district existed on the thirteenth day of June last, one-fifth of the appraised value of the school property belonging to said school district, and yearly thereafter one-fifth of the value of said property, so appraised as aforesaid, shall be so assessed and remitted, until the total appraised value of said property has been remitted; *provided*, that in case a district lay in two or more

townships or boroughs, or in a township and borough, the amount ascertained as due that portion of the district lying in the township or borough which does not contain the school-house shall be paid over by the collector of the township or borough in which said property is situated to the collector of the township or borough in which is situated that portion of the district which does not contain the school-house, and the moneys thus paid over shall be used for the repair or improvement of the school property of said township or borough. [See Sec. 260, *ante*.]

285. SEC. 2. That for making said appraisalment the assessor shall be paid such compensation as shall be determined by the township committee or borough council, and the collector shall receive such compensation for the performance of the duties imposed on him by this act as said committee or council shall allow, and the compensation to said assessor and collector shall be paid from the funds of the township or borough.

Compensation allowed assessor.

286. SEC. 3. That this act shall not apply to any district whose boundaries have not been changed since the thirtieth day of June last, and that in said districts no appraisalment shall be made.

Districts to which act shall not apply.

Supplement.

Approved March 22, 1895.

P. L. 1895, p. 503.

287. SEC. 1. That any district acting under a special charter, or under the provisions contained in charter of any city, town or other municipality, may be relieved from the provisions and limitations of such special or local law upon the adoption of the provisions of the act to which this is a supplement, and the supplements thereto, by the legal voters of said district at any meeting of such voters called for that purpose, as provided in section two of this act.

Districts acting under special or city charter may be relieved from special or local law by adopting this act.

288. SEC. 2. That whenever the board of education of any such district shall, by resolution, decide to submit the question of the adoption of the act to which this is a supplement to the voters of the district, it shall be the duty of the district clerk to post notices giving the time, place and object of the said meeting, in the manner provided for the calling of special school meetings by the act to which this is a supplement, and if at such meeting a majority of the legal voters present shall vote to adopt the provisions of the act to which this is a supplement, thereafter said district shall be governed solely by the general school laws of this state applicable thereto instead of the special act, and the said board of education shall forthwith file a certificate with the county superintendent setting forth the determination of said meeting and said district shall remain and be a separate school district until consolidated with an adjoining district as hereinafter provided.

Question shall be submitted at an election.

289. SEC. 3. That each city, borough and incorporated town, acting under the provisions of this act, which contains four hundred or more children between the ages of five and eighteen years, shall be a school district, separate and distinct from the township school district; but each city, borough and incorporated town, acting under the provisions of this act, which contains less than four hundred children between the ages of five and eighteen years, shall be a part of the township school district in which said city, borough or incorporated town is situated; nothing in this section, however, shall be construed as abolishing any school district now legally constituted, notwithstanding such district contains less than four hundred children between the ages of five and eighteen years, but each of said districts shall remain and be a separate school district until consolidated with an adjoining district as hereinafter provided; *provided, further*, that this section shall not apply to any district acting under a special charter or whose boundaries are fixed by special act incorporating said district; *and further provided*, that nothing in this section shall apply to any city, borough or incorporated town or proposed city, borough or incorporated town where proceedings are now pending for the incorporation of the same.

Certificate of result shall be filed.

Each city, borough and town, containing 400 or more children, &c., to be a separate school district.

Present school districts not abolished until consolidated with another district.

Proceedings to consolidate school districts.

290. SEC. 4. That whenever any school district desires to consolidate with an adjoining school district, the board of education of said district shall petition the county superintendent of the county in which said districts are situated, to appoint a time when meetings of the legal voters of each of the districts proposed to be consolidated shall be held, and it shall be the duty of said county superintendent, upon receiving said petition, to appoint a day for said meetings, and to notify the board of education of each of the districts of his action; and it shall be the duty of each board of education receiving said notification to direct the district clerk to post notices calling a special meeting of the legal voters of the district for the purpose of voting on the question of the consolidation of said districts, which meeting shall be called in the same manner as other special meetings; said meeting shall be held on the day designated by the county superintendent, at such hour and place as may be determined by the board of education; and it shall be the duty of the chairman of said meeting to file with the county superintendent, within five days after the date of said meeting, a certificate, signed by himself and attested by the secretary of said meeting, setting forth the number of votes cast for and the number cast against consolidation, and if the county superintendent ascertains from said certificate that the total number of votes cast in both of said districts in favor of consolidation, exceeds the total number of votes cast against the same, it shall be his duty to declare that thereafter said districts shall constitute but one district, and he shall immediately notify each of the boards of education of the result of said election.

Certificate of result shall be filed.

How new school board in consolidated district shall be organized.

291. SEC. 5. That the board of education of each district consolidated in the manner provided in the preceding section shall, upon receipt of the notice from the county superintendent of such consolidation, select by lot four of its members to serve as members of the board of education of the consolidated district, and the eight members so selected shall select the ninth member of said board from among the remaining members of the board of education representing that portion of the consolidated district which contained the greater number of children between the ages of five and eighteen years, as ascertained from the last preceding school census, and the members of the board of education so selected shall constitute the board of education of the consolidated district, and shall continue in office until the next annual meeting for the election of members of boards of education; and at said annual meeting a board of education shall be elected as provided for the election of members of boards of education in new districts, as provided in the act to which this is a supplement, and the terms of office of the remaining members of the boards of education of each of said districts so consolidated shall thereupon cease and determine; *provided*, that if the board of education of one of the districts so consolidated shall consist of but three members, all of said members shall be members of the board of education of the consolidated district, and six members of said board shall be chosen from the board of education of the other district so consolidated; *and provided further*, that if each of said boards of education consists of three members, said boards shall constitute the board of education of the consolidated district until the next annual meeting for the election of members of boards of education.

Election and terms of members.

Proviso.

Proviso.

Repealer.

292. SEC. 6. That all acts and parts of acts inconsistent with the provisions of this act be and the same are hereby repealed, and that this act shall take effect immediately.

Supplement.

Approved March 25, 1895.

P. L. 1895, p. 656.

State superintendent authorized to contribute state aid to certain school libraries.

293. SEC. 1. That in any city in this state which has heretofore received the state aid for its school libraries and has consolidated the libraries into one library for the use of all the schools in said city, it shall be the duty of the state superintendent of public instruction to draw his order in favor of each school in said city for the sum of ten dollars for each year that said school has failed to receive the amount due from the state for its school

library since the date when said library was established, which orders shall be drawn in the same manner as other library orders are now authorized by law.

An act for the construction of "An act to establish a system of public instruction" [Revision], approved March twenty-seventh, eighteen hundred and seventy-four.

Approved March 31, 1885.

P. L. 1885, p. 178.

294. SEC. 1. That nothing in the act entitled "An act to establish a system of public instruction" [Revision], approved March twenty-seventh, eighteen hundred and seventy-four, shall be construed to require the township collector to pay over to the county collector any school moneys received by him from special township or district school taxes raised under the eighty-sixth section of said act.

Special township or district tax is not to be paid to county collector.

A supplement to the act entitled "An act to make free the public schools of the state," and supplemental to the act entitled an act to establish a system of public instruction, approved March twenty-first, one thousand eight hundred and sixty-seven.

Approved March 21, 1874.

P. L. 1874, p. 63.

[Secs. 1, 2 and 3 repealed.]

295. SEC. 4. That the annual reports required of city superintendents, district clerks and township collectors, shall be made on or before the first day of August, and that the reports of the county superintendents shall be made on or before the first day of September of each and every year.

When reports of city superintendents, district clerks, &c., shall be made.

II. Industrial education.

An act providing for the establishment of schools for industrial education.

Approved March 24, 1881.

P. L. 1881, p. 208.

WHEREAS, The establishment of well-conducted and liberally-supported schools for the training and education of pupils in industrial and mechanical pursuits must tend to supply a growing want in our community of skilled mechanics, artisans and agriculturists; and whereas, it is especially the duty of the state to afford good educational facilities to its youth in those technical studies which are directly associated with the material prosperity of its people; therefore,

Preamble.

296. SEC. 1. That whenever any board of education, school committee or other like body of any city, town or township in this state shall certify to the governor that a sum of money not less than three thousand dollars has been contributed by voluntary subscriptions of citizens or otherwise, as hereinafter authorized, for the establishment in any such city, town or township of a school or schools for industrial education, it shall be the duty of the said governor to cause to be drawn by warrant of the comptroller, approved by himself, out of any moneys in the state treasury not otherwise appropriated, an amount equal to that contributed by the particular locality as aforesaid for the said object; and when any such school or schools shall have been established in any locality as aforesaid, there shall be annually contributed by the state, in manner aforesaid, for the maintenance and support thereof, a sum of money equal to that contributed each year in said locality for such purpose; provided, however, that the moneys contributed by the state, as aforesaid, to any locality, shall not exceed, in any one year, the sum of five thousand dollars.

When governor may cause moneys to be drawn from state treasury for schools for industrial education.

Proviso.

297. SEC. 2. That all moneys raised and contributed as aforesaid shall be applied under the direction of a board of trustees, organized as hereinafter provided, to the establishment and support of schools for the training and education of pupils in industrial pursuits (including agriculture), so as to enable them to perfect themselves in the several branches of industry which require technical instruction.

Moneys raised and contributed applied under direction of board of trustees.

Moneys may be raised by tax.

298. SEC. 3. That any city, town or township shall have power to appropriate and raise by tax, for the support of any such school therein, such sum of money as they may deem expedient and just.

Expenses of trustees, how paid.

299. SEC. 4. [Amended by Sec. 303, *post.*]

300. SEC. 5. That the said trustees shall receive no compensation for their services, but the expenses necessarily incurred by them in the discharge of their duties shall be paid upon the approval of the governor.

Repealer.

301. SEC. 6. That all acts or parts of acts inconsistent herewith are hereby repealed, and this act shall go into effect immediately.

A supplement to an act entitled "An act providing for the establishment of schools for industrial education," approved March twenty-fourth, one thousand eight hundred and eighty-one, and making the trustees of such schools a body corporate, and giving them power to lease and purchase real and personal property, to sell and mortgage the same, and to accept and receive donations and bequests of money and property.

P. L. 1890, p. 21.

Approved March 3, 1890.

Board of trustees of schools for industrial education incorporated.

302. SEC. 1. That the board of trustees of schools for industrial education, provided for and organized under the act to which this is a supplement, be and they are hereby created a body corporate under the name and style of "the board of trustees of schools for industrial education," with the right of perpetual succession, to sue and be sued, to purchase, lease and hold personal and real property, and to sell and mortgage the same, and with power to accept donations and bequests of money and property to be used for the purposes for which the said boards are constituted and organized.

Name.

Supplement.

P. L. 1895, p. 594.

Approved March 22, 1895.

303. SEC. 1. That section four of the act to which this act is a supplement be and the same is hereby amended so that said section shall read as follows :

How board of trustees shall be constituted and appointed.

[That there shall be a board of trustees of each of such schools, which shall consist of the governor and the mayor or other chief executive officer of the city, town or township in which such school is located, as ex-officio members, and eight other persons to be chosen and appointed by the governor as follows: within thirty days after the passage of this act the governor shall choose and appoint eight persons, resident in the city, town or township in which such school is located, as members of such board of trustees for the following terms, two for the term of one year, two for the term of two years, two for the term of three years, and two for the term of four years; and thereafter two trustees shall be appointed in like manner each year for a full term of five years; and the official terms of all trustees in office at the time of the passage of this act shall terminate and expire upon the making of the appointments aforesaid, and the trustees appointed hereunder shall take office immediately upon their appointment, and shall continue in office until their successors are appointed, and any vacancy that may occur in the said board of trustees shall be filled by appointment in like manner for the unexpired term only; the said board of trustees shall have control of the buildings and grounds owned and used by such schools, the application of the funds for the support thereof, the regulation of the tuition fees, the appointment and removal of teachers, the power to prescribe the studies and exercises of the school, and rules for its management, to grant certificates of graduation, to appoint some suitable person treasurer of the board, and to frame and modify at pleasure such by-laws as they may deem necessary for their own government; they shall report annually to the state and local boards of education their own doings and the progress and condition of the schools.]

Terms of office.

Terms of existing trustees shall expire.

Trustees shall control buildings, funds, &c.

Repealer.

304. SEC. 2. That all acts or parts of acts inconsistent herewith are hereby repealed, and this act shall go into effect immediately.

An act for the promotion of industrial education.

Approved April 23, 1887.

P. L. 1887, p. 237.

305. SEC. 1. [Amended by Sec. 307, *post.*]

306. SEC. 2. That the trustees of any district in this state receiving an appropriation under the provisions of this act shall annually, on or before the first day of September, make a special report to the superintendent of public instruction of the progress of industrial education in such district and such other information in connection therewith as he may require.

Trustees of district to make annual report of progress of industrial education.

Amendatory act.

Approved March 7, 1888.

P. L. 1888, p. 150.

307. SEC. 1. That the first section of the act of which this is amendatory be and the same hereby is amended so as to read as follows :

[That whenever in any school district there shall have been raised by special school tax or by subscription, or both, a sum of money not less than five hundred dollars, for the establishment in such district of a school or schools for industrial education or for the purpose of adding industrial education to the course of study now pursued in the school or schools of such district, there shall be appropriated by the state, out of the income of the school fund, an amount equal to that appropriated by the district as aforesaid ; and when such school or schools shall have been established in any district, or said industrial education has been introduced into the course of study in the school or schools of any district, there shall be appropriated by the state for the maintenance and support thereof a sum of money equal to that appropriated each year by the district for such purpose ; *provided*, that the moneys appropriated by the state as aforesaid to any school district shall not exceed in any one year the sum of five thousand dollars ; the treasurer of the city or the collector of the township, as the case may be, shall be the legal custodian of any and all funds subscribed, allotted or raised for the purpose of carrying out the instruction contemplated by this act, and he shall keep a separate and distinct account thereof, apart from all other moneys in his custody whatsoever, and shall disburse the fund on the properly-authenticated drafts of the trustees of the school district, or other persons or board having charge of public schools in such district ; any unexpended balance to the credit of this fund in any township or city at the end of any fiscal year, shall not be covered into the treasury of the city or township, but shall be at the disposal of the school trustees or other persons or board having charge of public schools in the district, for the purpose of aiding industrial education in the succeeding year or years ; *provided*, that any such unexpended balance shall not be included in the report of the amount raised in any succeeding year for the purpose of procuring state funds as above provided.]

Provision for state aid to district schools for industrial education.

Proviso.

Proviso.

308. SEC. 2. That the trustees or other persons or board having charge of public schools of any district in any state receiving an appropriation under the provisions of this act shall annually, on or before the first day of September, make a special report to the superintendent of public instruction of the progress of industrial education in such district and such other information in connection therewith as he may require.

Trustees to make annual report of progress of industrial education.

309. SEC. 3. That it shall be lawful for the trustees or other persons or board having charge of public schools of any school district to associate with themselves in the management of this fund a number of citizens not exceeding ten representing the donors, in case the sum or any part thereof necessary to obtain the state appropriation shall have been raised by private subscription.

Trustees and citizens may associate in management of fund in certain case.

Supplement.

Approved April 30, 1894.

P. L. 1894, p. 166.

310. SEC. 1. That whenever in any school district, city or township in which industrial education has heretofore been established, or where industrial education has been added to the course of study in the school or schools of such district, city or township, for which moneys have been raised, subscribed or appropriated under the act to which this is a supple-

Where industrial education has been abandoned, one-half of unexpended balance of moneys to be returned to state treasurer.

ment, and such industrial education so established or added to the course of study in any such district, city or township has been or may hereafter be discontinued or abandoned, and there now is or hereafter may be any moneys or unexpended balances of such fund in the treasury of the city or in the hands of the collector of the township, or other legal custodian of such funds, and which are or may be kept in a separate and distinct account apart from all other moneys in his custody, and not now or hereafter covered into the treasury of such city or township; that one-half of such moneys or unexpended balance in the treasury of the city or collector of the township in which such industrial education has been discontinued or abandoned shall, and may be, by the order or direction of the persons or board having charge of public schools in such district, city or township, returned to the state treasurer to be credited to the account of state school fund, and the remaining one-half used for any other public school purpose, as such persons or board may designate, and the said moneys or unexpended balance, after the payment of the one-half thereof as aforesaid to the state treasurer, shall be transferred by the city treasurer or collector of any such city or township either to the general school fund or appropriations of such city or township, or to any particular fund or appropriation for public school education or instruction as directed by such persons or board.

Remaining half may be used for any other public school purpose.

Implements, &c., may be disposed of and divided to state treasurer and local school funds.

311. SEC. 2. That the implements or articles purchased and used in connection with industrial education which has been or may hereafter be discontinued or abandoned in any district, city or township, may be disposed of by the persons or board having charge of public schools in such district, city or township, and the proceeds thereof paid into the city treasurer or to the collector of such city or township, and one-half thereof paid to the state treasurer, to be credited to the account of the state school fund, and the remaining one-half placed to the credit of public school funds or appropriations in such city or township, for any purpose of public schools, education or instruction.

An act for the promotion of manual training.

P. L. 1888, p. 51.

Approved February 15, 1888.

Provision for state aid to school established for manual training.

312. SEC. 1. That whenever any board of school trustees or board of education of any school district in this state shall certify to the state superintendent of public instruction that there has been raised by special district school tax, or by subscription, or both, a sum of money not less than five hundred dollars, for the establishment in such district of a school or schools for manual training, or for the purpose of adding manual training to the course of study now pursued in the school or schools of such district, it shall be the duty of the said state superintendent of public instruction, with the approval of the governor, to draw his order on the comptroller and in favor of said district, for a sum equal to that contributed by said school district as aforesaid, for said object; and when such school or schools shall have been established, or manual training shall have been added to the course of study in any district, there shall be annually contributed by the state, in manner aforesaid, for the maintenance thereof, a sum of money equal to that raised each year in said district for such purpose; *provided*, that the course of manual training established or introduced under the provisions of this act shall be approved by the state board of education; *provided, further*, that the moneys appropriated by the state as aforesaid to any school district, shall not exceed in any one year the sum of five thousand dollars, and that all payments made in pursuance of the provisions of this act shall be paid on the warrant of the comptroller out of the income of the school fund.

Proviso.

Proviso.

District trustees to report annually concerning progress of manual training.

313. SEC. 2. That the trustees of any school district in this state receiving an appropriation under the provisions of this act, shall annually, on or before the first day of September, make a special report to the state superintendent of public instruction of the progress of manual training in such district, and give such other information in connection therewith as he may require.

Supplement.

Approved April 7, 1890.

P. L. 1890, p. 212.

314. SEC. 1. That in all cases where the governor is satisfied that the board of education or board of school trustees of any school district in this state has heretofore mailed an application for the state appropriation under the provisions of the act to which this act is a supplement, and that said application has been lost in transit, and has never reached the office of the state superintendent of public instruction, that said application may be renewed, and the state appropriation may be granted in the same manner as is provided for in the act to which this is a supplement, notwithstanding that the school year for which the application was first made has expired.

State aid in cases where application therefor has been lost.

An act to more fully carry out and put in force the true intent and purposes of the supplement to an act of congress of August thirtieth, one thousand eight hundred and ninety, and the acts of the legislature of New Jersey of March twenty-fourth, one thousand eight hundred and eighty-one, and the manual training act of one thousand eight hundred and eighty-eight.

Passed May 25, 1894.

P. L. 1894, p. 536.

315. SEC. 1. That for the purpose of carrying out and putting in force the true intent of the supplement to an act of congress of August thirtieth, one thousand eight hundred and ninety, chapter eight hundred and forty-one, section one, acts of congress one thousand eight hundred and seventy-four to one thousand eight hundred and ninety-one, pages seven hundred and ninety-seven and seven hundred and ninety-eight, revised statutes of the United States, and the several acts of the legislature of New Jersey respecting industrial education and manual training schools; that for the purpose of carrying more fully into effect the true intent of these acts, the manual training and industrial school at Bordentown, New Jersey, Burlington county, be and the same is hereby designated as a branch institution for the education of such students as may be appointed from the several assembly districts and counties of this state, as hereinafter provided; that the said school shall be managed and controlled by a board of trustees consisting of the following persons and their successors in office: the governor of the state, who shall be president ex officio; the state superintendent of public instruction, the president of the senate, the speaker of the assembly, the chairman of the committee on education of the senate, the chairman of the committee on education of the house, the president of the state agricultural college, the trustees of school district number fifteen, Burlington county; the principal of the state normal school, the principal of the Farnum preparatory school at Beverly, New Jersey; two persons selected by the state board of education and the county superintendent of Burlington county; these trustees shall have all the power and responsibilities given by the laws of this state to trustees of public and manual training schools.

Manual and training school at Bordentown designated as branch institution.

Who to be trustees of said school.

Their powers and responsibilities.

316. SEC. 2. That all laws applying to and governing industrial and manual training schools now in force in this state shall apply to this school.

What laws applicable to said school.

317. SEC. 3. That when the trustees of said school are ready to receive students, one student from each county in the state to be selected by the senator thereof and one student from each assembly district to be selected by the assemblymen thereof and be approved of by the trustees and faculty of the school, shall be entitled to free scholarships in said school.

Who may receive free scholarships therein.

318. SEC. 4. That the state superintendent of public instruction is hereby authorized and required to make an examination of the books and records of the colored industrial education association of New Jersey, with a view of ascertaining what amount of subscriptions have been given said association for industrial and manual training under the several acts of the legislature of this state, and the value of the assets that they have come into possession of by reason of the act of the legislature of May twenty-first, one thousand eight hundred and ninety, and the value of all donations

State superintendent to make examination of records of colored industrial education association of New Jersey, &c.

and subscriptions and assets held by said association from the tenth day of November, one thousand eight hundred and eighty-nine, to the present time, and to draw his warrant on the comptroller for a like sum in favor of the board of trustees created by this act for the maintenance of said school, in accordance with the provisions of the act of the legislature of March twenty-fourth, one thousand eight hundred and eighty-one, and the act of the legislature of one thousand eight hundred and eighty-eight, known as the manual training act; *provided*, that the sum for which said warrant shall be drawn shall not exceed in the aggregate the sum allowed by said acts of the legislature for each year.

Proviso.

What property to be turned over to said trustees.

319. SEC. 5. That the colored industrial education association of New Jersey and the trustees of school district number fifteen, Burlington county, be and they are hereby authorized to turn over to the trustees created by this act all moneys, real estate and personal property which they hold for industrial education in said district.

Annual appropriation to said branch institution.

320. SEC. 6. That in lieu of all claims, rights and titles the branch institution designated by this act have or may hereafter have upon the annual appropriation coming to this state from congress under the provision of the supplement to the act of congress of August thirtieth, one thousand eight hundred and ninety, three thousand dollars is hereby annually appropriated for the maintenance of said school out of any money in the state treasury not otherwise appropriated.

III. Miscellaneous acts.

An act to fix the quorum of the board of trustees of the state normal school and of the state board of education

P. L. 1875, p. 19.

Approved March 2, 1875.

Quorum of trustees of state board of education.

321. SEC. 1. That a quorum of the board of trustees of the state normal school shall consist of six members, and that a quorum of the state board of education shall consist of eight members. [The board of trustees of the state normal school is now abolished. See Sec. 197, *ante*.]

An act concerning cities.

P. L. 1876, p. 290.

Approved April 21, 1876.

City may by ordinance fix new locality and direct purchase of land and erect school-house thereon, and issue additional bonds.

322. SEC. 1. That whenever the mayor and council of any city in this state has been authorized by an act of the legislature to issue registered or coupon bonds, the net proceeds, or any portion of which, are to be applied to the payment of the cost of the erection and furnishing of a school-house in any particular part of said city, such mayor and council are hereby authorized to use such net proceeds of said bonds for the payment of the cost of purchasing land and the erecting of a school-house thereon and the furnishing of the same in a locality different from that now authorized by law in such cases, and the council or board of aldermen of any such city may pass an ordinance fixing such new locality and directing the purchase of the land and the erecting of a school-house thereon and the furnishing of the same, and may in such ordinance provide for the issue of additional registered or coupon bonds to an amount equal to the value of any land purchased for such purpose, and may by ordinance provide by taxation for the payment of any such bonds and the interest thereon.

An act respecting deficiencies in appropriations for the payment of teachers' salaries in cities.

P. L. 1877, p. 87.

Approved March 8, 1877.

In certain cities, teachers' salaries shall be paid although appropriation is exhausted.

323. SEC. 1. That where, in any city containing a board of directors of education or other board having the control and management of the public schools in said city, the appropriation made for the payment of teachers' salaries shall have been exhausted before the end of the fiscal year for which said appropriation shall have been made, and the teachers, notwithstanding said appropriation shall have been exhausted, shall have

continued teaching during the balance of said fiscal year without compensation, it shall be lawful for the board of finance and taxation, or such other board as is now directed by law to make the appropriation for the payment of teachers' salaries in such city, to order and direct payment for the whole or such portion of said services as the said board may decide ought in justice to be paid; *provided*, that payment shall not be ordered or directed for more than one month's services as aforesaid; and said board is hereby authorized to borrow, in anticipation of taxes next thereafter to be levied in such city, sufficient money to pay for such services of teachers rendered as aforesaid, as the said board may have ordered to be paid, and the amount thus borrowed shall be put in the tax levy next thereafter.

Proviso.

An act respecting reports of boards having the control and management of public schools in cities.

Approved March 9, 1877.

P. L. 1877, p. 149.

324. SEC. 1. That where, in any city containing a board of directors of education or other board having the control and management of the public schools in such city, annual reports concerning the condition of the public schools in such city are now required by law to be published in the month of August of each and every year, said reports shall hereafter be made in the month next succeeding the termination of each and every fiscal year of said city, and shall be reports for the said fiscal year terminated immediately preceding the month in which said reports are by this act directed to be published.

When reports of board of education in certain cities shall be made.

325. SEC. 2. That all acts and parts of acts inconsistent with this act be and the same are hereby repealed.

Repealer.

An act concerning appropriations made by and to the boards of education in cities of this state.

Approved March 9, 1877.

P. L. 1877, p. 171.

326. SEC. 1. That it shall be lawful for any board of education of any incorporated city of this state, from time to time, to modify the several appropriations made by the board, to be expended under the direction of its several committees, during any fiscal year; *provided, however*, that said modifications shall not authorize any expenditure in excess of the sum appropriated for the current expenses of the department of public instruction at the time when such appropriation shall have been originally made.

Appropriations may be modified by boards of education.
Proviso.

327. SEC. 2. That the amount appropriated by the board of aldermen or other body charged with the duty of making appropriations for defraying the current expenses of the department of public instruction of any city of this state, for each successive year, shall thereby become appropriated to defray such current expenses, and shall be used for no other purpose whatever.

Money appropriated for current expenses not to be otherwise used.

328. SEC. 3. That all acts and parts of acts inconsistent with this act be and the same are hereby repealed, and this act shall take effect immediately.

Repealer.

An act relating to boards of education in cities.

Approved March 20, 1878.

P. L. 1878, p. 147.

329. SEC. 1. That boards of education now prohibited by law from purchasing any article necessary for the schools under their control without advertising for the same, are hereby authorized to purchase, without advertising, to the extent of twenty-five dollars for any one article; *provided*, the same be sanctioned by a majority of the board.

Boards of education may purchase supplies without advertising.
Proviso.

330. SEC. 2. That all acts and parts of acts inconsistent with this act be and the same are hereby repealed.

Repealer.

An act to enable the several townships of this state, in certain cases, to provide additional public school buildings for the free instruction of the children of such townships.

P. L. 1878, p. 255.

Approved April 2, 1878.

Township committee may, in certain cases, authorize the issue of school bonds.

331. SEC. 1. That whenever, from a rapid or unexpected increase of population of any township in this state, or any unforeseen occurrence, the township committee of such township having authority to provide free school and other buildings in such township by the issue and sale of the bonds of said township to an amount not to exceed ten thousand dollars, shall consider it necessary to provide additional accommodations for the free instruction of the children of such township, or any portion thereof, it shall be lawful for, and said township committee are hereby authorized and empowered to issue, in the corporate name of said township, at such times and in such amounts only as shall be required, either registered or coupon bonds, to be denominated upon the face thereof, "township of _____ public free school building bonds," to an amount not to exceed six thousand dollars in the aggregate, bearing interest at the rate of six per centum per annum, payable half-yearly, on the first days of January and July of each year; the principal of said bonds shall be payable in not less than ten nor more than thirty years from the dates thereof; said bonds shall be signed by the president or chairman of said committee and countersigned and registered by the clerk or secretary thereof, and sold at public or private sale, at not less than the par or face value thereof; and the proceeds of such sale shall be faithfully and promptly applied to and paid for the erection, finishing and furnishing of a public free school building or buildings in said township, and for the payment of said bonds and the interest thereon as the same may become due, and for no other purpose or object whatever; and the said township committee are hereby authorized and required to assess, levy and collect as other township taxes are assessed and collected, and add the same to the "public building tax" of said township, in each year, a sum sufficient to pay the interest and extinguish the principal of said bonds as the same shall become due and payable, and apply the same to the purposes of this act, and to no other purpose whatever; *provided*, the provisions of this bill shall have no force or effect until it is first submitted to a vote of the property-holders affected by the same, and after a majority of said property-holders, at an election which shall be called by the board of township committee, shall have given their approval to the provisions of this act; *provided, however*, that this act shall not apply except to counties having a population of one hundred thousand inhabitants and upwards.

When payable.

How executed.

Proceeds of sale, how applied.

Proviso.

Proviso.

An act to increase the efficiency of the department of public instruction.

P. L. 1878, p. 312.

Approved April 5, 1878.

332. SEC. 1. [Amended by Sec. 333, *post*.]

Amendatory act.

P. L. 1889, p. 307.

Approved April 18, 1889.

333. SEC. 1. That section one of an act entitled "An act to increase the efficiency of the department of public instruction," approved April fifth, one thousand eight hundred and seventy-eight, be and the same is hereby amended so as to read as follows:

State superintendent authorized to employ assistants.

[That the superintendent of public instruction is hereby authorized, by and with the approval of the governor of this state, to employ assistants as may be necessary in his department; *provided*, that the annual cost thereof shall not exceed the sum of two thousand five hundred dollars, and that the same shall be paid, on the warrant of the comptroller, out of the income of the school fund.]

An act concerning the erection of school-houses in cities of a certain class.

Approved March 14, 1879.

P. L. 1879, p. 191.

334. SEC. 1. That in all cities of not less than ten thousand nor more than fifteen thousand inhabitants, according to the census of the year one thousand eight hundred and seventy-five, where there are boards of education, it shall be lawful for the common councils of said cities, or any or either of them, at the request of the board or boards of education of such respective city or cities, from time to time, to borrow any sum or sums of money, not exceeding in the whole the sum of twenty thousand dollars in each city, for the purchase of land and the erection of a school-house or school-houses thereon in such respective city or cities, and to secure the payment of such sum or sums in such manner and upon such terms as may have been provided, in and by the charters of such respective cities, for securing the payment of borrowed moneys.

Cities of between 10,000 and 15,000 inhabitants may borrow money, purchase lands and erect school-houses thereon.

335. SEC. 2. That such moneys so borrowed shall be expended by such boards of education respectively, for the purposes aforesaid, in the manner provided in and by such respective charters; and if any of said moneys shall be left unexpended in any year then current, the same shall be charged to and deducted from the amount or amounts of money appropriated for school purposes in such respective city or cities, in and for the year or years then next ensuing.

Moneys borrowed, how expended.

336. SEC. 3. That there shall be raised, with the general tax levy of each year, the sum of eighteen hundred dollars, to be used for the payment of the bonds, principal and interest, therein mentioned, as they fall due, from time to time, such amounts to be passed over to the commissioners of the sinking fund, from time to time, as collected, and be governed by the same provisions as the street improvement bonds authorized by section four of supplement to the charter, approved in one thousand eight hundred and seventy-three.

Annual sum to be raised by tax.

An act fixing the amount to be expended by boards of education in certain cities of this state for permanent improvements in any one year.

Approved March 14, 1879.

P. L. 1879, p. 238.

337. SEC. 1. That in all cities of this state where the boards of education of such cities are now limited by law to the sum of twenty thousand dollars as the amount which may be expended in any one year for the purchase of land for public schools, or for erecting, altering, furnishing or fitting up any building for school purposes in said cities, it shall hereafter be lawful for said boards of education to expend for the purposes aforesaid the sum of ten thousand dollars in any one year and no more. [This section was amended by P. L. 1882, p. 82. See, also, a repealer of the original section, or the amendatory section, or both, in P. L. 1884, p. 116.]

Certain cities authorized to expend \$10,000 in any one year for erecting school-houses, &c.

338. SEC. 2. That hereafter in all such cities the boards of education shall, before the contract for any such purchase of land, or for the building of any such school building, or for altering, furnishing or fitting up any building for school purposes, the expense of which will exceed five hundred dollars, shall be made, submit the terms of the proposed contract to the board of aldermen, common council or other governing body of such city, as the case may be, with a detailed statement of the amount proposed to be expended under the same, and such board of aldermen, common council or other governing body in such city, may, if such proposed contract or contracts shall be approved by a majority vote, order the same to be executed, and thereupon shall appropriate, from time to time, such sum or sums of money as may be required by any such board of education for the fulfillment of such contract or contracts.

Terms of proposed contract to build school-house, &c., to be submitted to board of aldermen or other governing body for approval.

339. SEC. 3. That all acts and parts of acts inconsistent with this act (including so much of the act entitled "An act to provide for the more efficient government of the city of Paterson," as is inconsistent herewith), be and the same are hereby repealed, and that this act shall take effect immediately.

Repealer.

An act for building school-houses in townships.(1)

P. L. 1880, p. 225.

Approved March 11, 1880.

School trustees may enter upon lands to make examinations, &c.

Proceedings in case trustees and owner or owners cannot agree as to compensation for lands.

Justice of supreme court to appoint commissioners to ascertain and assess value of land.

Refusal to serve, judge to appoint another.

Trustees to exhibit to commissioners a description, &c., of lands to be taken.

Commissioners to ascertain and assess the value, &c.

Proviso.

Trustees to pay owner the value and damages

340. SEC. 1. [Amended and supplied by Secs. 345, 347 and 348, *post.*]

341. SEC. 2. That it shall be lawful for such school trustees to enter upon any lands and make all such preliminary examinations, explorations, measurements and levelings as may be necessary and proper for their purposes doing thereby as little damage as possible to the owner or owners thereof.

342. SEC. 3. That in case said school trustees cannot agree with the owner or owners or other persons interested in any lands which said school trustees may desire to take, use and occupy, or from which they may desire to take or divert, either in whole or in part, for the purposes of their building, or cannot agree with the owner or owners for the whole or any part of any lands as to the amount of compensation to be paid for such taking, use, diversion, or occupation or interest, it shall be lawful for any justice of the supreme court of this state, upon application by said school trustees, and upon two weeks' previous notice, served in person, or by leaving at the dwelling-house or usual place of abode of such owner or owners, or in case of absence from the state or legal disability, published in a newspaper published nearest to the lands in question, to appoint three disinterested commissioners, residents of the county in which said lands are situated, to assess and ascertain the value of the lands so proposed to be taken, used and occupied, which commissioners shall appoint a time and place at which they shall meet to execute the duties of their appointment, and shall cause two weeks' notice thereof to be given to the parties interested therein, either by personal service or by publication in a newspaper published in the county where such lands may be, at which time and place the said commissioners shall meet and view the premises, and hear the parties interested, and take evidence if any be offered, and for that purpose shall have power to administer oaths or affirmations, and to adjourn from day to day; and in case of the refusal or failure of either or any of said commissioners to attend and perform their said duties, the said judge shall have power to appoint another or other disinterested person or persons as commissioners to act in the place of such absent commissioner or commissioners; and the said trustees shall make and exhibit to the said commissioners at their meeting aforesaid, for the use of the parties interested, a statement and description in writing, or by drawings or maps, or both, of the lands by them sought to be taken or diverted as aforesaid, and of the use, occupation of, and excavations upon any lands by them sought to be made; and the said commissioners shall thereupon ascertain and assess the value and damages aforesaid, and shall execute under their hands and seals, or the hands and seals of a majority of them, an award to said trustees of the lands by them sought in the statements and description aforesaid, stating therein the amount of damages and compensation therefor by them assessed in favor of such owner or owners, which award shall be by them acknowledged and filed in the county clerk's office, and by him recorded; *provided always*, that if any real estate, the owner or owners of which shall not have given his, her or their consent in writing to the diversion or to the taking of said lands, shall not have been ascertained and paid pursuant to the directions of this act, shall be injured or damaged by the diversion or diminution of any said land, that the owner or owners thereof may have and maintain his, her or their action to recover damages for such injury which he, she or they may sustain by reason of anything done under this act, as if this act had not been passed.

343. SEC. 4. That before taking possession of any such lands, or entering thereon for the purpose of making any excavation or occupation thereof, or taking any interest in land as aforesaid, the said trustees shall pay or tender to such owner or owners, or, in case of absence from the state or legal disability, shall deposit with the clerk of the circuit court of said

(1) This title is amended. See Sec. 346, *post.*

county the value and damages so awarded ; and the award of said commissioners and the payment or tender or deposit as aforesaid of the same, shall vest in said corporation the lands by them sought, described and set forth in said statement and description, in all respects the same as if the same had been conveyed to said trustees by said owner or owners under their hands and seals.

Upon payment, &c., title vested in the corporation.

344. SEC. 5. That if either party feel aggrieved by said assessment and award, such party may appeal to the next or second term of the circuit court of said county, by petition and notice thereof served upon the opposite party two weeks prior to such term, or published a like space in the newspaper published nearest the lands in question, which petition and notice so served or published shall vest in said courts full power to hear and determine said appeal, and, if required, they shall award a venire for a jury to come before them, who shall hear and finally determine the issue under the direction of the court, as in other trials by jury ; and it shall be the duty of the said jury to assess the damages to the said lands as above mentioned, and the value of such lands as shall be absolutely taken ; and said court shall have power to order a struck jury, or a jury of view, or both, to try any such appeal, and also to order any jury which may be impaneled and sworn to try any such appeal, to view the premises in question during said trial, and the right of said trustees to appeal from and dispute the correctness of any award shall not be waived or taken away by the paying or tendering the amount of the award and taking possession of the land, or exercising the rights covered by such award ; and the right of any owner of any such lands or rights in like manner to appeal shall not be waived or lost by the acceptance of the amount so awarded, when tendered, and upon the final determination of any such appeal, the said court shall render such judgment in favor of the one party and against the other, as the right and justice of the case shall require, and shall award to the party substantially succeeding and prevailing in said appeal, his, her or their costs of said appeal against the opposite party, and shall have power to enforce the judgment so rendered by execution as other judgments are enforced, and also by summary proceedings and attachments for non-payment thereof.

Parties aggrieved may appeal to the circuit court.

Court may order a struck jury to try any appeal.

Right of appeal not to be waived by acceptance of amount awarded.

Amendatory act.

Approved March 22, 1886.

P. L. 1886, p. 101.

345. SEC. 1. [This section, amending Sec. 340, *ante*, is again amended by Secs. 347 and 348, *post*.]

Amendatory act (chapter LIX.)

Approved February 22, 1888.

P. L. 1888, p. 93.

346. SEC. 1. That the title of the act to which this is an amendment shall be amended so as to read as follows :

[An act to authorize the purchase or acquirement of lands for school purposes and the construction of school-houses.]

Amendment of title to act.

347. SEC. 2. [This section, amending Secs. 340 and 345, *ante*, is again amended by Sec. 348, *post*.]

An amendment to an act entitled "An act to authorize the purchase or acquirement of lands for school purposes and the construction of school-houses," being the title of the act as amended by chapter fifty-nine of the laws of one thousand eight hundred and eighty-eight, approved February twenty-second, one thousand eight hundred and eighty-eight.

Approved February 19, 1895.

P. L. 1895, p. 90.

348. SEC. 1. That section two of an act entitled "An act to amend an act entitled 'An act for building school-houses in townships,' approved March eleventh, one thousand eight hundred and eighty," being chapter fifty-nine of the laws of one thousand eight hundred and eighty-eight, which amendment was approved February twenty-second, one thousand

eight hundred and eighty-eight [see Sec. 347, *ante*], be and the same is hereby amended so as to read as follows :

[That section one of the act entitled "An act for building school-houses in townships," approved March eleventh, one thousand eight hundred and eighty, be and the same is hereby amended so as to read as follows :

School districts authorized to purchase lands and erect school-houses, &c.

That it shall be lawful for any school district of this state at their annual meeting or at any special meeting called for that purpose upon legal notice, by a majority vote of the persons present at any such meeting, to vote and appropriate money for the purchase or acquirement of lands and the construction of a school-house, or for the purchase or acquirement of additional lands to increase the present school grounds of said district, at such place in said school district as the school trustees thereof may designate, and for that purpose the said trustees may acquire the said land by purchase or condemnation, provided a majority of the persons present at any such meeting shall vote on any proposition presented for the condemnation of lands ; and any money heretofore raised by tax for any of the purposes aforesaid in any school district, and not otherwise appropriated or expended, may be used for such purpose upon the order of the school trustees of such district.] (a)

Repealer.

349. SEC. 2. That all acts and parts of acts inconsistent with this act be and the same are hereby repealed, and that this act shall take effect immediately.

An act to provide for a reduction in the rate of interest on school district bonds.

P. L. 1880, p. 272.

Trustees of school districts empowered to issue bonds at a less rate of interest to redeem former bonds.

Approved March 12, 1880.

350. SEC. 1. That in all cases in which the corporate bonds of any school district of this state, heretofore lawfully issued, remain unpaid, and bearing, by the condition of said bonds, interest at the rate of seven per centum per annum, it shall be lawful for the trustees of such school district to make and issue the corporate bonds of such school district, by whatever corporate name it may be designated, bearing interest at a rate not exceeding six per centum per annum, and to an amount not exceeding the amount of the bonds lawfully issued and outstanding in the hands of bona fide holders at the time of such new issue ; and the proceeds of the sale of such new issue of bonds shall be used in paying off and redeeming bonds of the former issue, and for no other purpose ; and such new bonds shall not be sold at less than their par value, nor shall anything in this act be construed to authorize the increase of the indebtedness of any school district, or to authorize the rescinding of existing contracts, but where school district bonds are due and payable, or the holders of the same are willing to surrender them before they are due, the provisions of this act may be availed of to secure a lower rate of interest.

Payment of principal and interest, how provided for.

351. SEC. 2. That for the purpose of providing for the payment of the interest and the principal of said bonds as they shall severally become due, the district clerk of such district shall notify the assessor or assessors having jurisdiction therein, annually before the first day of July in each and every year, of the amount of money that will be required to pay the interest and principal of such bonds as they shall severally become due, and it shall be the duty of such assessors to assess the same upon the taxable property in said district in the same manner as other taxes are assessed ; and it shall be the duty of the collector to collect the said taxes in the same manner as other taxes are collected, and pay out the same on the orders of a majority of the trustees of such district, one of whom shall be the district clerk.

(a) See *Point Pleasant Land Co. v. Trustees*, 18 Vr. 235. *Quaid v. Trustees*, 20 Vr. 607. *Crandall v. Trustees*, 22 Vr. 138. *Schomp v. Cole*, 22 Vr. 277. *Zabriskie v. Trustees*, 23 Vr. 104. *Stackhouse v. Clark*, 23 Vr. 291.

An act relative to boards of education in cities.

Approved March 12, 1880.

P. L. 1880, p. 310.

352. SEC. 1. That in cities of this state where the office of president of the board of education or board of directors of education exists or is created by any general or special law, such president shall hereafter receive no salary or compensation whatever for performing the duties of such office, but nothing herein contained shall be deemed or taken to affect or take away the salary of the present incumbent of any such office.

President of board of education not to receive any salary or compensation.

353. SEC. 2. That all acts and parts of acts inconsistent with this act be and the same are hereby repealed.

Repealer.

An act to authorize incorporated towns to build and furnish school-houses in special cases.

Approved March 3, 1881.

P. L. 1881, p. 69.

354. SEC. 1. That in all cases where an incorporated town has previously, by provision of its charter, been constituted one sole and separate school district, and has subsequently been divided into several school districts, it shall be lawful for such town at any annual town meeting, or at a special town meeting called for that purpose, legal notice of the same having been given, to provide for purchasing a lot, building a school-house thereon, and furnishing the same for any such district, or to build and furnish a school-house on a lot already purchased, and to raise money therefor by taxation upon its town at large, in the same manner as it might have been done if such division into districts had not been made.

Certain towns authorized to build and furnish school-house and to raise the money by taxation.

355. SEC. 2. That all acts and parts of acts inconsistent with the provisions of this act are hereby repealed, and that this act shall take effect immediately.

Repealer.

An act in relation to public education.

Approved March 3, 1882.

P. L. 1882, p. 46.

356. SEC. 1. That from and after the passage of this act any officer of public instruction of this state, being entrusted with the funds of any school board and not directed by law to give security for the same, shall enter into such security as any school board under whom he may serve shall direct, before entering on the duties assigned to him by said board.

Officer of public instruction entrusted with school funds to give security.

An act to authorize the erection of school-houses in the cities of this state.

Approved March 22, 1882.

P. L. 1882, p. 150.

357. SEC. 1. That it shall and may be lawful for any city in this state, from time to time, to purchase lands for the purpose of erecting school-houses thereon, and to raise the money required for such purpose by loan on the credit of such city; *provided*, that the total amount of bonds outstanding and unpaid, issued for such purpose, shall not exceed at any one time the sum of fifty thousand dollars; and further, that said bonds shall not bear more than the legal rate of interest, and shall not be sold at less than par value.

Cities authorized to purchase lands and to erect school-houses thereon.

Proviso.

358. SEC. 2. That all such loans shall be authorized by an ordinance of the common council or board of aldermen of such city, which ordinance shall distinctly specify and provide the ways and means, exclusive of loans, to pay the principal of said loans and the interest on the same annually, and also the time within which the said bonds shall be paid, which ordinance shall be irrevocable until such debt be paid.

Loans to be authorized by ordinance.

359. SEC. 3. That when, in any city of this state, loans have heretofore been made for the purpose of purchasing lands and erecting school-houses thereon, and the bonds issued for such purpose are still outstanding and unpaid, the amount of the bonds so issued shall be included within the amount authorized to be issued by this act, and nothing in this act shall be taken or construed as authorizing the issuing of bonds to a greater amount, at any one time, than the sum of fifty thousand dollars for the purposes aforesaid.

Amount of bonds heretofore issued to be included within the amount authorized by this act.

An act to regulate the management and custody of securities and moneys belonging to the sinking fund and interest accounts of the school districts of this state.

P. L. 1882, p. 213.

Approved March 29, 1882.

Who to have management and custody of securities and money belonging to sinking fund, &c., of school district.

360. SEC. 1. That the officer in every township whose duty it now is by law to receive and hold in trust the school moneys of the several districts in such township (whether such officer be called collector of taxes, receiver of taxes, township treasurer, or by any other name), shall collect, receive, hold in trust, and be accountable for all securities, funds and moneys of any school district in such township which belong to any sinking fund or interest account, or to a fund provided for the redemption of any bonds or the payment of any debt of such district; and all payments and disbursements of money, whether for interest, for discharge of principal debt or for investment, shall be made by and through such township financial officer, on school orders duly signed by the district trustees.

School trustees to pay over and deliver to officer all moneys or securities in their hands.

361. SEC. 2. That it shall be the duty of the school trustees of any school district in this state, within thirty days after the passage of this act, to pay over and deliver to the township collector, receiver of taxes or other financial officer as aforesaid, of the township in which such district is situate, all moneys and securities in their hands belonging or relating to any funded indebtedness of such district.

Bonds, &c., of officers to be held liable for performance of duty under this act.

362. SEC. 3. That the bonds or other securities given and to be given for the faithful performance of duty by any such township collector, receiver of taxes or other financial officer of any township, into whose hands shall come the money and securities of any school district, shall be liable for and held to embrace the faithful performance of duty raised by this or any other act relating to the care of school funds and securities by such financial officer.

Repealer.

363. SEC. 4. That all acts or parts of acts, whether general, special or local, inconsistent with the provisions of this act, be and the same are hereby repealed, and that this act shall take effect immediately.

An act to authorize the construction of school-houses in cities of this state.

P. L. 1882, p. 248.

Approved March 31, 1882.

City authorities authorized to purchase lands and to erect school-houses.

Proviso.

Proviso.

364. SEC. 1. That it shall be lawful for the corporate authorities of the cities of this state, upon request by the board of education, or other body having the charge of the public schools in such city, to purchase lands and to erect school-houses thereon, and to furnish the same, from time to time, as the increase of population in any such city may demand; *provided, however,* that the expense incurred in any one instance shall not exceed forty thousand dollars; *provided further,* that where the charter of any city, or any supplement or supplements thereto provides a limit of annual expenditure for permanent improvements, nothing in this act shall authorize expenditure in excess of such limit.

Funds for the purchase of lands and erecting buildings, how raised and applied.

365. SEC. 2. That, to raise the fund for the purposes aforesaid, the corporate authorities of such city shall have power to raise money by temporary loans for a term not exceeding three years; and to meet such loan they shall include in the next annual tax levy one-third, at least, of the amount of such temporary loan, with interest thereon, and in the second succeeding annual tax levy they shall include at least one-third of such amount, with interest thereon, and in the third succeeding tax levy they shall raise any balance unpaid, with interest; and as fast as such moneys shall come into the treasury of such city they shall be applied to pay such temporary loan; and such loan shall be so obtained that it can be paid by installments, with interest payable semi-annually.

Temporary loan bonds or scrip may be issued.

366. SEC. 3. That, to secure such temporary loan, the corporate authorities may authorize the issue of temporary loan bonds or scrip, which shall bear such interest as may be agreed upon, not exceeding the legal rate, to an amount not exceeding the expenditure to be incurred in any one

instance ; *provided, however*, that no bonds shall be issued in excess of ten per centum of the assessed valuation of such city. Proviso.

367. SEC. 4. That such temporary bonds or scrip may be taken for the sinking fund of any such city if the authorities having charge of such sinking funds shall so elect, and if such bonds can be so taken it shall be the duty of such authorities to so take them, and the money raised by taxation for payment of the principal and interest shall then be paid into the sinking fund. Temporary bonds issued may be taken for the sinking fund, &c.

An act to enable cities to provide additional school accommodations, where the same are necessary, and to borrow money for the purpose.

Approved March 31, 1882. P. L. 1882, p. 250.

368. SEC. 1. That if, in the judgment of any board of education of any city in this state, or other body having control of the public schools in any city of this state, it shall, at any time, be deemed necessary and expedient to provide additional school accommodations in such city, for the benefit of those entitled to attend the public schools in such city, it shall be lawful for the mayor and common council or other governing body in such city to authorize money to be borrowed for the purpose of purchasing land and the erection of suitable school buildings, and providing such school buildings with suitable school appliances and conveniences, and to secure the payment of the money borrowed as aforesaid by mortgage, bearing annual interest at a per centum not greater than the legal rate on the land purchased and the building or buildings to be erected thereon in pursuance of this act, or, if the city own suitable land, rendering a purchase of land unnecessary, on such land and the building or buildings to be erected thereon ; and in case the title to lands on which public school buildings are now erected in any city is vested by law in a board of education or other body having control of the public schools in such city, such board of education or other body having control of the public schools in such city, and not the mayor and common council or other governing body of such city, shall have the power to borrow money as aforesaid and to secure the payment of the same by mortgage as aforesaid ; *provided*, that not more than one school building, with the necessary appliances and conveniences, shall be authorized to be erected in any city in any one year, in pursuance of the powers conferred by this act. (a) Corporate authorities of cities empowered to borrow money for the purchase of land and erection of school buildings.

369. SEC. 2. That any mortgage to be given in pursuance of this act shall be payable in less than ten years from the time of giving the same, except at the option of the city, board of education or other body giving the same, who are authorized to renew such mortgage ; and money to pay the annual interest accruing on any such mortgage shall be raised in the same manner as the money to pay the current expenses of the public schools is raised in the city in which the property on which such mortgage shall be given is situate ; and money may be raised for a sinking fund to pay such mortgage in the same manner ; *provided, however*, that nothing in this act shall be held to permit the authorities of any city in this state to exceed any limit of expenditures for such purposes now fixed by any city charter or any supplement thereto, nor to exceed the limit of indebtedness fixed by any such charter. Proviso.

An act to authorize the construction of school-houses in cities of the first class of this state.

Approved February 13, 1883. P. L. 1883, p. 30.

[This act amended and supplied by the next succeeding act, Secs. 370 to 374, *post*.]

(a) See *Lee v. School Trustees*, 9 *Stew.* 585.

P. L. 1884, p. 190.

Amendatory act.

Passed April 16, 1884.

That the act entitled "An act to authorize the construction of school-houses in cities of the first class," to which this is amendatory, shall be and the same is hereby amended so that it shall read as follows :

370. SEC. 1. [Amended by Sec. 374, *post.*]

Cities of first class may raise money by temporary loans for purchase of lands, &c.

371. SEC. 2. That to raise the funds for the purpose aforesaid, the corporate authorities of such city of the first class shall have power to raise money by temporary loans for a term not exceeding three years, and to meet such loan they shall include in the next annual tax levy one-third, at least, of the amount of such temporary loan, with interest thereon, and in the second succeeding annual tax levy they shall include at least one-third of such amount, with interest thereon, and in the third succeeding tax levy they shall raise any balance unpaid, with interest, and as fast as such moneys shall come into the treasury of such city of the first class they shall be applied to pay such temporary loan, and such loan shall be so obtained that it can be paid by installments, with interest payable semi-annually.

How such loans may be secured.

372. SEC. 3. That to secure such temporary loan, the corporate authorities may authorize the issue of temporary loan bonds or scrip, which shall bear such interest as may be agreed upon, not exceeding the legal rate, to an amount not exceeding the expenditure to be incurred in each year.

Such securities may be taken for sinking fund, &c.

373. SEC. 4. That such temporary loan bonds or scrip may be taken for the sinking fund of any such city of the first class if the authorities having charge of such sinking fund shall so select, and if such bonds can be so taken, it shall be the duty of such authorities to so take them and the money raised by taxation, for the payment of the principal and interest, shall then be paid into the sinking fund.

Amendatory act.

Approved March 14, 1895.

P. L. 1895, p. 285.

374. SEC. 1. That section one of an act entitled "An act to authorize the construction of school-houses in cities of the first class of this state," approved February thirteenth, one thousand eight hundred and eighty-three, which said section was amended by an act entitled "An act amending an act to authorize the construction of school-houses in cities of the first class of this state," approved February thirteenth, one thousand eight hundred and eighty-three, which amendatory act was passed April sixteenth, one thousand eight hundred and eighty-four, be amended to read as follows :

Cities of first class may purchase lands, and erect and furnish school-houses.

[That the corporate authorities of the cities of the first class of this state, or the board having charge of the finances, upon request of the board of education or other body having the charge of the public schools in such cities of the first class, shall purchase lands and shall erect school-houses thereon, and shall furnish the same from time to time, as the increase of population in any part of such city of the first class having the least school accommodations may demand ; *provided, however,* that the expense incurred in each year shall not exceed one hundred thousand dollars ; *and provided further,* that such expenditures shall be concurred in by the city board authorized by law to make appropriations for the expense of the city government.]

Proviso.

Proviso.

An act concerning cities of the third class.

Approved February 20, 1883.

P. L. 1883, p. 37.

Term of office of members of board of education in third-class cities.

375. SEC. 1. That in cities of the third class the term of office of members of the board of education shall be for as many years as there are members of such board of education elected from each ward ; and that at each annual municipal election after the next succeeding election each ward shall elect one member of such board of education.

376. SEC. 2. That at the next succeeding municipal election the members of the board of education shall be elected as heretofore, and at the first meeting of such board of education then elected the members from each ward shall, by lot, divide themselves into classes, so that the term of office of one member from each ward shall expire in each succeeding year.

Shall divide themselves into classes, &c.

An act relative to the management of the moneys of the school fund.

Passed March 22, 1883.

P. L. 1883, p. 110.

377. SEC. 1. That from and after the passage of this act, it shall not be lawful for the trustees of the school fund to invest any part of the principal or interest of said fund in bonds, secured by mortgage, on lands in this state, except in such cases as hereinafter provided.

Trustees not to invest school fund on mortgage, except in certain cases.

378. SEC. 2. That all real estate now held by the trustees of the school fund shall be sold, either at private or public sale, at such times and for such prices as will, in their judgment, be for the best interests of the state; and the said trustees are hereby authorized to loan to the purchasers of said property, or other properties which may come into their possession by foreclosure, one-half the amount of purchase-money, the same to be secured by bond and mortgage on the premises so purchased, and that they shall be empowered to advertise such properties, either at private or public sale, in such manner as to them seems judicious; and the proceeds arising from such sales shall be paid into the fund and be invested by the trustees as provided for by existing laws.

Real estate held by trustees to be sold.

379. SEC. 3. That in case the trustees of the school fund shall further acquire real estate under foreclosure proceedings, that the same shall be disposed of at public or private sale, in the manner provided by section two of this act, and the proceeds arising from such sales shall be invested as hereinbefore directed.

Proceeds, how invested.

380. SEC. 4. That the trustees are hereby directed and required to cause foreclosure proceedings to be commenced and prosecuted without delay, in all cases where the interest on bonds, secured by mortgages, is or may become due and remain unpaid for the space of six months; *provided*, that in case foreclosure proceedings shall have been commenced, the said trustees may, in their discretion, discontinue the same upon the payment of accrued interest and the costs of such proceedings.

Real estate acquired under foreclosure to be sold.

Foreclosure proceedings to be commenced where interest is unpaid for six months.

381. SEC. 5. That all acts or parts of acts inconsistent herewith be and the same are hereby repealed.

Repealer.

An act authorizing limited appropriations for the relief and education of certain indigent children in the cities of the state.

Approved March 23, 1883.

P. L. 1883, p. 209.

382. SEC. 1. That in addition to its yearly appropriations for school purposes, it shall be lawful for the body having control of the finances of any city in this state to raise, in its annual tax levy, a sum of money not exceeding one thousand dollars, which together with any moneys obtained therefor by voluntary contributions, shall be expended for the relief and primary education of such indigent, homeless or deserted children of said city as, by reason of their age, their inability to obtain suitable clothing, their necessary occupations or otherwise, are unable to attend the public schools; *provided, however*, that the moneys thus appropriated shall be expended under the direction of the mayor of said city.

Appropriation for relief and education of indigent children in cities.

Proviso.

An act to provide for boards of education in the cities of this state.

Approved April 1, 1885.

P. L. 1885, p. 187.

383. SEC. 1. That on and after the first Monday in May after this act shall have been accepted by any city in this state, as hereinafter provided, all powers and duties vested in or devolving on the board having charge of the public schools of said city previous to the said first Monday in May

Boards of education in certain cities, how constituted and appointed.

shall be vested in and devolve on a board to be designated a board of education, to consist of one member from each aldermanic district or ward in said city and one at large, said members to be appointed by the mayor, and the board previously having charge of the schools of such city shall thereupon cease to exist and the terms of its members and of its clerk shall expire.

Term of office of members first appointed.

384. SEC. 2. That in making the first appointments to said board of education, the mayor shall appoint, as nearly as possible, one-half of the members for two years and the remaining members for one year, and thereafter each member shall be appointed and shall serve for two years and until his successor is appointed, unless removed by the mayor.

Not more than majority to be of same political party.
Mayor may remove members for cause.

385. SEC. 3. That no more than a majority of the members of said board of education shall belong to the same political party.

386. SEC. 4. That the mayor shall, at any time, have the power to remove any member of the said board of education for cause; *provided*, that the member to be removed shall receive two weeks' notice of such removal, with a written copy of the charges and cause, and, on his formal demand, shall be entitled to a public hearing before the mayor.

Act may be submitted to voters of city for acceptance or rejection.

387. SEC. 5. That the board of aldermen or common council of any city may, by resolution, submit the question of the acceptance or rejection of this act to the voters of said city, at the first charter election held after the approval of this act, and if a majority of those who shall vote for the acceptance or rejection of the act shall vote for its acceptance, then this act shall go into effect immediately, and shall be deemed to be accepted by such city, and such city shall be bound by the terms of this act; persons entitled to vote at such election shall express their acceptance or rejection of this act by depositing their ballots in the box provided for depositing ballots at such election in the election precincts or wards of such city, and those who are in favor of the acceptance of this act shall each deposit a ballot containing the words "board of education act accepted" written or printed thereon, and those who are opposed shall each deposit a ballot with the words "board of education act rejected" written or printed thereon; and this acceptance or rejection may be written or printed upon the ballot on which are the names, the state, county, city, district or ward officers, and no separate ballot shall be required for the purpose of this vote; there shall be a canvass, on the return of the votes, upon this question of such acceptance or rejection, made by the election officers in the same way and manner as for officers voted for at any general or charter election; and if a majority of the ballots on which there shall be either the words "board of education act accepted" or "board of education act rejected" shall be found to be for the acceptance of this act, it shall then go into effect and be binding upon such city wherein such vote shall have been taken.

Election, how conducted.

Repealer.

388. SEC. 6. That all acts and parts of acts, general and special, inconsistent with this act, be and the same are hereby repealed, and this act shall take effect immediately.

An act to authorize the building of additions to school-houses, and the construction of new school-houses in townships of this state.

P. L. 1885, p. 287.

Approved April 20, 1885.

Township authorities may authorize additions to school-houses, &c.

389. SEC. 1. That the board of township committee, or other legislative body of any township of this state, upon written notice duly served upon them by the board of education or other body having charge of the school affairs of such township that in their judgment it is necessary to build an addition to any school-house in said township or to construct a new school-house therein, in order to provide proper accommodation for the children of school age in said township, may proceed and cause said addition to such school-house to be built, or may purchase lands and construct a new school-house thereon, and shall furnish the same from time to time.

May issue bonds to raise funds.

390. SEC. 2. That to raise the funds required for the purposes aforesaid, the said board of township committee or other legislative body of any township of this state, are hereby authorized and empowered to issue in

the corporate name of such township either coupon or registered bonds, bearing interest not exceeding the rate of six per centum per annum, payable semi-annually; the principal of the whole number of bonds issued for any of the purposes aforesaid shall be payable in ten annual payments from the date of the issue thereof; said bonds shall be signed by the president or chairman of said committee, and countersigned and registered, where registered bonds are issued, by the township clerk, and sold at public or private sale at not less than the par or face value thereof.

391. SEC. 3. That it shall be the duty of the said board of township committee or other legislative body of any township of this state, to place in the annual tax levy of each year a sum sufficient to pay the interest and extinguish the principal of said bonds as the same shall become due and payable, and apply the same to the purposes of this act, and to no other purpose whatever.

Bonds to be provided for by taxation.

392. SEC. 4. That all acts and parts of acts, public, general, special or local, inconsistent herewith, be and the same are hereby repealed, and this act shall take effect immediately.

Repealer.

An act authorizing boards of education in cities to increase the amount of taxes for school purposes in certain cases.

Approved April 20, 1885

P. L. 1885, p. 288.

393. SEC. 1. That the municipal board in any city authorized to determine annually what amount of tax shall be required for school purposes, shall have power to determine an amount not to exceed one-half of one per centum of the taxable valuation of the real and personal property in any city in addition to the state school tax levied for that year; and such amount of tax so determined shall be assessed and collected at the same time and in the same manner with the taxes of the city assessed and collected for other city purposes; *provided*, that this act shall not take away from any city any power now existing to raise a larger amount of taxes for school purposes; *and provided, further*, that this act shall not take effect in any city until the same shall have been first submitted to a vote of the qualified voters at any annual municipal election, and shall have received the approval of a majority of those voting at such election.

Municipal board of any city may authorize school tax.

394. SEC. 2. That all special charters and acts limiting the amount to be raised for school taxes in any such city, and all other acts or parts of acts inconsistent therewith, be and the same are hereby repealed, and this act shall take effect immediately.

Repealer.

An act to provide for the issue of bonds by school districts to take up matured or maturing bonds.

Approved February 15, 1886.

P. L. 1886, p. 23.

395. SEC. 1. That whenever any bonds shall have been legally issued for the purpose of purchasing land and building school-houses by any school district in this state, under authority of law, or any renewal or renewals thereof, and the same shall be due or unpaid or outstanding, and whenever it may be desirable for the interests of the district that the same or any part thereof should be renewed by the execution of new bonds, the trustees or a majority of them of such district are hereby empowered to renew such outstanding bonds or any part thereof by the issuing of new bonds for that purpose in the name and under the seal of said district, provided such renewal issue shall be authorized by said district at a meeting specially called to vote thereon, and such bonds shall be in the general form and manner of the bonds heretofore issued, signed by the trustees of said district, or a majority of them, and attested by the clerk of the said district, which bonds shall be made payable at periods of time not exceeding fifteen years from the date of issuing the same, and they shall bear interest at a rate not exceeding six per centum per annum, and be issued in such sums of not less than one hundred dollars nor more than one thousand dollars, as the said trustees may determine, and which bonds shall have coupons attached for current payments of interest, which coupons shall be attested

Trustees authorized to renew outstanding bonds by issuing new bonds.

Rate of interest.

Registry, price and money realized, how applied.

Renewal bonds may be exchanged for outstanding bonds. Bonds issued a lien upon the property of inhabitants of districts.

Proviso.

Amount required to pay principal of bonds maturing and interest. to be assessed and collected.

Outstanding bonds taken up to be canceled, and where deposited.

State treasurer authorized to invest funds in school district bonds.

P. L. 1886, p. 57.

State treasurer authorized to invest school fund in bonds of school district. Rate of interest.

Repealer.

by the clerk of the district and bear its seal, and shall be numbered to correspond with the bond to which they shall be respectively attached; and any bonds so issued shall be numbered and a proper registry thereof be kept by the said clerk; and such bonds may be sold at public or private sale for the best attainable price, but at not less than par, and the money so realized shall be at once applied to the taking up and cancellation of such outstanding bonds; or said renewal bonds may be exchanged on an equal basis of principal and interest for such outstanding bonds; and the said bonds so redeemed shall be forthwith canceled by the said trustees.

396. SEC. 2. That the bonds of the several school districts of this state, so issued to renew bonds heretofore or hereafter legally issued for the purpose of purchasing land and building school-houses, shall be a lien upon the real and personal estates of the inhabitants of the said districts as well as the property of the said districts; and the property of the inhabitants as well as the property of the districts shall be liable for the payment of the same; *provided*, that in all cases copies of all resolutions, papers and proceedings authorizing the issuing of such bonds shall be submitted to the attorney-general for his approval of the legality of the same, who shall receive such compensation for the examination thereof as shall be fixed by the trustees for the support of public schools, which sum shall be paid by the districts issuing such bonds.

397. SEC. 3. That whenever any district shall order and authorize the issue of bonds for the purpose aforesaid, it shall be the duty of the district clerk of such district, each and every year next before any such bond shall mature, to issue the warrant of the district, signed by the trustees and attested by the clerk under the seal of the district, to the assessor or assessors of the township or townships in which such district is situate, directing him or them to assess upon the inhabitants of said school district, and their estates and the taxable property therein, an amount sufficient to pay the bond or bonds of the district then next maturing, together with the interest accruing upon the whole issue of the unpaid bonds of such district, which warrant, so issued as aforesaid, shall be duly executed by him and the moneys be assessed, levied and collected; and the collector shall pay over, on the written order of the district clerk of said district, all moneys so collected by him.

398. SEC. 4. That on the taking up of such outstanding bonds, or on the payment of any bonds of any school district now issued, or hereafter to be issued, the trustees of the district shall forthwith stamp and mark the same as canceled; and when so marked and canceled they shall be deposited in the office of the state superintendent of public instruction.

399. SEC. 5. That the treasurer of this state, under the direction of the trustees for the support of public schools, is authorized to invest the funds for the support of public schools in this state in such renewed bonds of the several school districts of this state, or to exchange therefor other bonds of the same district.

An act to authorize the treasurer of this state to invest the "fund for the support of the public schools" of this state.

Approved March 1, 1886.

400. SEC. 1. That the treasurer of this state, under the direction of the "trustees for the support of public schools," is authorized to invest the fund for the support of public schools of this state in the bonds of the several school districts legally issued for the purpose of building school-houses, at a rate of interest not less than five per centum per annum, payable half-yearly.

401. SEC. 2. That all acts or provisions inconsistent with the provisions of this act be and the same are hereby repealed, and that this act take effect immediately.

An act to authorize cities to increase the limit of the annual expenditure for current expenses for public schools.

Approved April 16, 1886.

P. L. 1886, p. 232.

402. SEC. 1. That it shall be lawful for any city in this state to raise by taxation, and expend for the purposes of current expenses of the department of public instruction for any fiscal year, an amount which, together with the state appropriation for schools, shall equal fifteen dollars per scholar on the average number reported as enrolled in the public schools of such city in the last preceding year; *provided*, that this act shall not be construed so as to decrease the limit of expenditure for the purposes aforesaid in any city where by present law the limit is more than fifteen dollars or where there is no limit.

Amount authorized for current expenses of public schools in cities.

403. SEC. 2. That all acts and parts of acts, general and special, inconsistent with the provisions of this act, be and the same are hereby repealed, and this act shall take effect immediately.

Repealer.

An act concerning state securities and investments of the school fund.

Approved April 24, 1886.

P. L. 1886, p. 277.

404. SEC. 1. That the governor, comptroller and treasurer of the state be and they are hereby authorized and empowered to sell or transfer, to the school fund of the state, the whole or any part of the securities now in the state fund, whenever it may be, in their judgment, or in the judgment of a majority of them, necessary or expedient so to do in order to prevent embarrassment to the state treasury, or to meet the lawful demands thereupon; and the proceeds of any such sale shall be applied to the purpose of paying appropriations made by the legislature, and to defray the other necessary and lawful state expenses.

Securities in the state fund may be sold or transferred to the school fund.

Proceeds of sale, how applied.

405. SEC. 2. That the trustees for the support of public schools of this state are hereby authorized and empowered to invest, in the said securities, any part of the principal or income of the said school fund which they are now authorized by law to invest, the said securities to be rated at such valuation as may be agreed upon by and between the afore-mentioned state officers and the said trustees.

Principal or income of state school fund, how invested.

An act extending the provisions of the general school laws of this state to school districts now subject to special or local laws.

Passed May 4, 1886.

P. L. 1886, p. 338.

WHEREAS, Certain school districts in this state are subject to the provisions of special or local laws applicable to such districts, and it is deemed desirable that such districts should be governed solely by the provisions of the general school law of this state; therefore,

Preamble.

406. SEC. 1. That any such district may be relieved from the provisions and limitations of such special or local laws upon the adoption of the provisions of this act by the legal voters of said district at any meeting of such voters called for the purpose, as hereinafter provided.

Districts relieved from provisions of special or local laws upon adoption of this act.

407. SEC. 2. That whenever the trustees of any such district shall by resolution decide to submit the question of the adoption of this act to the voters of the district, they shall call a meeting for that purpose, giving notice of the time, place and object of said meeting, in the manner provided for the calling of school meetings by the eighty-sixth section of the "Act to establish a system of public instruction" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four, and if at any such meeting a majority of the legal voters present shall vote to adopt the provisions of this act, thereafter said district shall be governed solely by the general school laws of this state applicable thereto, instead of the special act, and the said trustees shall forthwith file a certificate with the county school superintendent, setting forth the determination of such meeting.

Trustees may submit question of adoption to voters of district.

Upon adoption by legal voters, district to be governed by general school laws.

Certificate to be filed.

Upon adoption, district to retain all property, &c.

408. SEC. 3. That in case of the adoption of this act by any district, the said district shall retain all its property, real and personal, and be subject to any lawful obligations it may have incurred, in the same manner and to the same extent as if the provisions of this act had not been adopted.

An act regulating consolidated school districts and the election of the boards of trustees therein.

P. L. 1887, p. 46.

Division of municipality not to create division of consolidated school district.

Designation of consolidated districts.

Board of trustees, how constituted.

Election of trustees, &c.

Proviso.

To what districts act shall not apply.

Approved March 23, 1887.

409. SEC. 1. That in all municipalities where a consolidated school district has been formed from two or more individual districts by reason of the incorporation of such municipality, any subsequent division of such municipality shall not create a division of said consolidated school district.

410. SEC. 2. That for the better government and representation of such consolidated districts, the original individual districts of which such consolidated district is formed shall be known as subdistrict number one, two, three, four and so on of school district No. _____, of _____ county, and that in such consolidated district the elective members of the board of trustees or board of education shall consist of two members elected from each individual district, whose term of office shall be equal in length to the number of original districts from which the consolidated district was formed, but that both of said trustees from said subdistricts shall not be elected in one year.

411. SEC. 3. That before the first annual election, after the passage of this act, the existing board of trustees or board of education of such consolidated district shall meet and so distribute the representation by trustees, that at the coming annual election two trustees shall be elected to represent the subdistricts in which there may have been no trustees heretofore elected, and shall so divide the time for which said trustees or members of the board of education shall be elected that a portion of the board shall be elected each year, but no two from any subdistrict shall be elected in any one year after the first election; that notice of such distribution and the length of time for which said members shall be elected shall be published by the district clerk in his notice of the annual election of school trustees; *provided*, that all trustees or members of the board of education now in office shall remain in office until the time for which they have been elected has expired.

412. SEC. 4. That this act shall take effect immediately, but shall not apply to districts that are governed by the charters of any chartered municipality.

An act giving the right of suffrage to all persons, whether male or female, in any school meeting in any school district of the state.

P. L. 1887, p. 149.

Who entitled to vote at school meetings.

Proviso.

Approved April 8, 1887.

413. SEC. 1. That every citizen of the United States of the age of twenty-one who shall have been a resident of this state for one year, and of the county in which he or she claims a vote for five months next before said meeting, shall have the right to vote at any school meeting in any school district of the state wherein they may reside; *provided*, that no person in the military, naval or marine service of the United States, by being stationed in any garrison, barrack or military or naval force or station within the state, and no pauper, idiot, insane person, or person convicted of a crime, which now excludes him or her from being a witness, unless pardoned or restored by law to the right of suffrage, shall enjoy the right to vote in any school meeting. (a)

(a) This act, although unconstitutional so far as it assumes to confer upon females the right to vote for school trustees, is valid

in other respects. *Chamberlain v. Cranbury*, 28, Vr. 305. See, also, *Kimball v. Hendee*, 28 Vr. 307.

An act to enable cities to purchase lands, erect, furnish and fit up a building or buildings for public school purposes.

Approved April 20, 1887. P. L. 1887, p. 170.

414. SEC. 1. That the common council or other legislative body of any city of this state shall have power to borrow any sum or sums of money, not exceeding in the aggregate the sum of thirty thousand dollars, to be used for the purchase of land and the erection, furnishing and fitting up of a building or buildings for public school purposes in said city; and that the said common council or other legislative body of said city may secure the repayment of the said sum or sums so borrowed, together with interest thereon at a rate not to exceed five per centum per annum; in such manner and upon such terms as to the said common council or other legislative body may seem proper, by the issuing of bonds in the corporate name of said city, to be signed by the mayor or other chief executive officer of said city and countersigned by the city clerk or other person performing the duties of recording officer for the said common council or other legislative body, as the case may be, and sealed with the common seal of said city; *provided*, that in cities having a board of education or other board having control of the public schools than the common council, the purchase of land, erection, furnishing and fitting up of a school-house or school-houses with the money so borrowed shall be made in the same manner as heretofore provided by law for the city borrowing money by virtue of this act.

Cities authorized to borrow money for purchase of land and erection of school buildings.

May issue bonds.

Proviso.

An act to enable cities to borrow money for the purpose of paying for schools already erected or in process of erection, and to issue bonds for the same, and to take up bonds already issued in payment or part payment for the same.

Approved April 21, 1887. P. L. 1887, p. 218.

415. SEC. 1. That it shall and may be lawful for the mayor and common council or board of aldermen or other governing body of any city in this state in which any public school-house is now in process of erection or already erected, to issue coupon bonds for the payment of the total cost of the construction and furnishing of said school-houses, bearing interest at a rate not to exceed five per centum per annum, payable semi-annually; *provided*, the total cost of such school buildings and the furnishing thereof shall not exceed the sum of forty-five thousand dollars.

Cities authorized to issue bonds for payment of school-houses in process of erection, &c.

Proviso.

416. SEC. 2. That said bonds shall be issued under the corporate seal of said city and the signature of its mayor, and shall be payable at such times, not to exceed thirty years from the date of issue, as may be deemed expedient, and shall be issued in such sums as the said council, board of aldermen or other governing body may deem proper.

Bonds, how issued and when payable.

417. SEC. 3. That said bonds shall not be sold for less than par value, and that said council, board of aldermen or other governing body shall give public notice by advertisement in at least two newspapers of the time and place at which sealed proposals will be received for the purchase of said bonds, and that said bonds shall, at the time so fixed, be sold to the highest bidder.

Bonds, how sold.

418. SEC. 4. That the proceeds realized from the sale of said bonds shall be used for the payment of the construction and furnishing of such public school buildings and no other purpose, and that said council, board of aldermen or other governing body shall have power by ordinance to provide for the payment and redemption of such bonds and interest as the same shall become due, and shall also have power to issue said bonds to holders of other bonds, issued prior to the passage of this act, in payment or part payment of the construction of such school-houses; *provided*, nothing in this act contained shall enable any such council, board of aldermen or other governing body of such city to issue bonds for such purpose in excess of said sum of forty-five thousand dollars.

Proceeds of sale of bonds, how applied.

Proviso.

An act to authorize and require the legal voters of the several school districts in this state to vote by ballot at their annual and special school meetings.

P. L. 1889, p. 132.

Approved April 1, 1889.

Legal voters to elect school trustees by ballot.

419. SEC. 1. That the legal voters of the several school districts in this state are, in each and every of the said school districts, hereby authorized and required to elect by ballot, and not otherwise, at their annual school meetings, their school trustees, until otherwise required by law. (a)

To raise money for school purposes by ballot.

420. SEC. 2. That at each and every annual or special school meeting held in any school district in this state, the legal voters thereof shall vote by ballot, and not otherwise, to raise money for any school purposes whatever.

Repealer.

421. SEC. 3. That all acts and parts of acts inconsistent with this act be repealed, and that this act shall take effect immediately.

An act to provide for the building of school-houses in cities of the second class in this state where land has been dedicated for that purpose.

P. L. 1890, p. 83.

Approved March 18, 1890.

Cities of the second class authorized to erect school buildings on donated lands.

422. SEC. 1. That whenever in any city of the second class in this state land has been donated or dedicated by the owner of the fee thereof to such city for the purpose of erecting thereon public school buildings, the common council, board of aldermen or other body having the control of the building of such schools shall have power to erect upon the lands so dedicated a building for school purposes not to exceed in cost the sum of one hundred thousand dollars.

Authorized to issue bonds.

423. SEC. 2. That for the purpose of defraying the cost and expense of the erection of said school buildings, it shall be lawful for the common council, board of aldermen or other governing body of such city having control of the finances of said city to cause to be issued, under the hand of the mayor and the seal of the common council of said city, coupon or registered bonds to an amount not exceeding one hundred thousand dollars, payable in not less than twenty years from the date of issue thereof, bearing interest at a rate not to exceed four per centum per annum, pledging the faith and credit of said city for the payment thereof, with interest, which bonds shall be sold by said city to the highest bidder, after published proposals to that effect in one or more newspapers printed and published in said city.

Amount and interest, when payable.

424. SEC. 3. That the proceeds realized from the sale of said bonds shall be used for the payment of the construction and furnishing of such public school building, and for no other purpose, and that the said common council, board of aldermen or other governing body of such city shall provide by ordinance for the payment and redemption of such bonds and interest by causing to be inserted in the tax levy of each year such per centum on the gross value of real estate in said city as they may deem expedient for the assessor of said city to assess, to be applied to a sinking fund, which shall be created for the purpose of meeting and retiring the said bonds as they shall fall due.

Payment of bonds, how provided for.

Repealer.

425. SEC. 4. That all acts and parts of acts inconsistent herewith be and the same are hereby repealed, and that this act shall go into effect immediately.

An act concerning the disbursement of school money for payment of teachers' salaries.

P. L. 1890, p. 215.

Approved April 7, 1890.

Out of what moneys teachers' salaries in third and fourth-class counties may be paid.

426. SEC. 1. That hereafter it shall be lawful for the collector of any town or township, school district or districts in counties of the third and fourth class, with the advice and consent of the county collector, to disburse and pay out for the salaries of teachers in the public schools any

(a) This act is not repealed by P. L. 1894, p. 506.

money received and collected by him for state school tax, pending settlement by him with the county collector of and for the amount due from the town or township to the county collector, and the amount due and coming through the hands of the county collector to the school district or districts as the apportionment of state school money, other than the state appropriation; *provided*, that the amount of such disbursement shall not exceed seventy-five per centum of the amount of said apportionment of state school money; and all such payments so made, on presentation of warrants legally and regularly issued by the board of school trustees, shall be considered and credited as partial payments of the state school tax from the town or township to the county collector, and the warrants so paid shall be placed in his hands and retained by said county collector until final settlement be made by him with said township collector for the state school tax and state school apportionment for that current year, when the said warrants shall be returned, as part payment to the amount of their face value, of the apportionment of state school money due the town, township or school district or districts.

Proviso.

427. SEC. 2. That all acts or parts of acts inconsistent with this act be and the same are hereby repealed, and that this act shall take effect immediately.

Repealer.

An act providing for the purchase and display of United States flags in connection with the public school buildings of the state.

Approved May 5, 1890. P. L. 1890, p. 282.

428. SEC. 1. [Amended by Sec. 431, *post.*]

429. SEC. 2. That it shall be lawful for said board of education or board of trustees to pay for said flag, flag-staff and the erection and maintenance of the same, out of any public school moneys subject to their order, not otherwise appropriated.

Flags may be paid for out of school moneys.

430. SEC. 3. That it shall be lawful, where no surplus school money is available, for the legal voters of the several cities, towns, townships, boroughs, villages and school districts of this state, at any annual school meeting, to vote a special school tax to defray the expense incurred by the purchasing of said flag, flag-staff, appliances and erection; *provided*, that notice of such special school tax and the amount proposed to be assessed shall be included in the public school notice calling the annual meeting; *and provided*, that the amount voted for the above-mentioned purposes to be assessed, shall not exceed fifty dollars, which sum shall be assessed and collected in the same manner as moneys for public school purposes are now raised by law.

Tax may be imposed to raise money to pay for flags.

Amendatory act.

Approved April 4, 1894. P. L. 1894, p. 40.

431. SEC. 1. That the first section of an act entitled "An act providing for the purchase and display of United States flags in connection with the public school buildings of the state," approved May fifth, one thousand eight hundred and ninety, be amended so as to read as follows:

[That the board of education or the board of school trustees in the several cities, towns, townships, boroughs, villages and school districts of this state shall purchase a United States flag, flag-staff and necessary appliances therefor, and shall display said flag upon or near the public school building during school hours, and at such other times as to the said boards may seem proper; and that the necessary funds to defray the expenses to be incurred herein shall be assessed and collected in the same manner as moneys for public school purposes are now raised by law.]

Boards of education or school trustees shall purchase flag and display it.

432. SEC. 2. That this act shall take effect immediately, and that all acts or parts of acts inconsistent with the same are hereby repealed.

Repealer.

**An act in relation to expenditures for public school purposes
in cities in this state.**

P. L. 1890, p. 284.

Approved May 5, 1890.

Board of education in any city may incur expenditures for current expenses beyond limit fixed by law.
Proviso.

433. SEC. 1. That in any city in this state where the board of education is authorized by law to determine the amount required for the current expenses of such board, without the concurrence of any other board, it shall be lawful for such board of education to incur expenditures for such purposes in excess of and beyond any limit now fixed by law; *provided*, that such expenditures shall not exceed, in any one year, the average of fifteen dollars per capita on the average enrollment of pupils in the public schools in such city during the next preceding year; *provided*, that this act shall not be construed so as to decrease the limit of expenditure for the purposes aforesaid in any city where by present law the limit is more than fifteen dollars or where there is no limit.

Proviso.

May also incur expenditures for erection of buildings, &c.

434. SEC. 2. That it shall be lawful for the board of education of any city, with the concurrence of the board of aldermen or other body having charge of the finances of such city, to appropriate and expend such sum and sums of money as in the judgment of such boards shall be needed from time to time for the current expenses of the public schools of such city, or for improving or increasing the school accommodations of such city, by the erection or alteration of school-houses or otherwise, in excess of and notwithstanding any limitation upon any such expenditure in this or any other law of this state, general, special or local, contained.

An act to authorize the purchase of lands and the erection of school-houses thereon, in cities of the second class.

P. L. 1890, p. 411.

Approved June 3, 1890.

Cities of second class may purchase lands and erect school-houses.

435. SEC. 1. That it shall and may be lawful for any city of the second class in this state, from time to time, to purchase lands for school purposes and to erect school-houses thereon, and to raise the money required for such purposes on the credit of such city by the sale of its bonds; *provided*, that the total amount of outstanding and unpaid bonds issued by any such city for school purposes, under any general, public, special or local law or laws whatever, shall not at any one time exceed the sum of fifteen dollars for each child between five and eighteen years of age, within such city as shown by the last school census of such city.

Bonds may be issued.

436. SEC. 2. That said bonds shall bear interest at a rate not exceeding five per centum per annum, shall not be sold below their par value, and shall be made payable in not more than twenty years.

Authority to be given by ordinance.

437. SEC. 3. That before any moneys shall be raised under the provisions of this act, authority therefor shall be given by an ordinance of the common council, board of aldermen or other governing body of the city desiring to raise moneys for the purposes aforesaid, which shall distinctly specify and provide the ways and means of paying the principal of said bonds and the interest thereon, and also the time within which said principal shall be paid, and when the interest thereon shall be paid.

**An act to enable boards of education of cities of the second class to
appoint city superintendents of schools.**

P. L. 1890, p. 456.

Approved June 13, 1890.

[This act is amended by the next succeeding act, Secs. 438 to 440, *post.*]

An act to amend an act entitled "An act to enable boards of education of cities of the second class to appoint city superintendents of schools," approved June thirteenth, one thousand eight hundred and ninety.

Approved February 25, 1891. P. L. 1891, p. 63.

438. SEC. 1. That any board of education of cities of the second class in this state shall have power to appoint a person of suitable attainments to be city superintendent of schools, define his duties and fix his term of office, not to exceed three years, and his compensation, which shall not be changed during his term of office.

Board of education in second-class cities may appoint city superintendent of schools.

439. SEC. 2. That the city superintendent of schools shall hold office for the said term and until his successor is appointed, subject to removal by the board of education on complaint for cause stated.

Term of office of city superintendent.

440. SEC. 3. That all acts or parts of acts, general or special, inconsistent herewith be and the same is hereby repealed.

Repealer.

An act to provide for the establishment of libraries of professional books in the several counties of this state for the use of teachers of the public schools therein.

Approved March 9, 1891. P. L. 1891, p. 114.

441. SEC. 1. That whenever in any county in this state there shall have been raised by subscription a sum of money not less than one hundred dollars for the establishment of a library of pedagogical books for the use of the teachers of public schools in such county, the treasurer of the school fund, upon the order of the state superintendent of public instruction, is hereby authorized and directed to pay the sum of one hundred dollars out of the income of the school fund, to the county superintendent of said county; and the further sum of fifty dollars annually thereafter, upon a like order, upon conditions that there shall have been raised by subscription a like sum for such year for the purpose aforesaid.

State aid to county teachers' library of pedagogical books.

442. SEC. 2. That the county superintendent, and three teachers of public schools in such county appointed by him, shall constitute a committee for the selection of said books and the necessary apparatus, and the making of rules and regulations for the management, use and safe keeping of such libraries.

Committee to select books and make rules and regulations.

An act to enable cities of the second class in this state to reconstruct old school-houses and purchase additional land and construct new school-houses thereon.

Approved April 14, 1891. P. L. 1891, p. 375.

443. SEC. 1. That hereafter it shall be lawful for the common council, board of aldermen or other governing body of any city of the second class in this state in which a public school-house shall be in a dilapidated, unsanitary, unsafe or unsatisfactory condition for school purposes, to purchase additional ground, either adjoining such school-house or elsewhere as may seem best for school purposes, and reconstruct such school-house on a larger scale and with better and more modern appointments, at an expense not to exceed one hundred thousand dollars. [See Sec. 488, *post.*]

Second-class cities may reconstruct school-houses.

444. SEC. 2. That for the purpose aforesaid it shall be lawful for said common council, board of aldermen or other governing body to issue bonds of such city for the payment of such expenditure, not to exceed the said sum of one hundred thousand dollars, payable in not less than twenty years, at a rate not to exceed five per centum, pledging the faith and credit of such city for the payment thereof, which bonds shall be sold to the highest bidder, after having first advertised the same for sale in two newspapers of the county for at least two weeks.

May issue bonds therefor.

445. SEC. 3. That all acts and parts of acts and charter provisions inconsistent herewith be and they are hereby repealed, and that this act shall take effect immediately.

Repealer.

An act to provide for the establishment of a commission of public instruction in cities of the second class in this state, whose population now exceeds or may hereafter exceed fifty thousand.

P. L. 1892, p. 82.
Constitution of
board of educa-
tion in second-
class cities
exceeding 50,000
inhabitants.

Passed March 10, 1892.

446. SEC. 1. That there shall be established in every city of the second class in this state, whose population now exceeds or may hereafter exceed fifty thousand, a board of education which shall be composed of and managed and controlled by eight commissioners to be known as commissioners of public instruction, and not more than one-half of the said commissioners shall be of the same political party; the said commissioners shall be appointed by the mayor of such cities for the term of two years; not more than one commissioner shall be appointed from the same ward, except in such cities where there are less than eight wards; the first appointment of commissioners shall be four for one year, and the remainder of the board for two years, so that they shall be divided into classes, one class going out each year; and thereafter there shall be appointed every year an equal number to fill the places of those whose terms expire in that year, and in case of a vacancy in any such office the appointment to fill the same shall be for the unexpired term only and shall be made by the mayor; and the mayor of such cities shall be a member ex officio of said board and shall be entitled to vote therein in case of a tie; the said commissioners appointed under this act shall perform their duties without pay. (a)

Powers and
duties of board.

447. SEC. 2. That the commissioners of public instruction appointed under this act shall be and they are hereby invested with and shall possess and exercise all the same powers which by law are now vested in and exercised by the department of public instruction, boards of education, school trustees, commissioners of public instruction, or other such body, by whatever name called, having the management and control of the public schools in any such cities of the second class in this state, and the said commissioners shall perform the same duties now required of or imposed by law upon any such departments, boards, trustees or commissioners in any such cities; they shall also adopt such rules and regulations as to the appointment, control, duties, dismissals and salaries of their officers, teachers or other employes as to them shall seem expedient, and may alter the same at pleasure, except where the term of office or salaries of such officers or employes is now fixed by law; no such officer or employe shall be a member of such commission; and the salaries of the officers, teachers and other employes of such board and all other moneys necessary for the use of said board shall be obtained and paid in the same manner as is now provided by law in any such cities; *provided*, that none of the powers and privileges conferred in this act shall be so exercised as to nullify or conflict with the rules and regulations of the state board of education.

Rules and regula-
tions.

How salaries are
to be obtained.

Proviso.

Oath of members
of board.

Time of organiza-
tion of board.

Former boards,
&c., abolished.

448. SEC. 3. That the said commissioners of public instruction, appointed under this act, shall take or subscribe an oath or affirmation before the police justice of such cities or any other officer qualified to administer oaths, faithfully and impartially to perform the duties of such office, and on the third Monday in April next after this act takes effect, at ten o'clock in the forenoon, and annually thereafter, shall proceed to organize said board by the election of one of the said commissioners as president for the term of one year.

449. SEC. 4. That the said commissioners of public instruction hereby established in such cities of the second class, shall be instead, and shall take the place of, and be in lieu of, any and all other boards of education, departments of public instruction, commissioners of public instruction, school trustees or by whatever name such offices, officers, departments or boards may be called in such cities, and the offices and terms of office of any and all other commissioners of public instruction, school trustees, or boards of education, or departments of public instruction, except those appointed and recognized by this act, shall be and they are hereby abol-

ished, terminated and ended at ten o'clock in the forenoon on the third Monday in April next after this act takes effect.

450. SEC. 5. That the board of aldermen, common council or other governing body by whatever name called in such cities, where the said commissioners of public instruction are appointed under this act, shall provide suitable rooms for the transaction of the business of the said board of education and shall procure suitable furniture therefor.

Governing bodies to provide rooms and furniture.

451. SEC. 6. That the corporate name of such commission shall be known as "the commissioners of public instruction of the city of (here insert the name of the city)."

Corporate name of board.

452. SEC. 7. That all acts or parts of acts, general, special or local, and all charters or parts of charters of any city inconsistent with this act be and the same are hereby repealed, and this act shall be deemed a public act and shall take effect immediately.

Repealer.

An act concerning the repair of school-houses in cities of this state.

Approved April 8, 1892.

P. L. 1892, p. 489.

453. SEC. 1. That at any time within one year from the date of the approval of this act it shall be lawful for the board having charge and control of the finances of such city, with the consent of the mayor thereof, to appropriate such sum of money as to said board shall seem necessary for the repair of the public school buildings of such city, which appropriations shall be expended by the board in such city now charged with the repair of school buildings.

Money may be appropriated for repair of school building in any city.

454. SEC. 2. That said financial board may with the approval of the mayor borrow the amount of such appropriations on temporary loan bonds at interest not exceeding five per centum per annum; *provided*, that the payment of said bonds shall be provided for and paid out of the tax levy next thereafter to be made in such city.

Financial board may borrow money therefor.

An act to enable cities to purchase lands, erect, furnish and fit up a building or buildings for public school purposes.

Approved March 14, 1893.

P. L. 1893, p. 261.

455. SEC. 1. That the common council or other legislative body of any city of the second class of this state shall have power to borrow any sum or sums of money, not exceeding in the aggregate the sum of fifty thousand dollars, to be used for the purchase of lands and the erecting, furnishing and fitting up of a building or buildings for public school purposes in said city; and that the said common council or other legislative body of said city may secure the repayment of the said sum or sums so borrowed, together with interest thereon at a rate not to exceed five per centum per annum, in such manner and upon such terms as to the said common council or other legislative body may seem proper, by the issuing of bonds in the corporate name of said city, to be signed by the mayor or other chief executive officer of said city and countersigned by the city clerk or other person performing the duties of recording officer for the said common council or other legislative body, as the case may be, and sealed with the common seal of said city; *provided*, that in cities having a board of education or other board having control of the public schools than the common council, the purchase of land, erecting, furnishing and fitting up of a school-house or school-houses with the money so borrowed shall be made in the same manner as heretofore provided by law for the city borrowing money by virtue of this act.

In cities of second class, common council authorized to borrow money and issue bonds for purchase of lands and erecting school-houses, &c.

Proviso.

An act to encourage and promote patriotism.

Approved April 3, 1894.

P. L. 1894, p. 33.

456. SEC. 1. That in all public schools of the state of New Jersey the last Friday preceding the following holidays, viz.: Washington's birthday, decoration or memorial day, fourth of July and thanksgiving day shall be devoted to the development and promotion of a higher spirit of patriotism by the observing of proper and appropriate exercises.

Public schools shall observe certain holidays.

Patriotic exercises to be had.

457. SEC. 2. That such exercises shall consist of reading the declaration of independence, singing national and other patriotic songs, of select readings, declamations, essays, addresses and such other exercises of a public, non-sectarian and national character as the principal or teacher of the school may determine, or the school trustees, commissioners or city superintendent may direct.

School officers to enforce provisions of act.

458. SEC. 3. That the school commissioners of the several counties, the city superintendents, the school trustees and boards of education of all the cities, towns and townships in the state of New Jersey are hereby charged with the duty of enforcing the provisions of this act, and are authorized and directed to cancel and revoke the certificate of license of any principal or teacher who refuses or neglects to provide for and conduct exercises as prescribed in the above section.

An act to provide that school trustees and boards of education in every school district of this state shall furnish free text-books and all necessary supplies to all scholars attending the public schools.

P. L. 1894, p. 289.

Approved May 14, 1894.

Trustees shall supply text-books, &c.

459. SEC. 1. That school trustees and boards of education shall purchase text-books and other necessary school supplies for use in the public schools of their respective school districts, as such new text-books and supplies are required in addition to those at present in use in the hands of pupils or owned by the school districts, out of a free text-book fund of the district, to be raised by special school tax, which shall be assessed and collected in the same manner as moneys for public school purposes are now raised by law, and when so procured the necessary books and school supplies shall be furnished free of cost for use in the schools of said districts, subject to the order of the school trustees and boards of education thereof, whose duty it shall be to provide for the return of and safe keeping and care of the books, which shall be returned at the close of the annual school term in each year, or as the board may direct.

Fund for same shall be raised by special tax.

Provision shall be made for return of books.

460. SEC. 2. That the board shall keep an account of all moneys expended under the above section, and report it under separate items in the annual financial accounts as authorized by law.

Trustees shall annually report amounts expended.

School officials shall not act as agents for sale of text-books, &c.

461. SEC. 3. That it shall not be lawful for the county superintendents, school trustees or boards of education, or any other person officially connected with the common-school system, to become agents for the sale, or in any way unlawfully promote the sale, of any school-books, maps, charts, school apparatus or stationery, or to receive unlawful 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 removal from office.

Penalty.

Director or president of school board shall not be interested in furnishing books, &c.

462. SEC. 4. That it shall not be lawful for any director or president of any school board in this state to be interested in the furnishing of books or any other supplies for said schools.

An act in relation to the manner of paying teachers in the public schools of certain cities in this state, and giving the commissioners of public instruction, or other body having the charge or control of public schools, power in relation thereto.

P. L. 1894, p. 368.

Approved May 16, 1894.

School commissioners in second-class cities may provide manner of paying teachers.

463. SEC. 1. That it shall be lawful for the commissioners of public instruction, or other body having the control of public schools in any city of the second class of this state, to provide by resolution for the manner in which payments shall be made to teachers of the public schools in such cities, and receipts taken therefor; and all payments made and receipts taken therefor by the city treasurer, in the manner prescribed by such resolution or resolutions, shall release and discharge the treasurer of any such city from all further liability and responsibility on account thereof, and shall be deemed and taken to be in all respects regular and lawful.

Repealer.

464. SEC. 2. That all acts and parts of acts inconsistent with this act be and the same are hereby repealed, and that this act shall take effect immediately.

An act in relation to the payment of moneys by certain townships in this state appropriated for the support of public schools.

Approved May 17, 1894.

P. L. 1894, p. 423.

465. SEC. 1. That the board of education, or other body having control of the public schools in townships of this state having a population, by the census of the United States taken in the year one thousand eight hundred and ninety, of ten thousand or more, or which may have such population by any census to be hereafter taken, shall have the expenditure of all moneys levied and raised, or appropriated or received from the state or any other source by any such townships for the support and maintenance of the public schools, or for the erection of public school buildings, and it shall be the duty of the township committee from time to time, upon the request of such board of education, to set apart moneys so received by them or lawfully levied by taxation, and hold the same subject to the order or warrant of such board of education or its duly-authorized officers appointed for that purpose.

Board of education in townships having population exceeding 10,000 to control school expenditures.

466. SEC. 2. That it shall be the duty of the township committee to keep a separate account of all school moneys with such board of education, and credit such board in each year with the whole amount from time to time during the year as aforesaid of the money levied and ordered to be raised in each year by taxation for public schools; such moneys to be, by such township committee, as in the first section hereof is provided, appropriated to and used by said board of education for school purposes, or for the objects for which the same may be specially raised or appropriated, and the treasurer or receiver of taxes or other financial officer of the town shall receive, and shall hold such school moneys when received, from whatever source the same shall arise, in a separate account to the credit of such board of education, and such funds shall not be used by the said township committee or by said disbursing officer for any other purpose or in any other manner than to meet the drafts or warrants of such board of education when presented.

Township committee shall keep separate account with such board.

Treasurer shall hold such moneys in separate fund.

An act relative to the construction, repair and management of buildings used in connection with the school department in cities of the first class.

Approved May 17, 1894.

P. L. 1894, p. 435.

467. SEC. 1. That the board of education, or other board having charge of the public school department in cities of the first class in this state, shall have the entire control and management of all the buildings owned or leased by such city and used in connection with the school department thereof; that such board shall keep and maintain all the buildings of said department in good order and repair, and make such alterations and additions thereto as may be necessary from time to time; that said board of education shall also be charged with the duty of furnishing and refurnishing said school buildings.

Board of education in first-class cities to have control of school-buildings.

468. SEC. 2. That all unexpended appropriations heretofore made to any other board or department in said city for the alteration, addition, furnishing or repair, or any of them, of such school buildings, shall forthwith be transferred upon the books of the city to the credit of said board of education.

Unexpended appropriations shall be transferred to board.

469. SEC. 3. That nothing in this act contained shall affect existing contracts made by such city for the repair of buildings for school purposes, and that the expenditures by said board of education for any purpose herein authorized shall comply with the provisions of law now or hereafter in force fixing and limiting appropriations and their disposition.

Existing contracts shall not be affected.

470. SEC. 4. That all laws now in force in such city relative to the alteration, addition, furnishing and repair of public school buildings therein shall apply to and bind said board of education.

All laws in force shall be binding on board.

471. SEC. 5. That all acts and parts of acts, general or special, inconsistent with the provisions of this act, are hereby repealed, and this act shall take effect immediately.

Repealer.

An act concerning the power of boards of education to borrow money, issue bonds or incur indebtedness for the purchase of lands or the erection of school buildings.

P. L. 1894, p. 484.

Passed May 23, 1894.

Repealer.

472. SEC. 1. [Amended by Sec. 474, *post.*]

473. SEC. 2. That all acts and parts of acts, general or special, so far as they are inconsistent with this act, be and the same are hereby repealed, and that this act shall take effect immediately.

Amendatory act.

P. L. 1895, p. 686.

Approved March 25, 1895.

474. SEC. 1. That section one of an act entitled "An act concerning the power of boards of education to borrow money, issue bonds, or incur indebtedness for the purchase of land for the erection of school buildings," passed May twenty-third, one thousand eight hundred and ninety-four, be and the same is hereby amended so as to read as follows :

When approval of governing body of city necessary before board of education may borrow money to purchase lands or erect school buildings.

[That it shall not be lawful for any board of education in any city of this state to borrow money, issue bonds or incur indebtedness in excess of five thousand dollars for the purpose of purchasing lands or erecting any school building, without the concurrence and approval first obtained of the common council, board of aldermen or other governing body of said city ; *provided, however,* that the provisions of this act shall not apply to any school district wherein moneys for school purposes are raised at an annual or special meeting of the voters thereof ; *and provided further,* that this act shall not apply to or affect any board of education the boundary lines of whose school district extend beyond the boundary line of the town or city in which the school-houses are located into any adjoining township outside of the limits of such town or city.]

An act concerning cities of the first class in this state, and providing for the purchase of lands and the construction and repair of buildings for high school purposes in such cities.

P. L. 1895, p. 61.

Approved February 11, 1895.

When first-class cities may raise money to purchase lands and erect building for high school purposes.

475. SEC. 1. That whenever the board of education or other body having charge of the public schools in any city of the first class in this state shall, by resolution, determine that the property or buildings devoted to high school purposes in such city are improperly located, or said buildings are unsanitary, inadequate or otherwise unsuitable for high school purposes in such city, by certificate signed by the secretary or clerk of said board or body, it shall be lawful for the common council or other governing body of such city or board having charge of the finances of such city, by resolution, to appropriate such sum of money not exceeding three hundred thousand dollars as they, in their discretion, shall determine, for the purchase of lands and the erection of buildings and the furnishing of the same, or for the repair and improvement of buildings, and for the furnishing of the same, used or to be used for high school purposes.

Governing body of such city may borrow money and issue bonds.

476. SEC. 2. That such city, by or through its common council or other governing body or board having charge of the finances of such city may, from time to time or at once, as may be deemed most advantageous for the credit of such city, borrow the money so appropriated by the common council or other governing body of such city, pursuant to the provisions of this act, and may issue bonds of such city to the amount so appropriated and may negotiate and sell the same at any sum not less than par, and the money so raised by the sale of such bonds shall, upon the books of the said city, be carried to the credit of the board of education or other governing body having charge of the public schools of such city, to be used by such board or body for the purposes provided for in this act and for no other purpose whatsoever ; said bonds so to be issued shall be made payable in not less than twenty nor more than thirty years, shall bear interest at a rate not greater than four per centum per annum, payable semi-annually,

and may be registered or coupon bonds, or may be registered and coupon bonds combined, at the option of the city; and there shall be raised by tax in each year, the interest on the whole amount of the bonds so issued, together with three per centum for the purposes of a sinking fund, to be paid to the commissioners of the sinking fund of said cities, for the purpose of meeting the said bonds as they may become due.

477. SEC. 3. That when, pursuant to the provisions of this act, the common council, or other governing body of any such city or board having charge of the finances of such city, shall have appropriated for the purposes of this act any sum or sums of money, it shall be the duty of the board of education or other body having control of the schools of such city, to at once proceed to purchase lands and erect buildings suitable and adequate for high school purposes in said city, or to reconstruct, repair, improve and furnish such buildings; *provided, however,* that no lands shall be purchased for the purpose of erecting thereon a high school, except with the concurrence and approval of the common council, or other governing body of such city or board having charge of the finances of such city, which concurrence shall be expressed by resolution of the said common council, or other governing body or board having charge of the finances of such city, and the title to all lands so purchased shall be in the mayor and common council of such city.

When lands may be purchased and buildings erected.

Proviso.

478. SEC. 4. That all moneys raised by the sale of bonds, or otherwise, pursuant to the terms of this act, and carried to the account of the board of education, or other board having charge of the public schools in any city of the first class in this state, shall be carried in an account to be designated "high school construction account," and all warrants drawn by the board of education, or other body having control of the public schools in any such city upon this account, shall have stamped or printed thereon conspicuously the words "high school construction account," and such warrants in other respects shall conform to the warrants now required by law for the drawing of moneys from the city treasury for the construction of other school buildings in such cities.

How funds shall be kept and disbursed.

An act in relation to the manner of paying teachers in the public schools of certain cities in this state, and giving the common council or other governing body power in relation thereto.

Approved February 14, 1895.

P. L. 1895, p. 74.

479. SEC. 1. That it shall be lawful for the common council or other governing body in any city of the first class of this state to provide by ordinance for the manner in which payments shall be made to teachers of the public schools in such cities, and for the form and manner in which warrants upon the public treasury of any such city shall be drawn and signed for this purpose; and all payments and disbursements made, and all warrants drawn in accordance with the terms of an ordinance duly passed for that purpose, in any such city, shall be deemed and taken to be in all respects regular and lawful.

Governing body of first-class cities may provide for manner of paying teachers.

480. SEC. 2. That all acts and parts of acts inconsistent with this act be and the same are hereby repealed, and that this act shall take effect immediately.

Repealer.

An act to enable cities to lease lands for school purposes and to raise money to build school-houses thereon.

Approved February 19, 1895.

P. L. 1895, p. 91.

481. SEC. 1. That it shall be lawful for the city council or other legislative body of any city in this state to lease lands for a term not less than ninety-nine years, for the erection of school-houses thereon, and to raise money for such purpose by a loan on the credit of the city to an amount not exceeding forty thousand dollars.

Governing body of city may lease and erect buildings thereon.

An act relative to the construction of school buildings in cities of the first class in this state.

P. L. 1895, p. 808.

Approved March 14, 1895.

Board of finance in first-class cities may issue bonds.

482. SEC. 1. That it shall and may be lawful for the board having charge and control of the finances in any city of the first class of this state, upon the request of the board thereof charged with the erection and construction of school buildings therein, to issue bonds of such city in an amount not exceeding two hundred and fifty thousand dollars; said bonds to run for not exceeding six years, and to be sold for not less than par and accrued interest; said bonds shall bear interest at a rate not exceeding five per centum per annum, payable semi-annually.

Proceeds to be at disposal of board charged with erection of school buildings.

483. SEC. 2. That the proceeds derived from the sale of such bonds shall be placed by such financial board at the disposal of the board charged with the erection and construction of school buildings in any such city for the purpose of purchasing lands and erecting thereon school buildings in such city at such times as said last-mentioned board may determine.

Moneys now appropriated for same purpose shall be set aside for a sinking fund.

484. SEC. 3. That all of the moneys now devoted [by] law in any such city for the construction and furnishing of buildings for [the] public school department thereof shall be set aside annually and appropriated for the payment of the interest upon such bonds as the same fall due, and to the extinguishment thereof upon maturity, or at any time during their term.

Money so raised may be used for reconstruction and alteration.

485. SEC. 4. That so much of the moneys to be raised hereinbefore mentioned as may be required may be used, in the discretion of the board having charge and control of the erection of school buildings in such city, for the reconstruction and alteration of any buildings used for school purposes in such city, whenever the board of education in such city shall certify to said board having charge and control of the construction of schools therein when said school buildings should be reconstructed, and not otherwise.

To what cities this act shall not apply.

486. SEC. 5. That this act shall not apply to any city where no portion of the money derived from licenses for the sale of liquor is appropriated by law for school purposes.

Repealer.

487. SEC. 6. That all acts and parts of acts inconsistent with the provisions of this act be and the same are hereby repealed, and that this act shall take effect immediately.

An act to enable cities of the second class in this state to reconstruct old school-houses or to purchase additional land and construct new school-houses thereon to take the place thereof, and to issue bonds of such city for the payment of such expenditures.

P. L. 1895, p. 336.

Approved March 19, 1895.

Cities of second class may borrow money to purchase lands and reconstruct or build new school-houses.

488. SEC. 1. That hereafter in any city of the second class in this state where any public school-house shall be in a dilapidated, unsanitary, unsafe or unsatisfactory condition for school purposes, it shall be lawful for the common council, board of aldermen, or other governing body of every such city to borrow money to an amount not exceeding the sum of one hundred thousand dollars for the purchase of additional or other ground as may seem best for school purposes and thereon to reconstruct such school-house, or to build another to use in place thereof, on a larger scale, and with better and more modern appointments. [See Sec. 443, *ante*.]

Bonds may be issued therefor.

489. SEC. 2. That the said common council, board of aldermen, or other governing body to secure the payment of the said sum or sums so borrowed may issue bonds of such city not to exceed the said sum of one hundred thousand dollars, payable in not more than twenty years at a rate not to exceed five per centum, pledging the faith and credit of such city for the payment thereof, which bonds shall be sold to the highest bidder at not less than par value, after first having advertised the same for sale in two newspapers of the county for at least two weeks; *provided*, that the purchase of land for all such purposes and the erecting and furnishing and

Proviso.

reconstruction of any school-house with the money so borrowed shall be done solely and entirely by the board of education in every such city, and the money so borrowed shall be placed to the credit of said board of education for the purposes aforesaid.

490. SEC. 3. That all acts and parts of acts inconsistent herewith be and the same are hereby repealed. Repealer.

An act to enable cities of the third class to purchase lands and erect school buildings thereon.

Approved March 22, 1895. P. L. 1895, p. 559.

491. SEC. 1. That hereafter in any incorporated town or city of the third class of this state when any public school-house shall be in a dilapidated, unsanitary, unsafe or unsatisfactory condition for school purposes, or when the increase in population demands more school accommodations, it shall be lawful for the common council, board of aldermen or other body having control of the finances of such city, to borrow money to an amount not exceeding the sum of fifty thousand dollars, for the purpose of purchasing lands and erecting school-houses thereon.

Towns and cities of third class may borrow and build new school-houses.

492. SEC. 2. That the said common council, board of aldermen or other body having the control of the finances of such city, to secure the payment of the sum or sums so borrowed, may issue bonds in the corporate name of such city, to be denominated "school bonds of the city of ———," not to exceed in the aggregate the sum of fifty thousand dollars, payable in not more than twenty years, bearing interest not to exceed the rate of five per centum per annum, pledging the faith and credit of such city for the payment thereof, which bonds shall be sold to the highest bidder at not less than par value; *provided, however,* that the purchase of lands for such purposes and the erection of school-houses thereon with the moneys so borrowed shall be under the direction and control of the board of education of such city.

Bonds may be issued therefor.

493. SEC. 3. That if the charter of any such city of the third class in this state shall limit the amount of indebtedness that may be incurred, or by its terms prevent the carrying out of the provisions of this act, the same shall not hereafter be held to apply to the raising of money under the provisions of this act, any other law to the contrary notwithstanding.

Charter limitations shall not apply to this act.

494. SEC. 4. That all acts and parts of acts inconsistent with the provisions of this act be and the same are hereby repealed, and that this act shall take effect immediately.

Repealer.

An act to authorize cities to issue bonds for the construction of public schools.

Approved March 22, 1895. P. L. 1895, p. 581.

495. SEC. 1. That the board of aldermen, common council or board having charge of the finances or other legislative body of any city in this state may issue bonds to the amount of fifty thousand dollars each year for the purpose of purchasing lands and the erection thereon of public school buildings and the furnishing of the same; said bonds shall be payable in not less than ten years and within twenty years from the date of their issue, and shall bear and pay interest at not more than five per centum per annum; shall be signed by the mayor, countersigned by the comptroller and attested by the city clerk and have the corporate seal affixed, and shall be sold for not less than par.

Governing body of city may issue bonds for purchase of lands and building school-houses.

496. SEC. 2. That the buildings to be erected pursuant to this act shall be erected and furnished by the body in any such city having charge of and control of the public schools, and the money arising from the sale of said bonds shall be placed to the credit of said last-named body, to be expended for the purposes aforesaid.

Buildings shall be erected and furnished by the school board.

An act relating to school commissioners and members of boards of education in cities of this state.

P. L. 1895, p. 814.

Member of school board in any city not to act after expiration of term for which he was elected.

Passed June 13, 1895.

497. SEC. 1. That no school commissioner or member of any board of education of any city of this state, shall hold office or perform the duties of school commissioner or member of any board of education in any city in this state after the expiration of the term for which he was, has been or shall hereafter be elected, notwithstanding that his successor or their successors in office may not have been elected, or, if elected, may not have qualified.

Repealer.

498. SEC. 2. That all acts and parts of acts inconsistent with the provisions of this act be and the same are hereby repealed, and that this act shall take effect immediately.

An act relating to vacancies in the office of school commissioners or in boards of education in cities of the first class in this state.

P. L. 1895, p. 816.

Vacancies in board in any first-class city, caused by failure to hold election, how filled.

Passed June 13, 1895.

499. SEC. 1. That any vacancy, or vacancies, which exists or hereafter may exist in the office of school commissioner or of member of the board of education in any city of the first class in this state, whether the vacancy shall have occurred through the failure to hold an election in any ward or aldermanic district in the said city, or in the wards or aldermanic districts of such city or through the death of any such officer, or from any cause whatever, such vacancy or vacancies shall be filled by appointment by the mayor of such city; and the person so appointed by such mayor as school commissioner or member of the board of education, shall hold office until the next charter or municipal election, at which said municipal or charter election school commissioners or members of the board of education shall be elected for the balance of the said unexpired term or terms, and the school commissioners or the members of the boards of education appointed as aforesaid, shall continue to perform the duties of school commissioners or members of the board of education until such time as the person so elected to fill said vacancies shall have been elected and shall have qualified.

Repealer.

500. SEC. 2. That all acts and parts of acts inconsistent with the provisions of this act, be and the same are hereby repealed, and that this act shall take effect immediately.

Secretary of State.

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| <ol style="list-style-type: none"> 1. Bond required. Recorded. 2. Oath to be taken. 3. Form of bond. 4. To record and file papers. 5. To reside and keep office in Trenton. 6. Clerks to send abstracts of fines. 7. Repealed. 8. Secretary of state to file all laws. 9. Amended by section 16. 10. To record names of testators. 11. Fees for specified services. 12. To file laws not signed by governor and not vetoed. | <ol style="list-style-type: none"> 13. To file bills vetoed and passed over the veto. 14. Repealed. 15. Appointment of assistant secretary. 16. Secretary of state to furnish copies of laws to printer, &c. 17. Salary of assistant secretary of state. 18. Secretary of state to record certain papers filed. 19. Contracts for sale or lease of franchises of corporations to be acknowledged and recorded. 20. Certain contracts not so recorded not invalidated. 21. Fees to be reported to comptroller. 22. Moneys not to be retained. 23. Repealer. |
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An act relative to the office of secretary of state and register of the prerogative court.

R. S. 808.

Bond required.

Approved April 17, 1846.

1. That from and after the passing of this act, every person who shall be appointed to the office of secretary of state and register of the prerogative court, shall, before he enters upon the execution of his said offices, or be admitted to take the oath or affirmation hereinafter appointed to be