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THE LAW

ESTABLISHING AND REGULATING

Common Schools

IN THE

STATE OF CALIFORNIA:

PASSED MAY 3, 1855.

WITH NOTES AND EXPLANATORY FORMS, AND LIST OF BOOKS
DESIGNATED TO BE USED IN THE PUBLIC SCHOOLS.

FROM THE DEPARTMENT OF PUBLIC INSTRUCTION, BENICIA.



SACRAMENTO:
B. B. REDDING, STATE PRINTER.
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THE LAW ESTABLISHMENT AND REGISTER

FOR THE YEAR 1881

THE STATE OF CALIFORNIA

COMPANION

WITH THE NEW AND IMPROVED TABLES AND LIST OF BOOKS
FOR THE YEAR 1881 IN THE STATE OF CALIFORNIA

FROM THE ORIGINAL SOURCE OF THE STATE



W. C. BROWN, STATE PRINTER
1881

TO

OFFICERS AND TEACHERS

OF

PUBLIC SCHOOLS.

Herewith is appended the Law in relation to the Public Schools of this State. The liberal appropriations by Congress of public lands for school purposes, have availed us little up to the present time ; nor has any legislation been had in relation to the twelve hundred and eighty acres donated to each township of six miles square, (the sixteenth and thirty-sixth sections,) excepting it be some provision for the selection and survey, the Act in relation to which, I have not yet received. It is also somewhat remarkable, that no move has been made by our Representatives at Washington, nor by our Legislature, to procure the donation from Congress of an amount of land for school purposes equal to twelve hundred and eighty acres for each six miles square, (as may be estimated,) for the benefit of those portions of the State, which, by consequence of non-survey by the United States, will be deprived of the sixteenth and thirty-sixth sections allotted to the surveyed portions of the State. It has been usual for the Government to favor her citizens

similarly situated in other States of the Union; and our enormous indirect taxation for the support of the Government of the United States, will produce similar concession, no doubt, when asked for by us.

The establishment of the State University, with provision for its maintenance, remains a question of time, subject to favorable legislative action.

These matters I have named in this connection by reason of their paramount importance to the future of the State of California. That future depends for weal or wo upon the energies of her people *now* in the proper education of a generation of men soon to replace us in all the varied duties appertaining to the Commonwealth.

The following named Books are recommended to be used in the Public Schools of this State, in addition to such alphabetical and other cards, charts, globes, &c., as the good judgment of the Commissioners and Teachers may direct.

ORTHOGRAPHY—Goodrich's Common School Primer, especially where you have no alphabet cards. The print of the alphabet is large, and may take the place of the card. Noah Webster's Elementary Spelling Book. *Coolidge's Pictorial edition*, to be used also as a primary reader.

READING—Swan's Primary Reader, second part; Jack Halyard—to be read in class and studied at home; (U. Hunt & Son, Philadelphia;) Town's Third Reader; Parley's Book of Anecdotes; McGuffey's Eclectic Fourth Reader; Town's Fourth Reader; Swan's Instructive Reader; Zacho's New American Speaker—(Barnes & Co., New York.)

WRITING—Rand's Series of Copy Books—(E. C. Biddle, Philadelphia.) Alphabetical Outlines in German Text, Old English, &c.—(Biddle.)

ARITHMETIC—Colburn's Intellectual, upon the inductive method, *followed by Greenleaf's National, 1853.*

GEOGRAPHY—Mitchell's series, latest edition ; Parley's New Geography for Beginners, may be used as a primary ; Terrestrial Globes, (may be had at \$10 to \$25 in San Francisco,) Outline Maps, and Mitchell's World.

ETYMOLOGY—Lynd's First Book ; Lynd's Class Book. (Biddle, Philadelphia.)

COMPOSITION—Quackenbos' First Lessons connected with English Grammar—an excellent work ; (D. Appleton, New York.)

GRAMMAR—Smith's Productive, (Truman & Spofford, Cincinnati.)

HISTORY—Parley's First Book, combined with Geography, (Jenks, H. & Swan, Boston, 1852 ;) Parley's Universal History, (Newman & Ivson, New York ;) Willard's United States ; Ingersoll's War of 1812 ; Marshall's Life of Washington ; Parley's Greece and Rome ; Russell's Greece and Rome ; Goodrich's Pictorial England ; and Willard's Chart.

BOTANY—Theodore Thinker, First Lessons, (Barnes & Co., New York ;) Mrs. Lincoln, (Huntingdon, Mason & Law, New York.)

ALGEBRA—Alsop's First Lessons, (Biddle, Philadelphia ;) Alsop's Algebra, (Biddle, Philadelphia ;) Davies' Algebra.

MENSURATION—Vogdes', (Biddle, Philadelphia.)

SURVEYING—Gummere's, (Biddle, Philadelphia.)

MATHEMATICS—Davies' Practical Mathematics ; Day & Thompson's Trigonometry, (Newman, New York, 1848 ;) Davies' Calculus ; Davies' Legendre's Geometry and Trigonometry, revised 1853.

DRAWING—Professor Shuster's, (Newman & Ivson, N. York, 1853.)

NATURAL PHILOSOPHY AND ASTRONOMY—Olmsted's Rudiments of Natural Philosophy and Astronomy ; Comstock's Philosophy, revised edition, 1853, (Pratt, W. & Co, New York ;) McIntire's Astronomy and Globes.

ELOCUTION—Caldwell's Manual, Philadelphia, 1845—excellent.

PHYSIOLOGY—Cutter's. Let this be studied in all "Grammar" schools.

GEOLOGY—Page's Elements ; Hitchcock's revised edition.

CHEMISTRY—Mrs. Lincoln Phelps, for beginners ; and Silliman's.

NATURAL HISTORY—Goldsmith's.

CLASSICAL ANTIQUITIES—Professor Fisk, (Biddle, Philad.)

GREEK LANGUAGE—Bullion, or McClintock & Crook's.

LATIN LANGUAGE—Bullion, or McClintock & Crook's.

FRENCH, ITALIAN, SPANISH, AND GERMAN—At the discretion of the Teacher. Recent publications offer great improvement upon the past.

WEBSTER'S DICTIONARY.

"POLITE LEARNING" is the title of a small book invaluable to Secondary Schools. The book is rare—(McCarty & Davis, Philadelphia, 1826.)

BOOK-KEEPING—The Teacher must use his discretion. There is much valuable information in *Crittenden*, and others, but I hope some practical accountant will give us a book avoiding the intervening books between those of original entry and the Ledger—they are factories for waste of time and production of error. Even in a commission business, the closing of each sale in the "Account Sales Book," should be posted at once to the Ledger to *credit* of the various accounts there named, including all the charges, accounts, commission account, &c., to balance the accounts previously posted to *debit* of the purchasing parties from the *Sales Book*. Thus may the system be simplified, and the distinguished ability of some book-keepers to puzzle juries by "scientific entries," be dispensed with. A mere memoranda of transaction necessarily exhibits the proper accounts, debit and credit, to which it should be placed in ledger, without any intervening book.

In the selection of these books, I have consulted with no publisher, author, or bookseller, but have given the publisher's address, to aid the orders of the bookseller in cases deemed necessary. These selections have been made with much care, and from among a field of works of great merit.* The use of any *series* of readers will be found to carry with it the peculiar bias of the compiler; hence the variety in this relation recommended. The books named for mathematical studies are intended as preparatory;

* It is matter of regret that so few of the best school books reach California for sale; whilst we are inundated with the "thrown out" books of the East.

Davies' Practical is a new and excellent work. I have aimed, in all the books designated, to meet the necessities of the youth of California, without regard to other parties in interest.

The Trustee's report must name, if any, what books differing from those hereby designated have been used, specifying the titles of the books, with reasons for not using those designated. The conflict of opinion in relation to books, and their influence in the public schools, requires from this Department a rigid compliance with law in this, as in all other respects, from the School Officers and Teachers.

It must always be borne in mind, that the great philanthropic object of the people of this State, in establishing and sustaining the Public Schools, is to *enlighten the understanding, to elevate the morals, to correct the temper, and to form the manner*. That a religious education is indispensable, none can question; but this is no *State* affair; and, whenever in a school of children, coming from the varied altars of the multitudinous sects of our people, any teacher becomes so intolerant as to intrude upon the sacred duties of the parent by any act which the parent or *religious instructor* of the child would be pained to know, that Teacher fails of his mission, and should be discharged.

I desire further to say a few words to those charged with the very high trust of educating the youth of our State, in relation to the *discipline of the Schools*.

Let the pupils of each school house vote by ballot the *name* of their school house—classic or other; to be confirmed by the Trustees or Board of Education.

This identification, in form, of the scholar with his locale, warms his ambition, and excites a just exercise of pride.

The *school room* should always be prepared cleanly, as you would for *church* service; wherever practicable, let this be done by a Janitor, and not by Teacher nor Pupil. Every pupil whose name is placed upon the roll, should have a peg assigned for the hat or bonnet, shawl or overcoat, and a proper place also for dinner basket, &c. On entering the room, the pupil should pay that respect to the place and to the teacher that belongs to good manners.

The *seat* should have a support to the back, *rising about six inches from the bench*, and the feet rest at ease upon the floor. When the body becomes fatigued, the mind is unfitted for study.

The school should be opened and closed by one or two verses of *vocal music*. Throughout the primary studies, also, the CONCERTED ACTION of the class has great advantage. Let your *blackboards* abound. In new school houses, let your class rooms have blackboard walls entirely around the room. Have a *class room*, if you fence off a corner to make it. Even the alphabet class may use the blackboard to advantage. *Large cards* will be found very serviceable. Maps and globes I may only name, to remind you of their importance. Especially, have large outline maps. In arithmetical studies, let the pupil *use the Keys*, then test his understanding of them by working without them.

Place a *slate and pencil* in the hand of the young primary scholar, with which they may amuse them-

selves by writing the alphabet, or drawing, or any attempt at it, that may serve to give them pleasant employment.

Some teachers will smile at these recommendations, but they may be assured, that from the too great inattention of School Commissioners in the selection of teachers, they become necessary.

One word to *all* TEACHERS. First of all, learn to discipline *yourself* in such manner as becomes the high trust reposed in you. This trust you cannot too much exalt before the school. Upon the entry of every pupil, ascertain the bent of his disposition, and let your discipline toward him accord to circumstances. In *very extreme* cases, the rod may be necessary; in general, however, the use of the rod, or the remark that such an one "is too stupid to learn," is evidence of an *incompetent* teacher. A jury of scholars may, in some cases, decide the punishment for insubordination, or other serious offense.

"The object of all true education is to *vitalize knowledge*. Some teachers instruct their scholars very thoroughly, who never educate them at all. They teach them to commit the rules of their Arithmetic or Grammar by heart, but never lead them to comprehend a single principle; make them learn thousands of names of places, without giving them any idea of Geography, and teach them to read fluently in French or Latin, without understanding a principle of the structure of language. This is all mere *instruction*, and is a very distinct thing from *education*. One is dead knowledge, the other knowl-

edge vitalized, full of living affinities, uniting itself with all surrounding circumstances with ready tact and correct application, and causing the eye to sparkle with delight, and the lips to open with incipient wisdom.

“As the twig is bent, the tree is inclined. As the youth is instructed, the man develops. In all the walks of life, we meet with many who have infinitely more knowledge than ability to apply what they know. Strong vitalizing power and affinity is more important than extensive erudition in any department of life. The lawyer who understands principles is a safer guide than he whose knowledge is merely technical, however thorough. The physician who keeps in view great laws of health, will be more successful than he who merely undertakes to fight each symptom in detail, and the divine whose heart glows with love, will do the world more good than Dr. Dryasdust, who is acquainted with all systems of theology.

“Knowledge not vitalized, is a dark, heavy, apoplectic thing. It stultifies the mind instead of invigorating and refreshing, clogs the wheels of thought instead of stimulating them, fills up the head with cumbrous and confused details, useless, and perpetually in the way. A healthy vitality is ever gathering new stores of knowledge; it hungers and thirsts for facts, and draws them to it, as the magnet draws the steel filings. But without this, knowledge may be as useless as food to the man who cannot digest it.

“To excite and stimulate the mind to feed upon

knowledge, the teacher must himself possess it in other than in a mere dead, dry, technical form. He must feel an interest in teaching, and have the faculty of infusing into the healthy pupil his own spiritual nature. In regard to elementary studies particularly, the young who have recently been learning themselves, generally make the best instructors. They feel more interest in communicating, and remember more vividly, all the obstacles to thorough, accurate knowledge. Like travelers who have just passed over an intricate and difficult road, they remember where they were at fault, and the ways in which they were extricated.

“Our common school education is justly the pride of the land. Instead of an old dame’s school, where the digest of knowledge for the little urchin was conveyed in the driest androssest possible way, the principal danger at the present time is, that these exercises are made so interesting by the brisk, *cheerful* young teacher, that our young people become too fond of their books for health. But with proper arrangements, through the agency of normal schools, much of the mere book learning is dispensed with; the heavy, dry, because only half-understood, parts of knowledge, which most strain the mind, are simplified, and the whole work of education conducted with far less friction, both to the physical and mental system.”

There is no child born of woman who cannot be learned to read. The “idiot schools” have perfect success. The blind *feel* the light; and the mute

gains knowledge. Nor is there any young intellect so *degraded*, but is capable of receiving not only the knowledge to read and to calculate by figures, but deep and abiding sentiments of honor, and high rectitude of conduct, that mark the gentleman in after life. If at times the conduct of such an one be outrageous, "meet that sea"—meet it kindly and fraternally, and the calm will soon come. Your honorable effort to expand the mind of the child, will oftentimes be rudely assailed by the *parent*. You will almost despond. Upon such occasions, bring up the reserve of your good judgment, excuse the parental folly, and think of the future blessing that will be poured upon you by that pupil, if you succeed, even against a present fury of opposition. Like the sea-sick voyager upon the ocean, "look up," and take to yourself new energies, and recuperative power of action.

Our lack of facilities for travel, renders difficult the frequent meeting of Teachers. Whenever these meetings can be had, however, you will find them to repay even much toil to reach them; and wherever possible, let your County have an Institute.

This department, be assured, will receive your views at all times with thankfulness; and whatever can be accomplished by individual exertion, in response to your wishes, you are expected to command.

PAUL K. HUBBS,

State Superintendent.

DEPARTMENT OF PUBLIC INSTRUCTION,

Benicia, June 30, 1855.

A P P E N D I X .

The last semi-annual Examination of the Schools of San Francisco was conducted with so much ability, that I deem it proper to append the entire report of the Committee. It embraces not only a thorough system of examination, but contains so many just views in relation to the training of the pupil, that I hope it will receive the careful perusal of School officers, and parents, and especially of the Teachers, throughout the State.

R E P O R T .

When appointed to discharge the duty of examining the Schools your Committee were well aware that the undertaking was not unimportant, and that the task, if faithfully performed, was by no means a trifling one. The condition of the schools was to be ascertained—the discipline, teaching, and progress of the pupils.

In order to arrive at correct results, it was deemed proper not to hold a mere exhibition, in which pupils should display themselves in exercises specially prepared—giving *eclat* and display, yet being no just evidence of discipline, instruction, or attainment—but to examine the classes as they *were* from the lowest to the highest.

That we have been fully successful in our investigations we are not prepared to affirm ; but, that we have obtained a correct general knowledge of the present condition and wants of the schools, we believe.

In conducting the examination, we determined to act together, rather than to take charge, each, of a separate department, and thus, perhaps, facilitate and hasten the work, but yet be unable to agree as to the results.

We commenced with the Primary, and examined them and some of the more advanced departments during the first week, and concluded with the examination of the Grammar Schools during the second week.

We found much to approve and commend in the instruction, discipline and government of the schools. This was particularly the case in some, and in certain departments of others.

Without saying that we have found room for censure in any case, yet we would suggest that there is room for improvement, especially in some of the lower departments. True, there are at the present time many things that impede and retard, beyond the reach of the teacher's power and influence; many things incident to all systems of instruction in the early stages of a city's progress, rapidly and peculiarly developed like ours. Yet, even under *unfavorable* circumstances, the true teacher can always be known in her sphere; her influence will always be felt; her character will be impressed upon her pupils; for, "as the teacher is, so will be the school." The excellence of some of the teachers, as well as the deficiencies of others, have re-assured us of the vast importance of making *teaching* a profession, and of securing the services of none but professional teachers—or at least of those who have determined to make teaching their profession. We observed, throughout the examination, that, generally, the classes of those teachers who have regularly attended and taken an interest in the meetings of the Teachers' Association—as required by the regulations—appeared much better than those of teachers who have manifested an indifference as to the improvement of their profession.

In this connection, we would recommend that, at as early a day as possible, steps be taken for instituting regular weekly normal exercises, to be attended by all the assistant teachers.

It is to be regretted, that the opinion is prevalent, to a great extent, that any one possessing certain attainments is fit to be a teacher! for it is a great mistake—a sad one, as it has proved in thousands of instances. A person must be fitted by *natura*—in temperament, mental and moral constitution; in fondness for young creatures; in sympathy, perception of character, and enthusiasm, as well as possessing the necessary scho-

lastic attainments, in order to *succeed* in this great profession. Until the teacher's profession is understood and appreciated by the people, there will be a tendency to foster quackery and empiricism—to continue in place persons who would make teaching an experiment or a sinecure.

It would be invidious to particularize ; but it would at the same time be unjust, not to say that the majority of the teachers are competent, and worthy of the confidence reposed in them by the Board of Education and the people. Some of them have made use of all laudable means to improve themselves, and to advance the schools of which they have charge, or in which they teach. They seem to have set up a standard of excellence, below which they would consider it ignominious to fall ; to have determined to avoid the dangers of narrow-mindedness, into which teachers often run, from pursuing one unvarying course in teaching the rudiments ; to have resolved to enlarge and liberalize their minds by the study of subjects beyond the narrow limits of the branches taught in the Common School. In the classes of such teachers we found the pupils interested, thoughtful, systematic, and orderly ; in those of other teachers, listless, inattentive, careless, and in some instances, rather inclined to disorder.

In most of the Primaries, the teachers have shown themselves to be peculiarly fitted for their profession—intelligent, ingenious, affectionate, devoted, patient and industrious ;—finding legitimate occupation for the action-loving young minds committed to their care ; discovering proper channels for the outgushings of exuberant spirits ; cultivating the perceptive faculties by directing attention to sensuous objects, diagrams and drawings, etc., and by “printing” on slates and blackboards ; amusing by simultaneous exercises in geography and arithmetic, and at the same time and by the same means cultivating the perceptive faculties, the imagination, the memory, and the incipient reason ; training the voice by simultaneous songs, and exercises on the vowel sounds and consonant elements ; educating the heart by moral tales, anecdotes and reasonings ; and giving ideas and instructing generally, as only such teachers can instruct. In other schools, on the contrary, we did not observe—at least in so perfect a degree—such discipline and teaching. Some teachers seem to make little or no use of the blackboards or charts. We would not conclude that they do not know what an education is ; that they do not understand the progressive development of the human mind, and the conditions of its growth and development ; but that, per-

haps, they find it necessary to devote the whole time to spelling and reading. It is wonderful, how young, restless, and susceptible children can sit for hours, perhaps, without showing signs of uneasiness and pain ; without regarding the school room as a prison—a place of disagreeable associations ; without wishing to be freed from its thralldom to enjoy the action and freedom of nature. The greatest number of truants are usually reported by inefficient teachers.

DISCIPLINE.

Your Committee are gratified in being able to state that they have found little cause for complaint as regards the discipline in the schools. Corporal punishment, although permitted by the regulations, is very seldom resorted to. The teachers generally seem to wish to avoid the infliction of physical chastisement, as something exceedingly debasing in its influence. Yet we regret to say, that in two of the schools, certain of the assistant teachers have so far lost their influence over their pupils, as to be compelled to inflict corporal punishment repeatedly, in order to regain their lost order and authority. We trust that such teachers will forbear in future ; that they will study *themselves*, and ascertain wherein *they* are wanting in those qualities which command respect, order, and obedience. With these exceptions mentioned, we believe that the discipline has been enlightened and benevolent. In two of the schools, several pupils were reported as perfect in demeanor, not having whispered at all in school hours for three months—the entire quarter.

Some of the teachers have adopted the *self-reporting* system ; others the *monitorial*, to some extent ; others, again, have pursued the ordinary course of discipline—interesting their pupils in their studies, moralizing with them, and noting and correcting, in person, all infractions of order.

The monitorial system, kept within certain bounds, is, perhaps, not objectionable ; but carried too far, it is productive, besides other evils, of envy and jealousy among the pupils. The self-reporting system is perhaps well for advanced pupils ; it appeals to their pride, honor and conscience—but it is strictly necessary that the teacher be watchful ; for pride and love of approbation may lead the pupil to report favorably of himself, but incorrectly, and thus sacrifice conscience.

We observed with pleasure that the demeanor of the pupils in most of the schools was good, in some, excellent ; though in one or two in-

stances it was not altogether satisfactory. We were pleased to learn and observe that the pupils were polite, that they are taught to regard the rights and feelings of others—to know that politeness is based upon benevolence.

THE STUDIES.—SPELLING.

We cannot approve, as a whole, the spelling, as exhibited at the examination, although the upper classes, in some of the schools, acquitted themselves very creditably. This exercise, generally, is the least regarded of all studies, though it is really of primary importance. It is usually looked upon as dry, dull, and uninteresting. Some of the classes examined did not pronounce the words before spelling them, nor pronounce the syllables in order as they spelled them. The majority omitted the pronunciation of the last syllable, before pronouncing finally the entire word. Those classes were the most successful, that had been trained, in addition to the ordinary spelling and defining, from the speller, to spell from the reading lessons, and from lessons written on the slate or black-board. This method of writing spelling lessons, though apparently slow, is really the most expeditious, and the surest method of teaching orthography. It should be commenced in the primary school. The child should not only become familiar with the letters of the alphabet, as they are given in the primer, but he should be taught to copy them, by “printing” from the card, primer or black-board, and combine them into words, and when further advanced, learn to form and combine in like manner the *script* characters of the alphabet. Thus will the eye become critical in detecting anything unusual and incorrect in the form of words, and the hand be rendered skillful in forming them correctly.

In connection with spelling and defining, the etymological analysis of words has been studied to some extent. This, as an exercise, will be very advantageous to the advanced grammar classes; it will lead them to a correct and forcible use of language, and give them some insight into, and taste for, the languages which are the foundation of our own language.

READING.

The reading by most of the upper classes was quite creditable. Not

only a correct, but even a nice appreciation of the subject matter of the selections read, was evident on the part of the majority of the pupils. In some schools this was particularly so; in all it was easy to perceive in the pupils the peculiar taste and training of the teacher. In some classes the articulation was much better than that given in others,—owing, of course, to more thorough training in the enunciation of the more difficult consonant combinations. Those most correct in this particular, were generally so in all the other essentials to good reading:—in roundness and fullness of tone, in pitch, quantity, stress, inflection and modulation. These classes also manifested in the attitudes assumed, and manner of holding the book, that nothing had been overlooked or neglected in rendering this exercise precise, forcible, and natural. ?

In many of the lower classes, the same excellences were observed: but there were wide differences between the classes of lower grade in the different departments and schools. In some, a thoroughness and excellence of discipline quite equal to the upper classes, in proportion to age and sum of attendance at school, was manifest; in others, owing to the lack of this necessary training, the reading was in a low tone, defective in articulation, expression, life, and force. The last syllable of many words was pronounced in a whisper; the letter *r* final omitted, and *g* cut off from words ending in *ing*.

The teacher should not only give special instruction in the cultivation of the voice, and in articulation, etc., but he should—for young classes in particular—make himself a model in attitude, tone, pitch, etc., and require his pupils to imitate him. Thus will they learn to articulate and pronounce correctly, throw the voice from the chest rather than from the lips, and by imitating him in every particular, learn to read understandingly and naturally.

The principles of *elocution* are not only taught in connection with reading in the classes, but with speaking and declamation. Some very creditable exhibitions of this training were shown.

WRITING.

The writing in the upper departments was generally very good. Indeed, we found many books filled with specimens of elegant penmanship, showing freedom of hand and refined taste. But there were differences to be observed in this branch in the different schools, to be attributed, no doubt, to variety of taste and interest for the subject on the part of

the teacher. In one school the young misses seemed particularly to excel. The greatest care had evidently been taken to produce perfect copies of the best models. Most of their books were written through, not only with precision, but with great neatness and care ; many had not the slightest improper mark or stain upon them. Some of the teachers instruct their pupils in this branch by means of the blackboard ; forming letters, and combinations of letters and principal movements, and requiring the entire school to copy them.

In some instances we found confirmed stiffness and crampness in the writing—evidences of wrong training, or no training at all—wrong attitudes while performing the exercise, and incorrect methods of holding the pen. Here again, the teacher should be a model for his pupils, showing the correct attitude to be assumed to write with ease and care, and to avoid distorting the body ; and the correct method of holding the pen, in order to have the fullest and most natural play of the muscles of the hand and arm. We believe that this principle adopted and fully carried out in practice, would lead to the only original and characteristic style of penmanship.

ARITHMETIC.

This important branch of a necessary education is taught to a much greater number of pupils than any other branch, except spelling and reading. We take pleasure in saying that the examination in it generally was quite satisfactory.

The study of arithmetic is commenced in the infant school. The little ones are early familiarized with the notation of the arithmetical characters, and taught to form them on the slate and blackboard. The simplest operations in written arithmetic are thus performed ; the simplest mental operations are taught by simultaneous exercises. The written and mental processes are carried up together, even to the highest classes in the grammar school.

In mental arithmetic, the classes generally gave evidence of excellent training, particularly the upper classes. The most complicated problems were logically and correctly solved, conclusions drawn, and answers given. In some classes in all the departments, the training, as evinced by the examination, fell short of our expectations. The pupils were careless, lacked precision, and failed generally to give the conclusions properly. Other classes of the same grade in other schools did

not show greater knowledge of the subject ; but it was evident by their training that they were not only upon the true course, but that they were more certain of the knowledge which they possessed. This system of arithmetic is invaluable in our public schools. It is not only excellent for the practical knowledge which it gives, but it is to the pupil, for its reasoning processes, what geometry is to the advanced scholar.

In *written* arithmetic, most of the upper classes appeared remarkably well. They were perfectly at home with the subject, in the most complicated and difficult processes of integers, common and decimal fractions ; giving the reasons for every step taken, and fully evolving the principles upon which the processes depended, and upon which the rules were founded. Fundamental principles were satisfactorily discussed ; operations performed, clearly and correctly ; cancellations, and other contractions, and abridged processes, given with pleasing readiness and skill ; and difficult questions, usually written, were performed mentally with promptness and exactness.

We observed that, while some of the lower classes performed their work correctly, they seemed to be entirely limited by the *rules*, and to be unable to go understandingly beyond them. We would recommend to the teachers of those classes, that they teach their pupils to know that the rule depends wholly upon a principle which underlies the rule ; that the principle being once known, the rule naturally follows ; that the principle is the *life*, the rule but the expression of that life.

Some radical instructors would expunge the rules altogether from the pages of the arithmetic ; they would have the pupil seize the principle and deduce his own rule from it. But the rule should be given—so given as to lead the pupil to seek the principle ; the analytic mind will naturally pursue this course.

GEOGRAPHY.

This interesting study is pursued with a good measure of success in all the schools, particularly so where the teachers are partial to it as a study. The differences which were observed in this subject between classes of the same grade, are no doubt to be attributed, in a great measure, to the different degrees of interest which the teachers take in it, rather than to differences in their own attainments. To some it is dry, insipid, and uninteresting ; to others, it is exuberant, rich, and full of interest. The pupils of such teachers are usually reflexes of the teach-

ers themselves. We found that some classes were not only familiar with localities and details, but they were also acquainted with the leading principles of physical geography and meteorology; that they had a correct general idea of the main features of natural history, and the leading principles of natural philosophy. Others were confined within the narrow limits of mere fact, and the dry details of topography; and in these even they were inferior; for their memory had not been rationally exercised and strengthened, by understanding and grasping principles.

It must be admitted, that the teacher is the principal part in this study. He must be, as it were, a storehouse filled with choice riches, from which he can draw for the benefit of his pupils on all suitable occasions. He must, by historical sketches and anecdotes, by diagrams and drawings, and discussion of principles, interest his classes; he must inspire them with enthusiasm, and make them thirst for the deep springs of knowledge, which lie beneath the surface of this great field of truth.

Map-drawing has been practiced with success in nearly all the schools. Some very creditable specimens, drawn upon the blackboards and in drawing books, were exhibited at the examination. This method of pursuing this study is very efficacious. The chief features of continents, islands, mountains, rivers, etc., and particular points and localities, are not easily forgotten, when once impressed upon the memory by the attention necessarily given in order to draw them accurately.

GRAMMAR.

It has often been observed, that some men make use of correct and even elegant language, who never have studied grammar. The cause of this undoubtedly is, that they have, from childhood up, been accustomed to hear grammatical and elegant language, and have learned to imitate it.

Grammar should begin, then, at home, and in the Primary School—at least in the school. The teacher should always use correct language, and should make a practice of correcting all inaccuracies on the part of the pupils upon all occasions; in their questions and answers, their conversations, and their recitations—in geography, arithmetic, etc. One reason why children cannot, till far advanced, perceive the application of the study of grammar to their language, is, that such a worthy example of correct language has not been placed before them; and that

they have not been corrected in their use of language, and led to perceive the application.

In the hands of unskillful teachers, grammar is very dull and prosy ; while taught by enlightened and philosophical teachers, it is full of life and interest.

We are pleased to state, that, while some of the younger classes did not fully meet our expectations,—even taking their age, etc., into account, the older and upper classes acquitted themselves with honor. Their examination in this subject was superior to that of any other branch in which they were examined. In analysis and parsing they seemed perfectly conversant with the subject ; resolving sentences into their principal parts, and to their ultimate parts ; showing the qualities and powers, the relations and connections of those parts to and with each other, and the whole—and disposing of idiomatic and peculiar forms of language in a rational and satisfactory manner.

Composition has been much practiced in teaching this subject, embracing abstracts of various lessons, sketches of history, imaginary description and correspondence, etc. We can, on the whole, confidently recommend to the Board of Education the method of teaching grammar as generally practiced in the schools.

HISTORY.

This branch is not studied in all the schools ; the principal reason for which is, that it has been impossible to find a supply of the requisite text-books adopted by the Board of Education. Yet some classes have commenced the study, and made commendable progress. It is to be hoped that, soon, classes in general history and in that of the United States may be able to commence in all the grammar departments.

DRAWING.

The art of drawing has received much attention, particularly in two or three of the grammar departments. Many of the pupils have attained to very respectable proficiency in it. Some of the specimens exhibited would have done credit to the pupils of any academy.

In giving instruction in this branch, the teachers have followed no particular system. Some have used Coe's drawing-cards ; others have given their pupils designs of their own. If teachers generally would

themselves become more proficient in drawing, and give illustrations of the general principles of the art on the blackboard and otherwise, no doubt a more marked progress would be made. As all pupils would be required to carry out the same principle at the same lesson or exercise, it would be easy to note the peculiar powers of each; and the influence of this study in training the hand to skill, in cultivating the perceptive faculties, the taste, and the imagination, would be unmistakably recognized and felt.

PHYSIOLOGY.

This subject, although not yet *generally* studied by the advanced classes, is regarded with much favor by both teachers and pupils. A good degree of proficiency in it has already been attained by some classes. Dr. Cutter's "First Book on Anatomy, Physiology, and Hygiene," is the text book used. It embraces, in a concise, comprehensive form, all the principles necessary to be taught in the common school. It discusses the entire physical system: the bones, muscles and nerves; the digestive, circulatory, secretive, and respiratory organs and systems—and the laws which regulate the functions of these, and govern their operations, and guide in promoting the growth and preserving the health of the body, and the whole being. While all pupils should obtain a knowledge of this subject, it is particularly desirable that the young misses should become familiar with its teachings and principles. Future generations will be healthy, useful, and happy, in proportion as their mothers are healthy, and preserve their health by a knowledge of the laws and principles upon which life and health depend.

It is particularly important that teachers should be acquainted with this subject; that they should promulgate and practice its teachings; and no where more than in the Primary School. For here the seeds of disease are often sown, and the forms of unnatural and unhealthy growth, so frequently seen, moulded and nurtured;—and all through the ignorance and neglect of teachers. "Tis education forms" the body, as well as "the common mind."

ALGEBRA AND NATURAL PHILOSOPHY,

Though required by the regulations, have not been pursued as studies to a much greater extent than Physiology. The per centage of pupils

sufficiently far advanced to commence and study them to advantage has hitherto been small; and besides, the principals of the schools have wisely, in our opinion, given their attention to the thorough teaching of the common branches, rather than these; as the chief good to be derived from the Public Schools must spring from deeply implanted fundamental principles. The classes in algebra evinced a satisfactory knowledge of the subject as far as equations involving two or more unknown quantities, and in natural philosophy as far as the subject of optics.

CONCLUSION.

Having made all the observations, and offered all the suggestions on the discipline, teaching, condition and progress of the schools, which they have deemed proper to make at this time, your Committee would bring this already too lengthy, yet incomplete report to a close. But before doing so, they cannot forbear giving expression to a hope, that, with the liberal provision made in the new City Charter, for the raising and disbursing of funds sufficient for the proper maintenance and promotion of the School Department, the people's favorite system may here continue to thrive and flourish, and be abundantly productive of living fruits; that it may, by the united attention and fostering care of the people, through those who are specially appointed to guide and direct, equal, if not surpass, the most wisely constituted, best conducted, vigorous, and efficient systems of the East.

WILLIAM SHERMAN,
JACOB B. MOORE,
W. H. O'GRADY,

Committee.

SAN FRANCISCO, May 15, 1855.

A N A C T

To establish, support, and regulate Common Schools,
and to repeal former Acts concerning the same.
Passed May 3, 1855.

*The People of the State of California, represented in Senate and
Assembly, do enact as follows :*

STATE BOARD.

SECTION 1. The Governor, the Superintendent of Public Instruction and the Surveyor General of the State, shall constitute a State Board of Education. The Governor shall be the President, and the Superintendent shall be the Secretary of the Board.

SEC. 2. The State Board of Education shall have a seal, an impression and description of which shall be deposited by the Secretary of the Board in the State Treasurer's office, and on or before the fifteenth day of January of each year, the Board shall make a full report of all their official acts to the Legislature.

SUPERINTENDENT OF PUBLIC INSTRUCTION.

SEC. 3. It shall be the duty of the Superintendent of Public Instruction, by and with the advice, and subject to the supervision of the State Board of Education : First, To prepare and publish, in connection with this Act, instructions and forms for the direction of Superintendents, Boards, Trustees, Marshals, and Teachers of the Common Schools, and to distribute to each County Superintendent a sufficient number of copies of this Act, and of the said instructions and forms, for the supply of the Common School officers in the county. Second, By all proper means in his power to disseminate intelligence among the people in relation to the method and value of education. Third, To exercise a general supervision over such Normal Schools and Teachers' Institutes as may by law be established. Fourth, Immediately after the State Controller has made his semi-annual report, as herein required, to ap-

portion to the several counties the amount of school moneys in the State Treasury to which each shall be entitled under the provisions of this Act, in proportion to the number of children residing therein between the ages of four and eighteen, as shown by the last previous reports of the County Superintendents and School Marshals, or other officers charged therewith, and make a record thereof in the Book of Records, to be kept by the State Board of Education, and furnish to the Controller of State, to each County Treasurer, and to each County Superintendent, an abstract of such apportionment; and with each apportionment, to furnish to each County Treasurer his order on the Controller of State, under the seal of the State Board of Education, for the amount of school moneys in the State Treasury to which such county shall be entitled, and take such County Treasurer's receipt for the same. Fifth, To present to the Legislature, annually, on or before the tenth day of each session, a full report of the condition of public instruction in the State; the number and grade of schools in each county; the number of white children in each county between the ages of four and eighteen years; the number of such attending Common Schools established under the provisions of this Act; the amount of Common School moneys apportioned to each county; the amount of money raised and expended by any county, town, city or school district, for the support of Common Schools therein; together with such suggestions as he may deem it expedient to make in relation to the construction of school houses, the improvement and better management of Common Schools, the qualification of teachers, the ways and means for raising funds for the support of Common Schools, and providing suitable school houses, and for the promotion of the general interests of education throughout the State.

SEC. 4. All necessary expenditures of moneys incurred by the Superintendent of Public Instruction in the discharge of his official duties, shall be paid out of any fund in the Treasury not otherwise appropriated, the amount being duly certified by the State Board of Education, and the Controller of State is hereby authorized to issue his warrants on the Treasurer for the same.

SEC. 5. He may annually call a State Convention of Teachers and Officers of Common Schools, and such Convention may discuss and recommend improvements in teaching, and the management of schools, and a series of school books throughout the State, and may consider other subjects pertaining to public instruction; *provided*, the State shall incur no expense from such Convention.

STATE TREASURER AND STATE CONTROLLER.

SEC. 6. It shall be the duty of the State Treasurer to receive and hold as a special deposit all Common School moneys paid into the Treasury, and pay them over only on the warrant of the Controller of State, issued upon the order of the State Board of Education under the seal of said Board, and signed by the Superintendent of Public Instruc-

tion in favor of the County Treasurers, which orders, duly endorsed by the County Treasurers, shall be the only valid vouchers in the hands of the State Controller for the disbursement of said Common School moneys.

SEC. 7. All school moneys due each County in the State shall be paid over by the State Treasurer to the County Treasurers on the first day of January and the first day of July of each year, or as soon thereafter as the County Treasurers may apply for the same, upon the warrant of the Controller of State, drawn in conformity with the apportionment of the Superintendent of Public Instruction, as provided for in section three of this Act; *provided*, however, that no mileage nor allowance other than the commissions provided for by law, shall be made to any County Treasurer for receiving and transporting said money to his county.

SEC. 8. The State Controller shall keep a separate and distinct account of the Common School Fund, and of the interest and income thereof, together with such moneys as shall be raised by State tax or special appropriation, or otherwise, for the support of Common Schools.

SEC. 9. The State Controller shall, on or before the tenth day of June, and the tenth day of December, of each year, report to the Board of Education, who shall include the same in their annual report to the Legislature, a statement of the securities belonging to the Common School Fund, together with a particular statement of the moneys in the Treasury accruing on or before the first day of July and the first day of January next following, from the interest or income of the Common School Fund, or from State taxes, or appropriations, or from any other source for the support of Common Schools.

COUNTY SUPERINTENDENTS.

SEC. 10. A Superintendent of Common Schools shall be elected in each county, at the general elections, and enter on the duties of his office on the first Monday of the month subsequent to his election. He shall hold office for two years, or until his successor is qualified, and shall take the oath of and give official bond to the county, in a sum to be fixed by the Board of Supervisors; which bond shall be in a sum not less than double the estimated amount of school moneys to come into the County Treasury; and the Assessors shall be and remain County Superintendents until their successors are elected as herein provided.

SEC. 11. The County Superintendent shall have power, and it shall be his duty in accordance with the principles and provisions of this Act, and the instructions of the State Board of Education and the Superintendent of Public Instruction: First, To visit each school in the county under his control, personally, at least once a year, and to exercise a general supervision over the interests of Common Schools in his county, and give to the School Trustees, Marshals and Teachers, such aid and counsel as may be important to the prosperity of the schools. Second,

To aid the various School Trustees in the examination of teachers for public schools, and to see that the examination in all cases is sufficiently rigid and thorough. Third, To distribute promptly such blank reports, forms, laws and instructions, as shall be deposited in his office for the use of the School Trustees, Teachers and Marshals, and any other officers entitled to receive the same. Fourth, To draw his warrants on the County Treasurer in favor of, and deliver the same to the persons entitled to receive the same; *provided*, that no such warrant shall be drawn in favor of any city, town, or school district, until full and correct returns shall have been made to him by the same as required by law, and a certificate of the Trustees or Board of Education given, showing for what purpose, in accordance with this Act, the money is required. Fifth, To keep on file in his office the report of the School Trustees, Marshals and Teachers, received by him, and to record all his official acts as such County Superintendent, in a book to be provided for that purpose; and at the close of his official term, to deliver to his successors such records and all documents, books and papers belonging to his office, and to take his receipts for the same, which shall be filed in the office of the County Treasurer. Sixth, To make full report in writing annually on or before the twentieth day of November, for the school year ending on the last day of October next previous thereto, to the Superintendent of Public Instruction; such report to include an abstract of all the various annual reports of the City Boards of Education, School Trustees, Marshals and Teachers, by law required to be made to the County Superintendent for the preceding school year.

SEC. 12. Upon receiving notice from the County Treasurer, as provided in this Act, the County Superintendent shall apportion the Common School moneys in the County Treasury among the several towns, cities and school districts in proportion to the number of white children residing therein, between the ages of four and eighteen years, as shown by the last previous reports of the Common School Marshals, and other officers charged therewith, and shall forthwith, in writing, notify the County Treasurer of such apportionment in detail, and no school district shall be entitled to any portion of the Common School moneys in which there shall not have been taught a Common School for three months within the year ending on the last day of October previous.

COUNTY TREASURERS.

SEC. 13. It shall be the duty of the County Treasurer of each county : First, To receive and hold as a special deposit, all Common School moneys, whether received by him from the State Treasurer or any other source, or raised by the county for the benefit of Common Schools; and to keep a separate account thereof, and of their disbursements. Second, On receiving any Common School moneys subject to distribution, to notify the County Superintendent of Common Schools of the amount

thereof. Third, To pay over on the warrant of the County Superintendent, duly endorsed by the person entitled to receive the same, the several amounts of school moneys to which each city, town and district shall be entitled. Fourth, And on or before the first day of November, annually, to make a full report of the Common School moneys received into the County Treasury within the school year ending on the last day of October next previous thereto; with a particular statement of the disbursement of the said school moneys; and of any amount of said school moneys which may remain in his hands for distribution at the close of such school year, designating whether of State or County School Fund, to the Superintendent of Public Instruction.

SCHOOL TRUSTEES.

SEC. 14. In each school district of this State, except otherwise provided by law, there shall annually be elected three Common School Trustees by the qualified electors in the district, at the school district meeting, to be held on the first Monday in October, and the district officers shall give at least ten days' notice of the time and place of said meeting. Such Trustees are required to take the oath of office, and they shall enter on their duties on the first Monday of the month subsequent to their election, and shall hold their office for one year or until their successors are elected and qualified; *provided*, the election of Trustees for the present year shall take place on the first Monday of June.

SEC. 15. In all cases of failure on the part of the people to elect Trustees as herein provided, and also upon this Act taking effect, and when vacancies occur, and when a new district is formed, the County Superintendent shall appoint the same.

SEC. 16. The School Trustees of the several school districts shall have power, and it shall be their duty within their respective jurisdictions: First, To select and designate a Common School Marshal, and file a certificate of his appointment in the office of the County Superintendent. Second, To fix the location of school houses in accordance with the expressed wishes of a majority of the qualified electors within their districts, expressed at a district meeting to be called on at least five days' notice by the Trustees; but in case a majority of such voters shall not agree thereon, then the said Trustees may fix the location of school-houses according to their own best judgment. Third, To superintend the erection and repairs of all school-houses; to distribute the blank forms, laws and instructions received by them, to the persons by law entitled to receive the same. Fourth, To examine persons proposing to become school teachers, under the provisions of this Act, and to grant certificates of approbation and recommendation to such as they shall find, after a rigid and thorough examination and investigation, to be persons of good moral character, of sufficient learning and ability for teaching, having

a special regard to their ability to impart knowledge, and to no others; and to revoke any such certificate at pleasure, first giving reasonable notice to the person holding the same; all such certificates shall remain in force during one year from and after their respective dates, unless sooner revoked, and no longer, and any certificate otherwise granted shall be void. Fifth, To employ and fix the salaries and time of service of Common School teachers. Sixth, To suspend or expel from any such Common School, with the advice of the teacher, any pupil who will not submit to the reasonable and ordinary rules of order and discipline therein. Seventh, To arrange among themselves in such a manner that at least one of the Trustees shall visit and ascertain the character, progress and prospects of each school, at least once a month. Eighth, To carry out and execute their powers and duties, as conferred and imposed by this Act, in accordance with the instructions of the State Board of Education, and in form, as shall be prescribed by the Superintendent of Public Instruction. Ninth, To make and keep a record of all their official acts and decisions, and a strict and particular account of all moneys received and disbursed, and all bills audited and paid; said record and account, together with the vouchers relating thereto, shall be subject, at all times, to the inspection and examination of the Superintendent of Public Instruction, or the County Superintendent, or any elector of the school district. Tenth, To report to the County Superintendent of their respective counties, on or before the first day of November, annually, the amount of all expenditures on account of schools in their respective precincts during the previous school year, ending on the last day of October; and the manner in which the same shall have been expended; specifying what portion and amount thereof has been expended for the services of legally qualified teachers; the amount which during that time shall have been raised in the several Common School districts, by subscription or otherwise, and allowed to such qualified teachers as salary or compensation; the names of the teachers employed and the time of service, and the salaries paid to each; the number of pupils taught, and the average attendance and progress of the pupils in each school organized and taught under the provisions of this Act; and such other statistics as shall be directed by the Superintendent of Public Instruction. Eleventh, And at the close of their official term, to deliver over their books of records, and all papers, books, blanks, documents, moneys, and all other property in their hands as such Trustees, to their successors in office, and take their receipt for the same, which receipt shall be filed with the County Superintendent; *provided*, that if the Trustees neglect to make returns as herein required, the district shall still be entitled to its portion of school money, if proof satisfactory to the Superintendent of Public Instruction be made in writing and filed with the State and County Superintendent, showing the facts required to be reported by the Trustees.

SEC. 17. The Trustees may cause the Common Schools within their respective jurisdiction, to be divided into Primary, Grammar and High School Departments, and to employ competent and legally qualified teachers for the instruction of the different departments, whenever they shall deem such division into departments advisable; *provided*, there be sufficient means for all such departments, and if not, then, in the order in which they are herein named, the primary school having preference.

SCHOOL MARSHALS.

SEC. 18. The Marshals selected and designated by the Trustees under the provisions of this Act, shall, in the month of October, annually, take a specific census of all the white children within their respective precincts, between the ages of four and eighteen years, specifying the names of the children, of the parents or guardians of such children, and the town, city and school district within which they reside, and make full report thereof, in writing, under oath, to the County Superintendent of Common Schools, and deliver a true copy thereof to the Trustees in their respective school districts by the tenth day of November next, thereafter.

COMPENSATION.

SEC. 19. The County Treasurer, Superintendent, Trustees and Marshals of Common Schools, within their several counties, shall respectively receive for their official services under this Act, such compensation as shall be allowed by the Board of Supervisors, which shall be audited and paid in the same manner as other county salaries and expenses are audited and paid.

SCHOOL DISTRICTS.

SEC. 20. Until otherwise determined and established by the proper authorities, each city and each town or township in this State shall constitute one school district.

SEC. 21. Upon a petition being presented to the Board of Supervisors, such Board shall, except in incorporated cities and towns which have made provisions for schools within their respective limits, have the power to constitute and establish school districts, and to define and to alter the boundaries thereof, in accordance with the wishes of the qualified electors in the respective precincts, and as the best judgment of said Board may direct.

INCORPORATED CITIES AND TOWNS.

SEC. 22. The Common Council of each and every incorporated city in this State, shall be, and hereby is authorized and empowered: First, To raise annually by tax upon the real estate and personal property within the city, as estimated by the City Assessors, such amount of money not exceeding one-fourth of one per cent. on the valuation on the assessment roll, as shall be requisite for the support of Free Common Schools therein, and providing and furnishing suitable houses therefor, and purchasing lots on which to build school houses, and paying contingent expenses. Second, To provide by ordinance for the collection, custody and disbursement of the moneys thus raised by city tax for school purposes. Third, To provide by ordinance for the drawing from the County Treasury on the warrant of the County Superintendent of Common Schools, the moneys to which said city shall be entitled under the provisions of this Act, and for the custody and disbursement by the City Treasurer of the same, in accordance with the provisions of this Act. Fourth, To provide by ordinance for constituting and establishing school districts, and for the examination of Common School teachers; the regulation of Common Schools within the city; the census, or enumeration of the children, and for making the annual and other reports to the County Superintendent. Fifth, To provide by ordinance for the election or appointment of a City Board of Education and Superintendent of Common Schools, and prescribe their powers and duties; and Sixth, To ordain all such rules and regulations as they may deem expedient and necessary for the promotion of the interests, prosperity and usefulness of Common Schools within the city; *provided*, that the Common Council shall not make any ordinance, nor do any act, which shall be in conflict with the principles or provisions of the Constitution of the State or of any Act of the Legislature. Seventh, *Provided*, that the Common Council, on the petition of fifty heads of white families, citizens of the district, shall establish a school or schools in said district, and shall award said school or schools a *pro rata* of the School Fund; *provided*, no sectarian doctrines are taught in said school or schools, and said schools so established shall in all particulars be under the supervision and control of the Common Council, as are all other Common Schools within their jurisdiction, under the provisions of this Act.

SEC. 23. No Trustees or Marshals elected or appointed under the foregoing provisions of this Act, shall have any jurisdiction or control within the limits of any city which shall have provided for the support, regulation and management of Common Schools therein under the provisions of the next preceding section of this Act.

SEC. 24. All the powers, rights and privileges conferred upon incorporated cities by the provisions of this Act, shall be enjoyed and may be exercised in like manner by incorporated towns; and the town officers shall have the same powers as the corresponding officers in cities.

STATE SCHOOL FUND.

SEC. 25. Controller's warrants drawn upon the General Fund, and paid into the State Treasury for school land, shall draw the same rate of interest and be entitled to all the preference of civil bonds; and the State Treasurer on receiving any such warrants, shall endorse upon the same, "Common School Fund," with the date of their reception, and subscribe thereto, his official signature; and no portion of said securities shall be sold or exchanged for other securities, except by special Act of the Legislature.

SEC. 26. No portion of the Common School Fund, nor of the interest or income thereof, nor of the moneys raised by State tax, or specially appropriated for the support of Common Schools, shall be diverted to any other object or purpose.

SEC. 27. The school moneys distributed to the various counties of this State from the State School Fund, shall not be used for any other purpose than the payment of qualified teachers under this Act, and no portion of said "Funds" shall either directly or indirectly be paid for the erection of school houses, the use of school rooms, furniture, or any other contingent expenses of Common Schools.

COUNTY SCHOOL FUND.

SEC. 28. Each and every county in this State is hereby empowered and authorized to raise annually, by special tax, (in the same manner that other county taxes shall be levied) upon the real estate and personal property within the county, an amount of money not exceeding ten cents on each one hundred dollars of valuation, for the support of Common Schools therein, and providing suitable houses, and purchasing libraries and apparatus for such Common Schools.

SEC. 29. All moneys raised by County tax as above provided, for Common School purposes, shall be paid into the County Treasury as a special deposit, and shall be apportioned by the "County Superintendent of Common Schools," among the towns, cities and school districts in the county, upon the basis provided by this Act for the apportionment of State School moneys, and be drawn from the County Treasury on the warrant of the County Superintendent as before provided.

SEC. 30. The School Trustees, or Board of Education of each city, town and district, may use the moneys from the county school fund to purchase, build or rent school houses, to purchase libraries, and to pay teachers or contingent expenses, as they may deem proper.

SCHOOLS AND TEACHERS.

SEC. 31. Any balance required to be raised in any School District for the payment of teachers' compensation, beyond the amount apportioned to such district by the previous provisions of this Act, and other

public moneys belonging to the district applicable to the payment of teachers' compensation, shall be raised by rate bill, made out by the Trustees against those sending to school, in proportion to the number of days and of children sent, to be ascertained by the teacher's list; and in making out such rate bill, it shall be the duty of the Trustees to exempt such indigent inhabitants as may, in their judgment, be entitled to such exemption.

SEC. 32. No Common School shall receive any moneys, benefits, or immunities under the provisions of this Act, unless such school shall be instructed by a teacher or teachers duly examined, approved and employed by competent and legal authority, as herein before provided.

SEC. 33. No books, tracts or papers of a sectarian or denominational character, shall be used or introduced in any school established under the provisions of this Act; nor shall sectarian or denominational doctrines be taught therein; nor shall any school whatever receive any of the public school funds, which has not been taught in accordance with the principles of this Act.

SEC. 34. No teacher shall be entitled to any portion of the public Common School moneys as compensation or salary for services rendered, unless such teacher shall have been duly employed by competent authority, nor unless such teacher shall have had during the whole time of such service, such certificate of competency and approval as required by this Act in full force and effect, and bearing date within one year next before the services aforesaid shall have been rendered; nor unless such teacher shall have made report in manner and in form as shall be prescribed by the Superintendent of Public Instruction.

MISCELLANEOUS PROVISIONS.

SEC. 35. The Common School year shall commence on the first day of November, and shall end on the last day of October.

SEC. 36. Any printing required under this Act, shall be executed in the form and manner and at the prices of other State printing, and shall be paid for in like manner out of the "General Fund," upon the bill for the same being certified to by the State Board of Education.

SEC. 37. The Act entitled "An Act to establish a System of Common Schools," approved May third, eighteen hundred and fifty-two; and an Act entitled "An Act to be entitled an Act amendatory of and supplementary to an Act entitled an Act to establish a system of Common Schools, approved May third, eighteen hundred and fifty-two," approved May eighteen, eighteen hundred and fifty-three, and all other laws and parts of laws inconsistent with this Act, are hereby repealed; *provided*, this repeal shall not render invalid any lawful proceedings already taken under the laws hereby repealed; and the Common School moneys and securities already accrued, shall inure to the benefit of and belong to the School Fund referred to in this Act.

FORMS.

The following Forms have been drawn to assist the School Officers in carrying out the provisions of the preceding Act, and to secure uniformity.

No. 1.

Appointment of District School Trustees.

In accordance with Section 15 of an Act in relation to Common Schools, passed May 3, 1855, you are hereby appointed a Trustee of Common Schools for District of Township, of the County of

You will qualify according to law, and then enter upon the discharge of your duties.

Superintendent of Common Schools
for County.

To

Oath of Office.

I do solemnly swear (or affirm) that I will support the Constitution of the United States and the Constitution of the State of California, and that I will faithfully discharge the duties of Common School Trustee for the School District of Township, in the

County of _____, and State of California, according to the best of my ability.

Sworn and subscribed to before me, a _____ of the County of _____ and State of California, this _____ day of _____, anno Domini 185 _____.

No. 2.

Certificate of Election of a Trustee of Common Schools.

To _____, of _____, Greeting:

This certifies that you, the said _____, were, at an election held on the _____ day of October, anno Domini 185 _____, chosen to the office of Trustee of Common Schools of [the district, town or city, as the case may be,] and you are, by virtue of said election and qualification, fully authorized and empowered to discharge all the duties of said office, and to exercise all the powers thereto belonging, according to law, for one year from and including the first Monday of November, 185 _____.

County Clerk.

No. 3.

Appointment of a Common School Marshal.

We, the undersigned, Trustees of Common Schools for _____, in the County of _____, appoint _____ a Common School Marshal, to take the census of the children between the ages of four and eighteen years in said District.

Trustees of Common Schools.

[Date.]

No. 4.

Certificate of Qualification to keep a School.

We, the undersigned Trustees of Common Schools, hereby certify that, after due examination, we are satisfied that _____ is of good moral character, and possesses sufficient learning and ability to teach and impart knowledge and govern a school; we therefore grant to this our certificate, which shall remain in force during one year from date, unless sooner revoked.

Trustees of Common Schools.

[Date.]

NOTE.—Whenever desirable, the aid of others can be called in to make thorough examination of the Teacher. Let the Teacher name his conduct of a school from the opening to close, after you have tested his literary acquirements.

No. 5.

Form of Annuling a Certificate.

Whereas, the Trustees of Common Schools for the _____ of _____ did, on the _____ day of _____ anno Domini 185 _____, issue to _____ a certificate of qualification as a teacher in said _____

Now know ye, that upon further investigation and trial, the said _____ has been found deficient and unqualified, (or has refused to conform to the regulations made by law,) we do therefore declare the said certificate to be annulled and void from this date, of which all persons whose duty it is to employ teachers of Common Schools, are hereby requested to take notice.

Commissioners of Common Schools.

*To the Superintendent of Common Schools
for the County of _____, 185 _____.*

NOTE.—It will be proper that notice of the annulling should be given to the County and State Superintendents.

No. 6.

Form of a Receipt of the County Superintendent of Common Schools.

Received of _____, County Superintendent of Common Schools, all documents, books, and papers, belonging to his office as such Superintendent.

County Supt. Common Schools.

[Date.]

NOTE.—The law requires this receipt to be filed in the office of the County Treasurer.

 No. 7.

Form of a Receipt of the Trustees of Common Schools, under Art. III, Sec. 2, Rule 12.

Received of _____, Commissioners (or Trustees) of Common Schools for _____, the books of record, and all papers, books, blanks, and documents, remaining in their hands as such Commissioners.

Commissioners Common Schools.

[Date.]

No. 8.

Form of a Report of the Trustees of Common Schools to the County Superintendent for the County of _____, Town or City of _____, in relation to the boundaries and number of Schools within their District.

We, the undersigned, Trustees of Common Schools in _____, in conformity with law, do report:

That the whole number of Schools in our District is _____, and are bounded as follows: School No. 1,* [here describe the boundaries and location of each school house.]

Trustees of Common Schools.

[Date,]

No. 9.

Form of County Superintendent's Warrant upon the County Treasurer.

NO. 185 .

The Treasurer of the County of _____ will pay to the order of _____ dollars, on account of _____

County Supt. Common Schools.

\$

* It is better to have the pupils of each School give a name to their School, by vote, as "Columbia," "Excelsior," & c.

No. 10.

CENSUS RETURNS.

Report of the Common School Marshal to the County Superintendent and School Trustees, for School Year ending October 31, 185 .

Name of Township and of School Boundary.	Name of Parent or Guardian residing therein.	Number of Children (4 to 18 years) of the name of the Parent.	Number and Names of Orphans.	Boys.	Girls.	Total number of Children within each School Boundary.

Form of an Affidavit to be appended to the Census Returns.

County of _____ } ss.

On this _____ day of _____, A. D. 185 _____, personally appeared before me, the undersigned, a Justice of the Peace for the County and _____ aforesaid, _____ a duly appointed Common School Marshal, whose signature is hereunto subscribed, and being sworn according to law, made oath that the facts set forth in the above report are just and true, according to the best of his knowledge and belief.

Justice of the Peace.

Esq,
Common School Marshal for

NOTE.—This Report must be made out in duplicate; one for Trustees, and one sent to the County Superintendent.



YC 57259



