

*E. J. Allen*

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THE

# SCHOOL LAW

—OF—

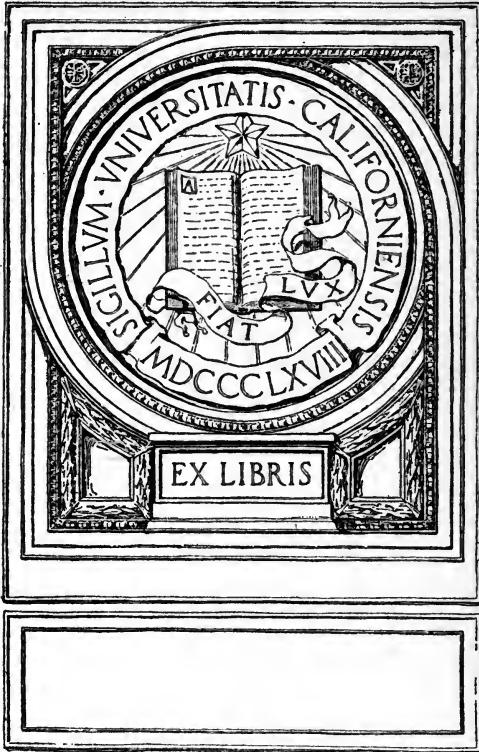
## WEST VIRGINIA

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1903

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THE  
**SCHOOL LAW**

OF  
**WEST VIRGINIA**

AND

Opinions of the Attorney-General and Decisions of the State  
Superintendent of Free Schools

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**WITH EXPLANATIONS AND FORMS**

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REVISED AND ARRANGED BY  
THOS. C. MILLER,  
STATE SUPERINTENDENT OF FREE SCHOOLS



CHARLESTON:  
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TO THE  
MEMBERS OF THE

# CONSTITUTIONAL PROVISIONS

RELATING TO THE

## SCHOOL SYSTEM OF WEST VIRGINIA

### ARTICLE IV

\* \* \* \* \*

5. Every person elected or appointed to any office, <sup>Oath of office.</sup> before proceeding to exercise the authority, or discharge the duties thereof, shall make oath or affirmation that he will support the Constitution of the United States and the Constitution of this State, and that he will faithfully discharge the duties of his said office to the best of his skill and judgment; and no other oath, declaration, or test shall be required as a qualification, unless herein otherwise provided.

6. All officers elected or appointed under this Constitution, may, unless in cases herein otherwise provided for, be removed from office for official misconduct, <sup>Removal from office.</sup> incompetence, neglect or duty, or gross immorality, in such manner as may be prescribed by general laws, and unless so removed, they shall continue to discharge the duties of their respective offices, until their successors are elected, or appointed and qualified.

\* \* \* \* \*

8. The Legislature, in cases not provided for in this Constitution, shall prescribe by general laws, the terms <sup>Legislature to prescribe terms of office.</sup> of office, powers, duties and compensation of all public officers and agents, and the manner in which they shall be elected, appointed and removed.

### ARTICLE VIII

27. Each county shall be laid off into districts, not <sup>Districts.</sup> less than three nor more than ten in number, and as nearly equal as may be in territory and population

\* \* \*

ARTICLE IX

\* \* \* \* \*

County officers subject to indictment.

4. The Presidents of the County Courts, the Justices of the Peace, Sheriffs, Prosecuting Attorneys, Clerks of the Circuit and of the County Courts, and all other county officers, shall be subject to indictment for malfeasance, misfeasance, or neglect of official duty, and on conviction thereof, their offices shall become vacant.

I. I am inclined to the opinion that the words "all other county officers," as used in this section, include members of boards of education, although they are elected in districts. This is by no means clear, however. This section is in force *ex proprio vigore* and needs no additional legislation.—*Alfred Caldwell, Attorney-General.*

ARTICLE X

\* \* \* \* \*

Capitation tax.

2. The Legislature shall levy an annual capitation tax of one dollar upon each male inhabitant of the State who has attained the age of twenty-one years, which shall be annually appropriated to the support of Free Schools. Persons afflicted with bodily infirmity may be exempted from this tax.

\* \* \* \* \*

Power of Legislature to levy.

5. The power of taxation of the Legislature shall extend to provisions for the payment of the State debt, and interest thereon, the support of free schools, and the payment of the annual estimated expenses of the State; but whenever any deficiency in the revenue shall exist in any year, it shall, at the regular session thereof held next after the deficiency occurs, levy a tax for the ensuing year, sufficient with the other sources of income, to meet such deficiency, as well as the estimated expenses of such year.

\* \* \* \* \*

County taxes not to exceed etc.

7. County authorities shall never assess taxes, in any one year, the aggregate of which shall exceed ninety-five cents per hundred dollars valuation, except for the support of free schools; payment of indebtedness existing at the time of the adoption of this Constitution; and for the payment of any indebtedness with the interest thereon, created under the succeeding section, unless such assessment, with all questions involving the increase of such aggregate, shall have been submitted to the vote of the people of the county, and have received three-fifths of all the votes cast for and against it.

See *Brannon vs. County Court*, 33 W. Va., p. 789, construing this section.

8. No county, city, school district, or municipal corporation, except in cases where such corporations have already authorized their bonds to be issued, shall hereafter be allowed to become indebted, in any manner, or for any purpose, to an amount, including existing indebtedness in the aggregate, exceeding five per centum on the value of the taxable property therein to be ascertained by the last assessment for State and county taxes, previous to the incurring of such indebtedness; nor without, at the same time providing for the collection of a direct annual tax, sufficient to pay, annually, the interest on such debt, and the principal thereof, within, and not exceeding thirty-four years; *Provided*, That no debt shall be contracted under this section, unless all questions connected with the same, shall have been first submitted to a vote of the people, and received three-fifths of all the votes cast for and against the same.

Bonded indebtedness.

No debt except by vote of people.

## ARTICLE XII

1. The Legislature shall provide by general law, for a thorough and efficient system of Free Schools.

See 4 W. Va., p. 499.

2. The State Superintendent of Free Schools shall have a general supervision of free schools, and perform such other duties in relation thereto as may be prescribed by law. If in the performance of any such duty imposed upon him by the Legislature, he shall incur any expenses, he shall be reimbursed therefor; *Provided*, The amount does not exceed five hundred dollars in any one year.

General supervision.

3. The Legislature may provide for county superintendents, and such other officers as may be necessary to carry out the objects of this Article, and define their duties, powers and compensation.

County superintendents.

4. The existing permanent and invested school fund, and all money accruing to this State from forfeited, delinquent, waste and unappropriated lands; and from lands heretofore sold for taxes and purchased by the State of Virginia, if hereafter redeemed or sold to others than this State; all grants, devises or bequests that may be made to this State for the purposes of education or where the purposes of such grants, devises or bequests are not specified; this State's just share of the literary fund of Virginia, whether paid over or otherwise liquidated; and any sums of money, stocks, or property, which this State shall have the right to claim from the State of Virginia for educational purposes; the proceeds

School fund.

of the estates of persons who may die without leaving a will or heir, and of all escheated lands; the proceeds of any taxes that may be levied on the revenues of any corporation; all moneys that may be paid as an equivalent for exemption from military duty; and such sums as may, from time to time, be appropriated by the Legislature for the purpose, shall be set apart as a separate fund to be called the "School Fund," and invested under such regulation as may be prescribed by law, in the interest bearing securities of the United States, or of this State, or if such interest bearing securities cannot be obtained, then said "School Fund" shall be invested in such other solvent interest bearing securities as shall be approved by the Governor, Superintendent of Free Schools, Auditor and Treasurer, who are hereby constituted the "Board of the School Fund," to manage the same under such regulations as may be prescribed by law; and the interest thereof shall be annually applied to the support of Free Schools throughout the State, and to no other purpose whatever. But any portion of said interest remaining unexpended at the close of the fiscal year shall be added to, and remain a part of, the capital of the "School Fund"; *Provided*, That all taxes which shall be received by the State upon delinquent lands, except the taxes due to the State thereon, shall be refunded to the county, or district by or for which the same were levied.

Board of the  
School Fund.

Legislature  
to provide for  
Free Schools.

5. The Legislature shall provide for the support of free schools, by appropriating thereto the interest of the invested "School Fund," the net proceeds of all forfeitures and fines accruing to this State under the laws thereof; the State capitation tax; and by general taxation of persons and property, or otherwise. It shall also provide for raising, in each county or district, by the authority of the people thereof, such a proportion of the amount required for the support of Free Schools therein as shall be prescribed by general laws.

6. The school districts into which any county is now divided shall continue until changed in pursuance of law.

Levies to be  
reported to  
Clerk of  
County Court.

7. All levies that may be laid by any county or district for the purpose of free schools shall be reported to the Clerk of the County Court, and shall, under such regulations as may be prescribed by law, be collected by the Sheriff, or other collector, who shall make annual settlement with the County Court; which settlements shall be made a matter of record by the Clerk thereof, in a book to be kept for that purpose.

8. White and colored persons shall not be taught in the same school.

9. No person connected with the free school system of the State, or with any educational institution of any name or grade, under State control, shall be interested in the sale, proceeds or profits of any book or other thing used, or to be used therein, under such penalties as may be prescribed by law; *Provided*, That nothing herein shall be construed to apply to any work written or thing invented by such person.

School officers  
not to be  
interested in  
sale of books.

10. No independent Free School district, or organization shall hereafter be created, except with the consent of the school district or districts out of which the same is to be created, expressed by a majority of the voters voting on the question.

Independent  
Districts.

11. No appropriation shall hereafter be made to any State Normal School, or branch thereof, except to those already established, and in operation, or now chartered.

Normal  
Schools.

12. The Legislature shall foster and encourage moral, intellectual, scientific and agricultural improvement; it shall, whenever it may be practicable, make suitable provision for the blind, mute and insane, and for the organization of such institutions of learning as the best interests of general education in the State may demand.

Legislature to  
encourage im-  
provements.

# THE SCHOOL LAW

## CHAPTER XLV

### *Education*

School dis-  
tricts.

1. Every magisterial district in each of the counties of the State shall be a school district, and the same shall be divided into such number of sub-districts as may be necessary for the convenience of the free schools therein. The present districts and sub-districts shall remain until changed in the manner prescribed by law.

Election of  
County Su-  
perintendent.  
Term of office.

2. A county superintendent of free schools in each county shall be elected by the voters thereof, at the general election held on the Tuesday after the first Monday in November, 1894, and every four years thereafter, whose term of office shall commence on the first day of July next after his election and continue for four years and until his successor shall be elected and qualified according to law.

Election of  
President and  
commission-  
ers. Term of  
office.

There shall also be elected at said election, in each district of the county, by the voters thereof, and every four years thereafter, a president of the board of education, whose term of office shall commence on the first day of July next after his election, and continue for four years, and until his successor is elected, and qualified according to law. There shall also be elected at the same time in each district in the county by the voters thereof, one commissioner at the general election held on the Tuesday after the first Monday in November, 1894, a successor to the commissioner elected in May, 1891, and every two years thereafter one commissioner, whose term of office shall commence on the first day of July next after their election, and continue for four years, and until their successors are elected and qualified according to law.

Board of edu-  
cation; who  
constitute.

The said president and commissioners shall constitute the board of education in the district in which they are elected. No person shall be eligible to more than one office under the provisions of this chapter at the same



time. The county superintendent of free schools shall, immediately upon receiving the certificate of election from the commissioners of the county court, forward a written notice thereof to the State Superintendent of Free Schools.

In case of a tie in the vote for members of the board of education, the county superintendent of free schools shall give the casting vote; and in case of a tie in the vote for a county superintendent of free schools, the presidents of the several boards of education in the county shall, at a meeting called for that purpose, at the court house of the county, by the clerk of the county court, not less than six nor more than twelve days after the result of such election is ascertained, appoint one of the persons receiving the highest number of votes for said office, at the said election, as county superintendent of free schools, who shall give notice as aforesaid to the State Superintendent of his appointment. A notice of such meeting shall be made out by the clerk of the county court, and served upon each president of the board of education in the county at least three days before the day of such meeting, by the sheriff, or other officer, to whom the same may be delivered to be served.

Tie vote; how decided.

The ballots used at said election shall also have written or printed thereon the words, "For school levy," or "Against school levy," as the voter may choose, and the boards of ballot commissioners in the several counties of this State shall have printed at the bottom of each ticket on the official ballot in separate lines the words "For school levy," and "Against school levy"; and upon the application of the board of education of any district they shall also have printed on said ballots the words, "For ——— months school," and "Against ——— months school," as provided in this chapter.

Levy.

Increase in length of school term.

If a majority of the ballots cast upon the question of laying the school levy in a district, have written or printed thereon, "For school levy," it shall be the duty of the board of education to make the levies required by the 38th and 40th sections of this chapter, annually, for the next four years; but if a majority of the ballots cast in a district have written or printed thereon, "Against school levy," no levy shall be made by said board for the year next succeeding. But it shall be the duty of said board to cause a special election to be held on the Tuesday after the first Monday in November, next thereafter, at which the question of levy, or no levy, shall in like manner be again submitted to the people for their decision, and if a majority of the ballots cast at such

Special election; for what purpose; when.

special election be, "For school levy," such levy shall be made as hereinbefore required.

Secretary to  
give notice of  
election.

Of every such special election the secretary of the board of education of the district shall give notice, by posting the same at each place of voting in the district at least ten days before the day on which the same is to be held. The election to be held on the third Tuesday in May, 1893, for the purpose of electing county superintendents of free schools in the different counties of this State, and members of the various boards of education, shall be held according to law; but their terms of office shall expire as soon as their successors are elected and qualified, at the election to be held on the first Tuesday after the first Monday in November, 1894.

I. A person elected to any office, whether State, county or district, must be a resident of the political division to which his powers and duties are limited. (See Code, chap. vii, sec. 3.)

Special elec-  
tions for levy.

2a. For the purpose of carrying out the provisions of section two of chapter forty-five of the Code, providing for school levies the board of education of any school district, or any independent school district, in this State, that failed to authorize a school levy, by a popular vote at the general election held in one thousand nine hundred and two, or that may hereafter fail to authorize a school levy by a popular vote at any general election, as provided in said chapter forty-five, shall, if twenty or more voters of the district ask it in writing, submit the question of laying a school levy to the voters of the district at a special election to be held in such district at such time as the board of education of the district may designate. The secretary of the board of education shall post notices of such special election at all the voting places in the district at least ten days before the day on which the election is to be held. If a majority of the votes cast are "For School Levy" the board of education shall lay the levies in the manner provided by sections thirty-eight and forty of said chapter forty-five of the Code.

Levy for  
increased  
term.

It shall be the duty of the board of education to order a special election conducted in like manner to determine the question when twenty or more of the voters of any district or independent district ask in writing for more than five months school in any year, involving an additional levy.

Commission-  
er of election.

3. Any person who may act as commissioner of any election, held under any of the provisions of this chapter, who shall wilfully reject the vote of any person entitled to vote at said election, or receive the vote of any

person not so entitled, or who shall knowingly make any false return of the result of any such election, or of any poll held at any place of voting, shall be guilty of a misdemeanor, and fined not less than fifty dollars, and imprisoned not less than twenty days.

4. At the meeting of the district board of education, held on the first Monday in July, 1881, they shall appoint three intelligent and discreet persons, as trustees for each sub-district in their district, one of whom shall be appointed for one year, one for two years, and one for three years; and the board of education shall thereafter annually appoint one trustee, who shall hold his office for three years; and the said trustees shall hold their respective offices until their successors are appointed and qualified. Trustees; appointment of.

5. Vacancies in the office of school trustee shall be filled by the board of education for the unexpired term; and in the board of education, by the county superintendent of free schools, for the unexpired term. Vacancies.

II. The appointment of a person to fill a vacancy of president of the board of education makes such person president of the board.

III. Vacancy in the office of county superintendent is filled by the presidents of the boards of education.

IV. Section 3 of Article XII of the Constitution provides that the Legislature may provide for county superintendents and other school officers and defines their duties, powers and compensation. Section 5 of chapter 45 delegates to the county superintendent the power to fill vacancies in the board of education for the unexpired term. I do not think section 7 of Article IV of the Constitution or sections 8, 9 or 10 of chapter 4 of the Code control as to appointment of members of boards of education. I am, therefore, of the opinion that persons appointed by the county superintendent to fill vacancies in the board of education hold for the unexpired term.—*T. S. Riley, Attorney-General.*

5a. Every school trustee, and every president and commissioner of the board of education elected within this State shall, within ten days after his election has been duly declared, qualify as such by taking and subscribing, before some one duly authorized to administer oaths, within his county, the oath of office prescribed by section five of article four of the Constitution, which oath shall be filed with the secretary of the board of education of his district. Time in which to qualify.

V. I am clearly of the opinion that the time should be computed from the time the officer elected has been notified, as prescribed by the law, of his election by the Canvassing Board, or in other words, within ten days from the time he receives, either by the hands of the proper officers or by transmission by due course of mail, notice of the result as ascertained by the Canvassing board,—in our State by the County Court.—*Romeo H. Freer, Attorney-General.*

6. The boards of education of the several districts shall hold their first meeting for each school year on the first Monday in July. At this meeting they shall de- Annual meeting board of education.

Grades of  
certificates  
and salaries.

termine the number of teachers that may be employed in the several sub-districts, and fix the salaries that shall be paid to the teachers. In determining the salaries, they shall have regard to the grade of teachers' certificates, fixing to each grade the salary that shall be paid to teachers of said grades in the several sub-districts as follows: Teachers having certificates of the grade of number one shall be paid not less than thirty dollars per month; those holding certificates of the grade of number two, not less than twenty-five dollars per month; and those holding certificates of the grade of number three, not less than eighteen dollars per month. And the trustees of the several sub-districts shall in no case transcend or diminish the salaries so fixed in any contract they may make with teachers. A quorum of the board of education shall consist of a majority of the members thereof and in the absence of the president, one of said members may act as such; but they shall do no official business except when assembled as a board, and by due notice to all the members, except that the president and secretary may sign orders upon the sheriff for any sum of money which may have been already ordered to be paid. The members of the board of education shall each receive, as compensation for his services the sum of one dollar and fifty cents per day, to be paid in like manner as the salary of the clerks of the board of education:

*Provided*, That no member shall receive pay for more than seven days service in any one year; one day of which shall be spent in attending a teachers' institute.

VI. Boards of education fix the term of school for the whole district.

VII. If a sub-district for any cause fail to have a school in any year it can not have a longer term than the other schools of the district in the following year.

VIII. If officers of town corporations also act as the school board for the independent district, they are entitled to the same pay as district school officers of the same grade: *Provided*, they receive no compensation from the town corporation for their services.

IX. Only one payment of \$1.50 per day, for not exceeding seven days can be made for services of any member of a board of education, and the successor gets nothing if the predecessor received pay for the seven days allowed.—*Alfred Caldwell, Attorney-General.*

X. The board have the power to fix the salary to be paid teachers as a class based upon the grade of the certificate they hold, but in my opinion they can not require the trustees to employ a teacher of a certain grade. The trustees have the unquestioned right to employ a teacher of any grade certificate which entitled him or her to teach, and pay the salary fixed by the board for that grade.—*T. S. Riley, Attorney-General.*

Board of  
Education a  
Corporation.

7. The board of education of each district and independent school district shall be a corporation by the name of "The board of education of the district or inde-

pendent school district of ———, in the county of ———”, and as such may sue and be sued, plead and be impleaded; and as such corporation, shall succeed and be substituted to all the rights of the former township and district boards of education; and may prosecute and maintain any and all suits and proceedings now pending or which might have been brought and prosecuted in the name of any such former board of education for the recovery of any money or property, or damage to any property due to or vested in such former board.

The said board shall also be liable in its corporate capacity for all claims legally existing against the board of education of which it is successor. Said board shall receive, hold and dispose of according to the rules of law and the intent of the instrument conferring title, any gift, grant, devise or bequest, made for the use of any free school or schools under their jurisdiction; and without any transfer or conveyance, shall be deemed the owner of the real and personal property of their district, and the property of the former township or district for which their district was substituted.

Property  
vested in  
boards.

Process and notice may be served on said corporations by delivering a copy thereof to the secretary, or any two members of the board. And all suits or proceedings now pending in any of the courts of the State, in the name of the board of education of any district for any demand or claim in favor of the board of education of any township or district, are hereby made valid.

Process on  
board; how  
served.

8. The board of education, at their first meeting after their election, shall appoint a secretary, who shall not be a member of the board, and who shall attend all meetings of the board, and record their official proceedings in a book kept for that purpose, which record shall be attested by his signature and the signature of the president of the board, and which shall, at all reasonable times, be open to the inspection of any person interested therein; he shall have the care and custody of all papers belonging to the board containing evidence of title, contracts or obligations, or being otherwise valuable, and preserve the same in his office, properly arranged for reference, and shall record and keep on file in his office such papers and documents as the board or the law may direct.

Secretary of  
the board of  
education.

He shall keep such accounts and prepare and certify such reports and writing pertaining to the business of the board, as the board or law may direct. He shall publish within three days after any meeting of the board of education an abstract of the proceedings thereof, by

Secretary;  
reports of.

posting the same at the front door of the place of meeting. He shall within ten days after the annual levy is laid certify to the county superintendent of free schools, the total value of all property, real and personal, in his district, with rate of levy, and amount thereof, keeping separate the rates and amounts of teachers' and building funds; and said superintendent shall within twenty days certify the same to the State Superintendent of Free Schools, using blanks therefor, furnished by said State Superintendent. He shall also have authority to administer oaths to school officers in all cases where they are required to take an oath as such.

Secretary;  
compensation  
of.

For his services as secretary he shall receive such compensation as the board may determine from year to year, not to exceed fifteen dollars, to be paid out of the building fund by an order drawn by the county superintendent, when after an examination by said superintendent of said secretary's books, they are found to be correct. But such order shall not be drawn until the secretary shall have made his annual report to the county superintendent as hereinafter provided, and be approved by the said county superintendent. (See also Sec. 21.)

#### XI. Teachers and school officers.

XII. The office of secretary of the board of education is held at the will of the board. The secretary may be relieved at any time by the board.

XIII. The secretary's annual report cannot be completed before the sheriff's settlement with the board of education. County superintendents are forbidden by law to issue orders for the pay of secretaries until they present correct and complete reports.

XIV. The law does not specify who shall call the meetings of the board. The board should adopt a rule upon this subject at its first meeting in the school year, when all its members are present.

Board of  
Education;  
powers and  
duties of.

9. The boards of education shall have general control and supervision of the schools and school interests of their districts; they may determine the number and location of the schools to be taught; change the boundaries of their sub-districts, and increase and diminish the number thereof, having due regard for the school houses already built, or sites procured, assigning, if practicable, to each sub-district not less than forty youths between the ages of six and twenty-one years; *Provided*, That every village consisting of fifty inhabitants or more, shall be included in one sub-district. And *provided, further*, That no change in any sub-district shall take effect, except immediately after the annual apportionment of the general school fund. When such village as is mentioned in this section is divided by district or county lines, the said village shall be included

Change in  
sub-district.

in the sub-district, to be under the supervision of the board of education of the district to which the largest division of its territory is attached, and said board shall define and enter of record in the office of their secretary the several district and sub-district lines.

Any person aggrieved by any decision of the board of education, changing the boundaries of a sub-district, or increasing or diminishing the number of the sub-districts, in their district, under this section, may appeal therefrom to the county superintendent of schools, and have the same corrected, if erroneous. Every such person shall present to the county superintendent his petition, signed by himself and at least five other residents of the sub-district, stating the action of the board complained of, and the grounds of appeal; and the county superintendent shall thereupon fix a time and place for the hearing of the appeal, and cause a notice thereof to be served upon the president or the secretary of the board of education, at least five days before the hearing. If upon hearing the proofs and allegations of the parties, the superintendent be of the opinion that the action of the board complained of was illegal or improper, he shall reverse or correct the same; otherwise the said action shall be affirmed.

Appeal to  
County Super-  
intendent.

XV. Where the county court of a county changes the boundary lines of a district or increases or diminishes the number of districts after the annual levy has been laid for school purposes, and the salaries of teachers fixed in the respective districts, and provides that such change or changes shall take effect before the end of the school year (June 30), the schools and school officers should continue as if no change had been made, making settlements, &c., until the close of the year, when the changes ordered should be recognized.

XVI. The building of school houses is discretionary with the boards of education. There is no power in any other court, body or person to compel them to build a school house.—*Alfred Caldwell, Attorney-General.*

XVII. The appeal to the county superintendent under this section is limited to cases involving the changing of boundaries of a sub-district, or increasing or diminishing the number of sub-districts.

10. The board of education shall cause to be kept in every sub-district of their district, by a teacher or teachers of competent ability, temperate habits and good morals, a sufficient number of primary schools for the instruction of the persons entitled to attend the same, and should the trustees of any sub-district neglect or fail to employ a teacher for their sub-district, upon complaint thereof, it shall be the duty of the board of education to do so.

Schools must  
be provided.

The following persons when residing in a sub-district, with intent to make such sub-district their home, shall have a right to attend and receive instruction at the primary schools thereof, that is to say: Every youth

Who may at-  
tend school.

between the ages of six and twenty-one years, shall have such right; and any other person wishing to receive instruction at any free school in this State, shall have a right, with the assent of the trustees, to attend such school, and the teacher or teachers there employed shall give instruction to such person the same as is required by law for other persons, upon the payment of tuition fees, not to exceed one dollar and fifty cents per month for each pupil, and upon such other terms as the trustees of the sub-district may prescribe. Said tuition fees shall be paid in advance to the sheriff, who shall give his receipt therefor, and place the amount to the credit of the teachers' fund of said district.

Who to pay tuition.

Children to attend school twenty weeks; fines.

10a. Every person having under his control a child or children between the age of eight and fourteen years shall cause such child or children to attend some public school for a period of twenty weeks yearly, beginning with the beginning of the school term. For every neglect of such duty the person offending shall be guilty of a misdemeanor and shall, upon conviction thereof before any justice, be fined two dollars for the first offense and five dollars for each subsequent offense, which fines shall be paid into the building fund of the district in which said offense occurs.

An offense.

An offense, as understood in this act, shall consist in a failure to attend school for two days in any week, except in cases of sickness or death in the pupil's family, or the pupil be otherwise instructed for a like period of time, or except for other reasonable excuse, provided there be a school in session within two miles of the pupil's home by the nearest traveled road.

Truant officers.

The board of education of every district or independent district, at its first annual meeting or as soon thereafter as practicable, may appoint one or more truant officers whose duty it shall be to enforce the provisions of this act. Each officer so appointed shall use due diligence to ascertain any violations of this law and when, from personal knowledge or by report or complaint from any resident or teacher of the district under his supervision, he believes that any child subject to the provisions of this act is habitually absent from school, he shall immediately give written notice to the parent, guardian or custodian of such child that the attendance of such child at school is required, and if, within five days, such parent, guardian or custodian of said child does not comply with the provisions of this section, then such truant officer shall make complaint against such parent, guardian or custodian before the nearest justice of the peace;



*Provided,* That only one notice shall be required for any child in any one year.

Teachers in ungraded schools, and principals and superintendents in graded and high schools, shall report to truant officers all cases of violation of this act among the enumerated youth of their sub-districts or independent districts, and shall furnish any reports and information necessary to a proper hearing of any case before a justice of the peace, and all such teachers, principals or superintendents, shall assist truant officers in every reasonable way in carrying out the provisions of this act.

Teachers, principals and superintendents to assist.

Justices shall remit to the sheriff at once all fines collected under the provisions of this act so that they may be credited to the building fund of the proper district and every truant officer shall make to the sheriff an itemized statement, on the last day of the month, of all fines imposed under his jurisdiction.

Fines to be remitted at once.

Said truant officers shall be paid monthly, at the rate of two dollars per day for the time actually spent in the discharge of their duties as such officers, but in no case shall payment for any month's services be made until the truant officer has filed with the secretary of the board of education a copy of his statement to the sheriff for that month, together with a sworn statement of the number of truancy cases investigated, and the time actually employed in such duties. When the truant officer has faithfully performed his duties and filed the statements required by this act, the board of education, if satisfied the same is correct, shall order a warrant to be drawn upon the sheriff for the amount of his month's salary to be paid out of the building fund of the district.

Compensation of truant officers.

All other acts or parts of acts coming within purview of this act and inconsistent with it are hereby repealed.

XVIII. I am of the opinion that House Bill No. 133 (Compulsory Law) is applicable to and enforceable in the Independent School District of Wheeling.—*Romeo H. Freer, Attorney-General.*

XIX. A teacher has no authority to admit or exclude pupils from a school, whether from the same or another sub-district, without the consent and direction of the trustees of the school. This does not refer to his right to suspend a pupil for disorderly conduct.

11. In the primary schools there shall be taught orthography, reading, penmanship, arithmetic, English grammar, physiology, general, United States and State history, general and State geography, single entry book-keeping, civil government, and in addition thereto the theory and art of teaching. It shall be the duty of the State Superintendent to prescribe a manual and graded course of primary instruction to be followed in the country and village schools throughout the State, arrang-

Branches to be taught.

ing the order in which the several branches shall be taken up and studied, and the time to be devoted to them, respectively, with provisions for advancement from class to class, also for the examination and graduation of all pupils who satisfactorily complete the prescribed course.

XX. The Theory and Art of Teaching as enumerated in Section 11, is not to be understood as being one of the branches required to be taught in the primary schools, but teachers are required to pass an examination in the same,—See Section 29,—as they are in all branches required to be taught under the provisions of this section.

XXI. Trustees should be very careful not to interfere unnecessarily with a teacher in relation to matters pertaining to the conduct and government of his school. I do not think a teacher should be compelled to give instruction to pupils \* \* in all branches prescribed by law without reference to proper grade.—*Alfred Caldwell, Attorney-General.*

XXII. It is the official duty of the county superintendent to see that the graded course of study for country and village schools is thoroughly introduced into the said schools of his county. But it is not the county superintendent alone upon whom this responsibility rests. The law makes it the duty of members and secretaries of boards of education and of trustees and teachers as well, to perform their whole duty, seeing to it that the course of study, with grading according to accompanying plan, shall be fully introduced into every country and village school in the State.

Nature and effect of alcoholic drinks must be taught.

11a. I. 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 taught as thoroughly and in the same manner as other like required branches are in said schools, and to all pupils in all said schools throughout the State.

Fine for failure to teach.

II. It shall be the duty of the proper officer in control of any school described in the foregoing section to enforce the provisions of this act; and any such officer, school director, committee, superintendent or teacher who shall refuse or neglect to comply with the requirements of this act, or shall neglect or fail to make proper provisions for the instruction required and in the manner specified by the first section of this act, for all pupils in each and every school under his jurisdiction, shall be removed from office, and the vacancy filled as in other cases.

Teachers to be examined

III. No certificate shall be granted to any person to teach in the public schools of the State, after the first of January, anno domini, eighteen hundred and eighty-nine, who has not passed a satisfactory examination in physiology and hygiene, with special reference to the nature and the effect of alcoholic drinks and narcotics upon the human system.

12. The trustees shall be under the supervision and control of the board of education, and in all cases the action of the trustees shall be subject to the revision and correction of the board of education, on the motion of any member thereof, or upon the complaint in writing of any three tax-payers of their sub-district.

Trustees  
under control  
of the board.

Whenever it shall happen that the persons authorized to attend school are so situated as to be better accommodated at the primary school of an adjoining sub-district, whether in the same or in an adjoining district or county, or whenever it may be necessary to establish a school composed of pupils from parts of two sub-districts, whether in the same or in an adjoining district or county, it shall be the duty of the trustees of the sub-districts interested to transfer such persons for school purposes to the sub-district in which such school house is, or may be, situated; but the enumeration of youth shall be taken in each sub-district as if no transfer had been made, and the trustees of the sub-district in which the school is situated shall have the management of such school.

Transfer of  
pupils.

But in all cases of transfer of pupils from one district to another, the board of education of the district from which the transfer is made shall pay to the board of education of the district in which the school is carried on, such proportion of the cost of said school, as the scholars so transferred bear to the whole number of scholars taught in such school.

Tuition.

XXIII. "This section was not intended nor does it authorize trustees to transfer pupils from a sub-district to an independent school district."—*Alfred Caldwell, Attorney-General.*

XXIV. The cost of the tuition of the transferred pupils should be estimated from the time the transfer takes effect until it expires or the pupils are withdrawn.

XXV. No transfer is complete until the trustees of the sub-district to which transfers have been made have agreed to accept the pupils.

XXVI. When pupils are transferred to an adjoining sub-district in another district it is the duty of the trustees making the transfers, although they are not required to do so by statute, to notify their board of education of all transfers made by them, and the said board of education is required by this section to pay to the board of education of the district to which the pupils have been transferred such proportion of the cost of said school or schools as the pupils so transferred bear to the whole number of pupils taught in said schools during the time of the transfers.

13. The trustees of every sub-district shall have charge of the schools therein and shall meet at the school house of their sub-district on the third Monday in July of every year, or as soon thereafter as practicable and appoint a teacher or teachers, for the coming session of their school, and in such appointment at least two of the trustees who are the trustees for the ensuing year, shall concur, and such appointment shall be in writing in the form

Trustees to  
have charge  
of schools and  
appoint  
teachers.

Form of  
contract.

of a contract according to the form furnished by the State Superintendent of Free Schools and said form shall state that the trustees whose signatures are affixed thereto, met together as herein required, and said contract shall be filed with the Secretary of the board before the beginning of the term for which said teacher is employed.

Relationship  
exclusion.

*Provided,* That no trustee of any sub-district shall participate in contracting with or appointing any person as teacher of their school to whom he sustains the relation of father, father-in-law, brother, brother-in-law, uncle, cousin, grandfather, sister, niece or nephew, and if the appointment of any teacher be otherwise than at a meeting herein authorized or if the appointment be within the degrees of relationship herein specified, the board of education shall declare such contract illegal, if the declaration be made by the board before the time mentioned in the contract for the beginning of the school term. Any teacher so appointed may be removed by the trustees or by the board of education for incompetency, neglect of duty, intemperance, profanity, cruelty or immorality. The trustees shall exclude from any school under their charge any person having a contagious or infectious disease, and they may suspend or expel any scholar found guilty of any disorderly, refractory, indecent or immoral conduct, and may refuse to admit such scholar again to the school until satisfied that he will properly conduct himself thereafter. But the trustees shall take no action or proceeding relating to the removal of teachers or the suspension or expulsion of any scholar from school unless at a meeting of which the trustees have all had notice, and when at least two of their number shall be present and concur in such action or proceeding, and their action in each particular shall be subject to the revision and correction of the board of education upon complaint in writing of a majority of the patrons of the school, residing within the sub-district in which such action has been taken. Any trustee may, for good cause shown be removed from office by the board of education upon five days notice in writing, of the cause alleged for his removal, and of the time and place the board will take action thereon. Whenever at the end of any school month the daily average attendance for that alleged for his removal, and of the time and place the whole number of pupils enumerated in the sub-district, the trustees may dismiss the teacher and discontinue the school, unless otherwise directed by the board of education; and no high school shall be continued if at the end of any school month, it has not had an average daily at-

tendance of twenty-five scholars. And it is further expressly provided, that should any trustee of any sub-district or a member of the board of education receive any money or other thing of value for his aid, assistance or vote in securing to any teacher a school or employment in any district or independent school district in the State, in which said trustee or member of the board of education is authorized by law to act, shall be guilty of a felony and upon conviction thereof shall be punished by confinement in the penitentiary of this State not less than one nor more than three years.

XXVII. Neither boards of education nor trustees have authority to employ a person to teach in the free schools of this State unless such person presents a certificate in duplicate still in force of his qualification to teach a school of the grade for which he applies. Teachers employed as substitutes should hold same grade of certificate as those whose places they fill.

XXVIII. A teacher has the right to punish pupils placed under his charge for infractions of the rules governing the school. But like the parent who has the right to enforce obedience, he is answerable for the abuse of the trust.

XXIX. The trustees of a school have authority to contract with a teacher for the length of time and the price per month prescribed by the board of education, and the board must provide for its payment.

XXX. The law prohibiting trustees from employing teachers for their schools to whom they sustain certain specified relationship, has been construed by this office to refer only to "first cousins," and the connection must be by blood, and not by marriage.—Romeo H. Freer, *Attorney-General*.

14. The trustees shall visit every school under their charge within two weeks after the opening, and again within two weeks before the close thereof, and at such other times as in their opinion may be useful to do so. During such visits, they shall inspect the register of every teacher and see whether it has been properly kept, and ascertain whether the scholars have supplied themselves with books and other things requisite for their studies, whether the school house and grounds, furniture, apparatus and library are kept in good order; whether anything injurious to the health is suffered to remain about the house or grounds, and whether the school house is well ventilated and kept comfortable, as the season may require; and where it is necessary, provide and promptly apply the proper remedy.

Trustees shall visit and inspect schools.

They shall also during such visits make such examination and enquiry as they may deem useful respecting the studies, discipline and general condition of the school, and the conduct and proficiency of the scholars, and give such directions or make such suggestions to the teachers, as in their opinion, will promote the interest of the school, and the health, morals and progress of the scholars.

XXXI. The duty of visiting the schools is made obligatory upon the trustees, and they should faithfully comply with the law in this matter.

XXXII. The leading object of the trustees on this, their first visit, should be the examination of the sanitary condition of the school building and out-houses. The health of both teachers and pupils depend upon healthful surroundings.

Trustees must keep school house in order.

15. They shall cause the school houses under their charge and everything pertaining thereto, to be kept in good order and repair, and for this purpose it shall, among other things, be their duty to cause proper suits and prosecutions to be instituted, in the name of the board of education of the district or otherwise, against every person who shall injure or destroy any school property of which the said trustees have charge; and they shall not, without the permission of the district board of education, allow said school houses to be used for any other purpose whatever, except for the purpose of holding religious or literary meetings and Sunday schools, equally by the various religious denominations that may apply for the same, and further for such other meetings as may be considered beneficial to the public generally under such regulations as to the care thereof as may be prescribed by them: *Provided*, That such meetings shall not interfere with the public schools.

Trustees may allow school house to be used for certain purposes.

The trustees shall furnish to the board of education estimates of all improvements necessary to the preservation or repair of buildings, grounds and furniture under their charge.

XXXIII. The trustees of a school may allow religious exercises held in their school house. They may prescribe conditions, etc. They may refuse to allow the school house to be used for this purpose. In either case, on motion of any member of the board of education, or the petition in writing of three tax-payers of the sub-district, the action of the trustees may be reviewed and reversed or affirmed. The county superintendent has no authority in the matter.

XXXIV. "Debating societies," teachers' meetings, school exhibitions and spelling-schools, together with any other meetings, having for their object the advancement of the school interests of the sub-district, and being of a literary character, if conducted in a respectable manner, come within the meaning of the words "literary meetings," as used in the fifteenth section of the school law.

XXXV. If the trustees of a school refuse the use of a school house for religious purposes, an appeal may be taken to the board of education. The decision of the board is final, either for or against. They may absolutely exclude all denominations from the school house.

XXXVI. Religious and literary societies and teachers of select schools, may be required to give security for the protection of school property where trustees are asked to allow the school house to be used for the meetings of such societies. The use of public school property for such purposes is a privilege, not a right.

XXXVII. I think that the trustees, with the consent of the board of education, can allow the school house to be used for the purpose of holding a select school; provided it does not interfere with the public school. I am also of the opinion that the action of the trustees in either refusing or granting the use of a school house for the purposes above mentioned may be reviewed by the board of education of the district. The party so occupying the school house may be required to give security for the proper care and use of the building.

—P. S. Riley, Attorney-General.

15a. [Section 19, chapter 14a code, chapter 13, Acts 1887.] If a person willfully interrupt, molest or disturb any free school, or other school, literary society or any other society formed for intellectual, social or moral improvement, organized or carried on under or in pursuance of the laws of this State, or any Sunday school, or other school, or school exhibition, or any society lawfully carried on, he shall be guilty of a misdemeanor, and fined not less than ten nor more than fifty dollars, or at the discretion of the court, be confined in the jail of the county not more than thirty days. in addition to said fine.

Penalty for interrupting or disturbing school.

15b. If any person shall willfully disturb, molest, or interrupt any literary society, school, or society formed for intellectual improvement or any other school or society organized under the laws of this State, or any school, society, or meeting formed or convened for improvement in music, either vocal or instrumental, or for any moral and social amusement, the person so offending shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be fined not less than five dollars, and may be imprisoned in the county jail not exceeding ten days.

16. The trustees of each sub-district shall keep exact account of all necessary expenses incurred by them in the performance of their duties, and render to the secretary of the board of education, at or before their last meeting for the current school year, written accounts, by items, of all such expenses, which, if the board find correct, they shall pay by an order to the sheriff, drawn on the building fund of the district, signed by the secretary and president.

Trustees must keep an account of expenses.

The trustees of any sub-district may purchase fuel, water buckets, brooms, coal hods, shovels, pokers, stove pipes, crayons, erasers and dippers, for the use in school rooms. They may make such repairs in windows, doors, benches, desks, floors, walls, ceilings and roofs as will render the house comfortable. For such purchase or repairs they shall render to the secretary of the board of education an account, which, if the board find correct, they shall pay out of the building fund of the district.

Trustees may purchase certain articles and make certain repairs.

No one trustee shall, by himself, have any power to perform any duty required by law of the trustees, who shall meet at a time and place fixed by two of their number, the other having had reasonable notice of such meeting, and two of the trustees shall constitute a quorum, and they shall keep a record of their acts and pro-

Trustees: quorum of.

Record of meeting.

ceedings in a book to be furnished them by the board of education for that purpose, such book to be turned over by them to their successors in office.

XXXVIII. While trustees are *appointed by the board of education*, their powers are prescribed and their duties imposed by law; and by section 12 of chapter 45, of the Code, the actions of such trustees are subject to the revision and correction of the board of education on proper motion or complaint made; yet no power is given the board to interfere with or prevent a proper discharge by the trustees, of the duties imposed upon them as such, by law.

By section 16 of chapter 45 of the Code, it is provided, among other things, that "the trustees of any sub-district may purchase fuel, water buckets, brooms, coal hods, shovels, pokers, stove-pipes and dippers for use in school rooms. \* \* \* For such purchases they shall render to the secretary of the board of education an account which, if the board find correct, they shall pay out of the building fund of the district."

If then the board, upon examination or revisal, find the account correct, they cannot alter, amend or repudiate it; but in the language of the law, they shall pay it out of the building fund of the district.—*C. C. Watts, Attorney-General.*

White and colored pupils not to attend same school

17. White and colored persons shall not be taught in the same school but to afford to colored children the benefits of a free school education, it shall be the duties of trustees of every sub-district to establish therein, one or more primary schools, for colored persons between the ages of six and twenty-one years, and said trustees or board of education shall establish such school whenever there are at least ten colored persons of school age residing therein and for a less number, when it is possible to do so.

Two or more sub-districts may join in establishing colored schools.

The trustees of two or more sub-districts whether in the same or adjoining districts or counties, may, by agreement with each other, join in establishing a primary school for colored children residing in said sub-district, and such schools so established, shall be subject to the same regulations as are provided for the school for white children, in section twelve of this chapter.

All other acts and parts of acts coming within the purview of this Act and inconsistent therewith are hereby repealed.

XXXIX. "When a school has been established for colored pupils under section 17, it must be kept open and continued as long as the schools for whites in the same district. The colored children, after the school is established under that section, are entitled of right to the same apparatus, necessary furniture, and school appliances as well as the same length of school term as the whites in schools of like grade, no matter how little or how great the taxes collected from the colored people of the district may be. There is nothing in the 18th section to affect this view. The 18th section deals with another case entirely and cannot affect in any way a sub-district where a colored school is established in accordance with law.—*Alfred Caldwell, Attorney-General.*

Division of funds for benefit of colored children.

18. Whenever, in any school district, the benefit of a free school education is not secured to the colored children residing therein, in the manner mentioned in the preceding section, the fund applicable to the support of



free schools in such sub-district, whether received from the State or local taxation, shall be divided by the board of education in the proportion which the number of colored children bears to the number of white children therein, according to the latest enumeration made for school purposes; and the share of the former shall be set apart for the education of colored persons of the proper age, residing in such sub-district, or district, and be applied for that purpose from time to time in such way as the board of education of the district may deem best. Any board of education failing to comply with this section may be compelled to do so by the circuit court of the county, by *mandamus*.

19. The board of education of each district and independent school district shall require the teacher or teachers in each sub-district or independent school district, annually, before the close of the school or schools, not later than the first day of April, to make an enumeration of all the youths resident in such sub-district or independent school district, who shall be over six years and under twenty-one years old, on the first day of July following, distinguishing between male and female, white and colored. Enumeration of youths.

The enumeration shall be taken in two classes as follows: One class shall contain all youths between the ages of six and sixteen years, and the other, youths between sixteen and twenty-one years respectively. The enumeration shall be verified by the affidavit of the teacher who took the same, before some person qualified to administer oaths, to the effect that he used all means in his power to make it, and believes it to be correct, and shall return such enumeration to the secretary of the board of education of the district with the term report of such school, or not later than the first day of April; and unless such enumeration be properly taken and returned, the teacher shall not be entitled to demand payment of the balance due on his salary, or so much thereof as shall be necessary to defray the expenses of the enumeration as herein provided. Enumeration; penalty for not taking.

No teacher in this State shall be required to serve on any jury, nor to work on the roads, while his school is in actual operation. Teachers exempt from certain duties.

The secretary of the board of education shall keep a record in his office of the enumeration of youth so taken, and shall annually, on or before the fifteenth day of April transmit a certified copy of such enumeration to the county superintendent of his county. When such enumeration for any district or sub-district shall not be Enumeration; secretary to keep record of.

received by the county superintendent before the twentieth day of April in any year, it shall be his duty, without delay, to employ a competent person to take and verify the same as aforesaid. The person taking and verifying such enumeration shall be paid a reasonable compensation, to be allowed by the board of education, not to exceed two dollars per day for the time necessarily consumed, and paid by an order of said board, signed by the president and secretary, out of the building fund of such district.

County Superintendent to report.

In either case the county superintendent as soon as he receives the enumeration for any district or independent school district, and not later than the first day of May, shall forward to the State Superintendent of Free Schools a statement of the number of youths of free school age therein. The State Superintendent of Free Schools shall prescribe and furnish all blanks to be used for taking the enumeration of youth.

XL. A correct enumeration of the school youth is one of the most important matters connected with the school work of the State, for it is the basis upon which the general school fund of the State is apportioned. The secretary should carefully examine the enumeration report from every sub-district and satisfy himself of its accuracy.

XLI. The secretary of the board is authorized to administer oaths to teachers as to the correctness of their reports of enumeration. See Section 8.

Trustees' report.

20. The trustees of each sub-district shall make a report to the secretary of the board of education of their district, at or before their last meeting in each school year, setting forth in reference to their sub-district, the following particulars: that is to say: The condition of school houses under their charge; the value and kind of apparatus; the number of volumes in school libraries and their value, with such explanations, remarks and additional information as the said trustees may deem useful, or as the blanks furnished by the State Superintendent of Free Schools may require. They shall also report the same particulars in relation to any schools under their charge for colored persons.

XLII. Trustees should make their annual report as prescribed in form No. 9, at the close of the year (June 30) whether the school closed then or not.

Secretary's report.

21. The secretary of the board of education to whom the report of the trustees shall have been made, as provided in the twentieth section, shall revise the said reports, and if they be found erroneous or defective, may return them for correction. From the corrected report and the teachers' registers, provided for in the thirtieth section of this chapter, and such other

authentic information as he may be able to obtain, he shall make a report to the county superintendent on or before the twentieth day of July, annually, in tabular form, by sub-districts, embracing each particualar reported to him by the said trustees' reports and teachers' registers, and showing the aggregate or average of each, as the case may require, for his district.

And he shall further report to the county superintendent on or before the twentieth day of July, annually, the following additional particulars in reference to his district, for the year ending on the preceding thirtieth day of June, that is to say: The rate and amount of the tax levied for the teachers' fund and the building fund respectively; the amount of such taxes collected and placed to the credit of each of these funds; the amount received from the State for the teachers' fund; the amount of the balance in the treasury at the beginning of the school year for each fund; the amount of receipts from all other sources placed to the credit of each fund; the amount expended for the pay of teachers, male and female, white and colored, respectively; the amount of commission paid to the sheriff or collector; the amount of the delinquent list returned by said collector; the amount of the balance in hand at the close of the school year for each fund; the amount expended for the purchase of sites for school houses, and for the construction and furnishing of the same; and for the rent, hire and repair of such property; the amount expended for such furniture, for apparatus, for interest, for the enumeration of youth, and for contingencies; also, the number of volumes in school libraries and their value; total receipts, total expenditures, with such explanations, remarks and additional information as he may deem proper, or as the blanks furnished by the State Superintendent may require. He shall also, in like manner, report all particulars, pertaining to any colored school or schools in his district, including the number taught therein, and for what length of time.

For this report the secretary shall be allowed out of the building fund, in addition to his salary as secretary, ten dollars; but the board of education shall in no case order this sum to be paid until the county superintendent has certified to them that the said report has been made, and that it is correct and complete, and made within the time specified in this section.

XLIII. In the case of summer schools where a part of the term is finished in one year and a part in the next, the financial condition of the district must be reported, just as it is, without regard to what may or may not be contracted for. In the estimate for the levy the

Additional  
report

Secretary's  
remuneration  
for making  
report.

amount of partially executed contracts and the balance on hand to pay them must be considered. The statistical report of such schools should be made in the year in which they close.

XLIV. The secretary's annual report cannot be completed before the sheriff's settlement with the board of education. County superintendents must not issue orders for the pay of secretaries until they present correct and complete reports. The law provides this in declaratory terms.

XLV. Chapter 29, s. 67 Code, requires the secretary of every school district and independent school district through which a railroad runs in each county, within thirty days after the levy is laid for free school and building purposes, or either, to certify to the auditor the amount so levied, etc.

County Super-  
intendent's  
report.

22. The county superintendent shall receive and revise the reports made to him as aforesaid, and see that they are in proper form and according to intent of law; and when deficiencies or errors are found to exist, shall return them for correction. From these reports and such other authentic information as he can obtain, he shall make report to the State Superintendent of Free Schools, on or before the first day of August, annually, or as soon thereafter as possible, setting forth in reference to each district of his county, for the year ending on the preceding thirtieth day of June, the several particulars mentioned in the twentieth and twenty-first sections, with the proper aggregate or average of each for the county; and shall make the apportionment, and report such apportionment to the auditor, and also report whether the districts have made the levy for school purposes required by this chapter.

XLVI. The report of the county superintendent should be made not later than the first day of August, as prescribed by law, that the State Superintendent may complete his annual report, which he should have compiled for the Governor not later than the first day of October.

XLVII. The apportionment of the General School Fund, made by the county superintendent, should be reported to the State Superintendent, as well as to the auditor.

School year.

23. The school year shall commence on the first day of July, and close on the thirtieth day of June, and all reports, accounts and settlements respecting the free schools of this State shall be made with reference to the school year.

XLVIII. If any school opens after the first day of April, (the time required for the enumeration to be returned by the teacher), if the teacher so opening the school has not taken the enumeration and returned it, it is the duty of the county superintendent to employ some one, as the law directs, to take the enumeration of that sub-district. The pay to such person would not be properly deducted from the teacher's salary, who opened the school after the time required for the enumeration to be returned.

XLIX. If a school opens so near the close of the school year that by continuing in session all the school days to the end of the year the term will not be finished before the year closes, the remaining time, under the contract may be completed in the new year. (In this case the school should be reported in the new year.) If the school open in ample time to finish before the close of the year, but suspends before the term is out, the time cannot be added to the next year's term.

L. The school law contemplates that the financial affairs shall be closed up at the end of each year.

24. When the board of education of any district deem it expedient to establish a high school, they shall submit the question to the voters of the district on the day and month of election named in section two of this chapter, of any year, in the manner following, that is to say: The board shall prepare and sign a notice setting forth the kind of school proposed; the place where it is to be located; the estimated expense of establishing the same, including cost of site, building, furniture, books and apparatus and the estimated annual expense of supporting the school after it is in operation, with such other information concerning it as they may deem proper; and stating that the question of authorizing the establishment of such school will be submitted to the voters of the district, at the election specified in the notice, which they shall cause to be posted four weeks before the election in at least three of the most public places in the district. A poll shall thereupon be taken upon the said question, at the election specified in the notice, and the result ascertained in like manner as is prescribed in section two of this chapter. The ballots used in voting on the question shall have written or printed thereon the words, "For the high school," or "Against the high school." If it appear by the result of said poll that not less than three-fifths of the voters who voted on the question are in favor of authorizing the establishment of said school, the board of education may then proceed to obtain the site and provide proper buildings, fixtures and improvements, and procure necessary furniture, books and apparatus for the said school, to support the same after it is put in operation; for which purpose the board may annually levy an additional tax on the property taxable in their district, not to exceed in any one year thirty cents on every one hundred dollars valuation thereof, according to the latest assessment for State and county taxation. The said school shall be under the care and direction of the board of education of the district in which it is established.

High school; mode of establishing same.

Additional levy for high schools.

LI. The maximum rate of levy is 50 cents on the one hundred dollars, for country and village schools except as provided in section 40, but for the support of high schools established in accordance with the provisions of this section, there may be an additional levy of 30 cents on the one hundred dollars, thus making the maximum rate for the support of these schools 80 cents on the one hundred dollars, and the power to levy to this extent is granted to the board by the vote of the people when the high school is established.

High school  
may be  
established  
by two or  
more  
districts.

25. In like manner, if the boards of education of two or more districts, whether in the same or different counties, deem it expedient to jointly establish and support a high school, they may submit the question of authorizing the same to the voters of their districts, separately, and in the manner prescribed in section twenty-four of this chapter, specifying in the notice the amount or proportion of the expense which each district is to contribute; and if authorized by not less than three-fifths of the voters voting on the question in each district, may proceed jointly to establish and support the said school; and for that purpose the said boards may annually levy a tax on the property taxable in their respective districts, not to exceed in any one year the rate of thirty cents on every one hundred dollars valuation thereof.

Directors of  
joint high  
school.

The said school shall be under the care and direction of directors, to be selected and removed from time to time in such manner as the boards of education concerned may agree upon, or when there is no such agreement, under the care and direction of the board of education of the district in which the school house is situated, and the boards of education concerned shall from time to time prescribe such regulations as they may deem necessary respecting the school.

Care and  
direction of  
joint high  
school.

26. The board of directors who have the care and direction of the said school shall appoint, and may remove the teachers, shall fix their salaries; prescribe the branches of learning to be taught; the time the school shall be kept open; the ages and qualifications of the scholars to be admitted, admit scholars from non-contributing districts on such terms of tuition as they may deem proper; expel or suspend scholars when necessary; ascertain and certify the expenses of the school, of which they shall cause exact accounts to be kept; and prescribe all needful regulations respecting the school, subject, nevertheless, to any regulations respecting the same that may be prescribed pursuant to the preceding section.

Director s  
report.

They shall annually report through their secretary on or before the twentieth day of July, to the superintendent of free schools for the county in which the school house is situated, such particulars respecting the schools as the State Superintendent of Free Schools may require; and the county superintendent shall transmit the report, with such remarks and additional information as he deems proper, to the State Superintendent.

The boards of education of any district may also establish graded schools in towns, villages and densely populated neighborhoods of their respective districts, employ teachers therefor, and make such special regulations as may be necessary to conduct them. But in every such case involving additional taxation, the matter shall be first submitted to a vote of the people and their consent obtained, as is prescribed in section twenty-four in case of a high school; *Provided*, That no additional levy for a graded school shall exceed in any one year fifteen cents on every hundred dollars valuation. *Provided, further*, When any sub-district having graded schools, desires a longer term of school than four months, it shall be the duty of the board of education on the petition of the taxpayers of such sub-district to submit the question to the voters of said sub-district, at such time and place as they may fix, by posting notices ten days before said election, setting forth the number of months the said school shall be run, including the State Fund and their proper share of any district levy that may be levied in the districts for the support of the schools of said districts.

Graded schools.

Levy for graded schools.

It shall be the duty of the assessor, with the assistance of the secretary of the board of education, to furnish such board a list of the property, both real and personal, assessed by him in said sub-district, for State and county purposes. And the said board of education may provide for the extending of the said tax, and provide for the collection of the same, under such rules and regulations as they may provide, and use the fund thus collected for the running of such graded schools.

Assessor must furnish list of property.

LII. I am of the opinion that under chapter 45, section 26, of the Code, the board of education of a district can not declare all the schools in their district, graded schools, and refuse to appoint trustees, etc., as required by law.

If a board of education employs the teachers in their district under the conditions heretofore mentioned, the contracts with such teachers are illegal, and, in my opinion, cannot be enforced.—*Romeo H. Freer, Attorney-General.*

LIII. "No vote of the people is necessary as a condition precedent to the establishing of a graded school in a district in case such school does not increase the levy over the fifty cent limit named in section 40. The vote to authorize any levy must be taken as required by section 2. Section 26 specifically requires a vote where the cost involves a levy in excess of such fifty cents. I find no authority for continuing a graded school any longer period than other schools of a district."—*Alfred Caldwell, Attorney-General.*

LIV. The number of tax-payers who are to petition for more than five months school in a sub-district is left to the discretion of the board. There should be a sufficient number on the petition to indicate that the desire was seriously entertained and entitled to respect.

LV. The vote should be taken not later than the 10th of May, so that if the increased rate of levy is authorized, the assessor may have the necessary time in which to extend same on his books. The

rate of levy being 50 cents on the one hundred dollars, the increase to be voted upon can not exceed fifteen cents additional, making the maximum levy for the support of a graded school 65 cents on the one hundred dollars.

LVI. "The board should have the sheriff collect the taxes for the graded school. They should enter an order authorizing him to collect. It would not be best to order the collection by any one else.—*Alfred Caldwell, Attorney-General.*

Kindergarten  
schools.

26a. That the board of education of any school district, in which there is a city, town or village, of one thousand population or more, may establish in connection with the schools of such district a kindergarten, to which may be admitted children between the ages of four and six years, under such regulations as may be prescribed by law for the admission of youth to the other schools of such district.

Every person employed as teacher in such kindergarten shall either hold a diploma from a kindergarten college, or, in addition to holding such a certificate as is required of other persons employed as teachers in the schools of this State, be duly examined as to the kindergarten methods and theories, in such manner as the board of education may prescribe.

County board  
of examiners,

[Note.—Most of the provisions of sec. 27 are repealed by sec. 28a.]  
27. There shall be in every county, for the purpose of examining and certifying teachers, a county board of examiners, to be composed of the county superintendent, who shall be *ex-officio* president, and two experienced teachers, each of whom shall have received a teacher's state certificate or a number one county certificate, or be a graduate of some reputable school, to be nominated by the county superintendent and appointed by the presidents of the district boards of education, at a meeting for that purpose, to be held at the county seat on the first Wednesday in July, 1893, one of whom shall be appointed for a term of two years and one for one year, and thereafter one member annually for a term of two years, at which meeting a majority of said presidents, or any three thereof, shall constitute a quorum. It shall be the duty of the county superintendent to attend such meetings.

Vacancies.

Vacancies in said board of examiners shall be filled by the presidents in the same manner as members of said board are appointed, and it shall be the duty of the county superintendent, upon ten days' notice, to call meetings of said presidents at the county seat for that purpose. The board of examiners shall each receive a compensation of three dollars per day for each day actually and necessarily employed in conducting the examinations, and for one day at each of the two stated examinations required in section twenty-eight of this chapter

Compensa-  
tion of exam-  
iners.



to be spent in consultation and preparation for their duties. This compensation shall be paid out of the fees received from the teachers examined, and shall in no case exceed the amount thereof.

The county superintendent shall collect from every person who applies for examination a fee therefor of one dollar, out of which he shall pay the per diem of the board of examiners, and the expense of the notice required by the twenty-eighth section of this chapter, and the balance, if any, he shall pay to the sheriff, to be placed to the credit of the distributable fund of the county received from the State, and distributed with it. He shall at the end of each school year, make and return to the clerk of the county court, and also to the State Superintendent, a detailed and certified account of the names of all applicants for examination; the amount of the fees received by him for the same; the amount paid out to the members of the board of examiners, and the balance, if any, placed to the credit of the distributable fund of the county as aforesaid.

County Superintendent to collect fees and return account.

LVII. Presidents of independent school districts should participate in the election of members of the board of examiners except where their teachers are not required to be examined by said board, as in Wheeling, Huntington, Charleston, Martinsburg, &c.

LVIII. No more than two names should be proposed to the presidents of the boards of education at one time for members of the board of examiners. If either or both are rejected, then other nominations should be made.

LIX. No person other than a teacher should be appointed a member of the board of examiners.

LX. All appointees must hold No. 1 certificates or their equivalents.

LXI. The county superintendent has the sole right to name candidates to the presidents for members of the board of examiners.

LXII. All school officers, including members of the boards of examiners, are required to take the oath prescribed by the constitution, section 5, Article IV.

LXIII. The presidents of the boards of education have no authority to elect persons members of the board of examiners not nominated by the county superintendent.

LXIV. The offices of president of board of education and member of the board of examiners are incompatible.

LXV. In case there is more money received from fees in one examination than pays the per diem of the members of the board and the publication of notice, the residue may be used to pay per diem of members of the board in subsequent examinations in the same year where the receipts are insufficient.

LXVI. It is the duty of the county superintendent to preserve the manuscripts of the teachers who are examined, for at least one year from their date.

LXVII. It is a gross violation of official duty for the presidents to remain absent from the meeting for the purpose of avoiding the appointment of examiners. They are subject to be fined under s. 59 School Law. Examiners hold over until a new appointment is made of successors.—*Alfred Caldwell, Attorney-General.*

[Note.—Most of the provisions of sec. 28 are repealed by sec. 28a.]

Teachers  
must have a  
certificate.

28. No teacher shall be employed to teach any public school of this State until he shall have presented to the trustees, directors or board having charge of such school, a certificate in duplicate of his qualifications to teach a school of the grade for which he applies, the duplicate of which shall be filed with the secretary of the board of education of the district in which the school is situated and so endorsed on the original by the secretary; and no salary shall be paid to any teacher unless duplicate be filed as aforesaid.

Teachers  
examined in  
certain  
branches.

The board of examiners shall examine each candidate for the profession of teacher, who may apply to them, as to his or her competency to teach orthography, reading, penmanship, arithmetic, English grammar, geography, history, single entry book-keeping and civil government, if the application be for a primary school, and if the application be for a higher school, they shall examine the applicant as to his competency to teach the additional branches required for such school, and is satisfied of the competency of the applicant to teach and govern such schools, and that he or she is of good moral character and not addicted to drunkenness, they shall give a certificate in duplicate accordingly. The county superintendent shall keep a register of all certificates awarded by the board of examiners, stating the character and grade of certificate and the time when issued.

Certificate  
in force in  
county where  
issued.

No certificate shall be issued by the board of examiners, except upon an actual examination, participated in by a majority of the board, or be of force except in the county in which it was issued, nor for a longer period than one year, except as provided in section twenty-nine of this chapter, and the board of examiners may, upon proper evidence of the fact, revoke the certificate of any teacher within the county, for any cause which would have justified the withholding thereof, when the same was granted, by giving ten days notice to the teacher of their intent to do so.

Examina-  
tions held at  
certain times.

The board of examiners shall, at two stated periods in each year, agreed upon by themselves, of which they shall give due notice, hold public examinations, at which all applicants for certificates shall be required to attend; and should circumstances require it, the county superintendent may call extra meetings for the same purpose.

Examiners  
and superin-  
tendent may  
teach without  
certificate.

County superintendents and members of the board of examiners may be employed to teach without the certificate required of other teachers. But should any member of the board of education or school trustee be employed as teacher, it shall vacate his office.

LXVIII. No person shall be employed to teach a public school who has not a teacher's certificate regularly issued and still in force. Substitute teachers are permissible when the teacher is unavoidably absent, and then only, with the consent of the school trustees. Substitutes should have certificates of same grade as those whose places they fill. It is not necessary for the trustees to make a contract with a substitute. A teacher can not engage a school, make a contract for it, then employ a substitute and himself take another school.

LXIX. If a teacher obtain two certificates the same year, he may contract with the trustees on either, whether of the same or different grades.

LXX. The right of a member of the board of examiners to teach without examination is confined to the county in which such position is held.

LXXI. The members of the board of examiners are authorized to teach without certificates, and are therefore prohibited from issuing certificates to each other.

LXXII. Section 30 of chapter 45 of the Code, provides that all certificates for the school year, must be issued after July first. \* \* \* There is no provision made for the examination of a county superintendent while in office as he has the right to teach during his term of office without a certificate.—*T. S. Riley, Attorney-General.*

28a. The general regulation, direction and control of all matters relating to the examination of applicants for teachers' certificates and the issuance thereof, including the preparation of questions, the grading of manuscripts, the granting of certificates, the control and government of county boards of examiners, to be hereinafter provided for, and all other powers necessary for carrying into effect the provisions of this act, shall hereafter be vested in the State Superintendent of free schools, *Provided*, That nothing contained herein shall be construed to alter or amend section twenty-nine-a of chapter forty-five of the code, relating to the powers and duties of the state board of examiners.

County examinations, State Superintendent to have direction and control of.

2. Examinations for teachers at such times as shall be designated by the State Superintendent of free schools, shall be held simultaneously in each of the counties of this State, at such places as shall be designated by county superintendents; *Provided*, That no more than five such examinations be held annually.

Time and place of examinations.

3. For the preparation and printing of questions, the grading of manuscripts, the transmission of certificates and the additional clerical work demanded by the requirements of this act, the State Superintendent of Free Schools shall be allowed an amount not to exceed twenty-five hundred dollars annually, which sum is hereby appropriated and set apart from the general school fund of this State for this purpose, but such sum shall in no event exceed the amount received from the fees provided for in section eleven of this act.

Appropriation for conducting examination.

4. Applicants for teachers' certificates shall be re-

Branches.

Questions  
and  
Manuscripts.

quired to pass an examination in all the branches required to be taught in the primary free schools of this State, and upon which they are now required to pass examination by law. And, it shall be the duty of the State Superintendent of Free Schools to prepare questions upon the same and transmit such questions to the county superintendent of each county, properly sealed, to preclude examination, and such county superintendent shall open and seal all manuscripts, in the presence of the county board of examiners and the assembled applicants, and conduct such examination in a manner to be fully prescribed by the State Superintendent. At the conclusion of such examination, the county superintendent and board of examiners shall forward to the State Superintendent properly sealed, all manuscripts submitted to them, in accordance with full instructions to be furnished by the State Superintendent, together with such information, statements or affidavits as the State Superintendent may require. But no applicant known by the board of examiners not to be of good moral character, or to be addicted to drunkenness, or not to have attained the age of seventeen years, shall be admitted to such examination.

Age and other  
qualifications.

Grading  
manuscripts.

5. Within a reasonable time after the receipt of the foregoing manuscripts, from the board of examiners, it shall be the duty of the State Superintendent and his assistants to examine and grade the same, and to issue certificates based thereon, observing the following regulations in regard to the same:

I. Such certificate shall state the applicant's grade or proficiency in each branch in which he is examined.

II. Three grades of certificates shall be issued, based upon the following scale:

Grades of  
certificates.

First grade certificates shall be issued to all applicants who attain a general average of ninety per cent. on a scale of one hundred per cent., and not less than seventy-five per cent. on any one branch; second grade certificates shall be issued to all applicants who attain a general average of eighty per cent. and not lower than seventy per cent. on any one branch; third grade certificates shall be issued to all applicants who attain a general average of seventy per cent. and not lower than sixty per cent. on any one branch. Failure to attend teachers' institutes, as required by law, shall be deemed sufficient reason for withholding the certificate of any applicant.

State Super-  
intendent  
may revoke  
certificates.

The State Superintendent may, upon proper evidence of the fact or charges by the county board of examiners, revoke the certificate of any teacher for any cause which would have justified the withholding thereof when the

same was granted, by giving ten days notice to such teacher, of his intention to do so.

6. All certificates so issued, shall be signed by the State Superintendent and forwarded by him to the proper county superintendent, who shall countersign same and deliver to the teachers entitled thereto. And such certificates shall supersede any and all other examinations required of the persons holding them, except those that may be especially authorized by law in independent school districts of this State, and shall be valid in any school district in the State, unless revoked as provided for in section five.

Signed by State and county superintendents. Valid in all counties.

7. First-grade certificates shall be valid for a period of five years; second-grade certificates for a period of three years, and third-grade certificates for a period of one year, and, such third grade certificate shall not be issued to the same applicant more than twice. The State Superintendent and county superintendent shall each keep a register of all certificates awarded, stating the character and grade of each and date thereof.

Term of certificate.

8. If any county superintendent intentionally changes the examination prescribed by the State Superintendent, or commits any fraud with intent to assist or hinder any person, in securing a certificate, it shall be sufficient cause to declare the office of the said county superintendent vacant. If any other person tampers with the questions before examination, or with the manuscripts after the examination, or attempts to render aid in any examination, he shall be fined ten dollars and confined in jail ten days, upon complaint and conviction before any justice of the peace. All county certificates now outstanding, shall be good for the county and for the time marked on the face thereof, but shall not be renewed. Any county superintendent who knows of any immorality on the part of any person holding a county certificate shall, if the person so offending live in his county, after giving due notice to such person, suspend the said certificate for twelve months; and if the person so offending be a resident of another county, he shall notify the superintendent of that county, after giving due notice to such person, who shall suspend the certificate for twelve months. In either case, the suspension shall be marked upon the back of the certificate. Any person who refuses to surrender his certificate, when demanded, for the purpose of having said suspension marked on it, shall be disqualified for two years from teaching in this State.

Penalties for cheating.

9. Any applicant feeling himself aggrieved by any action or ruling of the county superintendent or board of

Right of appeal.

examiners, shall have the right of appeal to the State Superintendent, whose decision shall be final.

No person to teach without certificate except members of board of examiners.

10. No person shall be employed to teach in a public school of this State, until he shall have presented to the trustees or board having charge thereof, a certificate in duplicate of his qualification, which duplicate shall be filed with the secretary of the board of education of the district wherein said school is situated, and so indorsed on the original by the secretary, and no salary shall be paid to any teacher unless such duplicate be so filed. Members of the board of examiners may be employed to teach without the certificates required of other teachers, but should any member of the board of education, or any school trustee, be employed as teacher, it shall vacate his office.

Offices vacated by teaching.

Members of board of examiners.

11. There shall be in every county for the purpose of examining teachers a county board of examiners, to be composed of the county superintendent, who shall be ex-officio president, and two experienced teachers, each of whom shall have received a teacher's state certificate or a number one county certificate, or be a graduate of some reputable school, to be nominated by the county superintendent and be appointed by the presidents of the district boards of education, as now prescribed by law, one member to be appointed annually for a term of two years, at which meeting a majority of said presidents, or any three thereof, shall constitute a quorum. It shall be the duty of the county superintendent to attend such meeting.

Vacancies

Vacancies in said board of examiners shall be filled by the presidents in the same manner as members of said board are appointed, and it shall be the duty of the county superintendent, upon ten days notice, to call meetings of said presidents at the county seat for that purpose. The board of examiners shall each receive a compensation of three dollars per day for each day actually and necessarily employed in conducting the examinations. The county superintendent shall collect from every applicant a fee of two dollars, out of which fees he shall pay the per diem of the board of examiners, and the expenses of the notice and of conducting such examination, but such per diem and expenses shall not exceed one-half of the fees so collected; the remainder of such fees he shall pay to the Auditor of the State to be placed to the credit of the general school fund of the State. He shall, at the close of all examinations, make and return to the State Superintendent of Free Schools, a detailed and certified account of the names of all applicants for examination; the amount of fees collected by

Compensation of board of examiners.

Account of examination fund.

him; the amount paid out as above provided, and the balance placed to the credit of the general school fund, as aforesaid.

All acts or parts of acts inconsistent with any of the provisions of this act, are hereby repealed.

LXXIII. I am clearly of the opinion that the Legislature never intended to say that because a trustee should teach in a district other than the one for which he is trustee that his office would thereby be vacated. I can see the legal impropriety of a teacher being trustee in his own district and possibly thus employing himself; but surely he would have the right to teach in another district under a contract with the trustees of such other district.—*Romeo H. Frceer, Attorney-General.*

[Note.—Most of the provisions of sec. 29 are repealed by sec. 28a.]

29. The following regulations shall be observed by boards of examiners with regard to examinations and granting teachers' certificates: Regulations for board of examiners.

First. No applicant shall be admitted to examination unless the board shall have reasonable evidence that he or she is of good moral character and temperate habits, and has attained the age of sixteen years.

Second. No college diploma or certificate of recommendation from the president or faculty of any college or normal school or academy shall be taken to supersede the necessity of examination by the board of examiners, nor shall a certificate be granted to any applicant except after a careful examination upon each branch of study and upon the art of teaching.

Third. Boards of examiners and others herein authorized to confer certificates shall state the teacher's grade of proficiency in each branch in which he is examined.

Fourth. They shall grade the certificate granted according to the following scheme numbering them according to the merit of the applicant from one to three:

The first grade certificate shall be issued to all applicants who shall pass an examination in all the branches required to be taught in the primary free schools of the State, and in addition thereto the theory and art of teaching, general history, civil government and book-keeping, and obtain a general average of ninety per cent. on a scale of one hundred per cent. and not less than seventy-five on any one branch; which certificates shall be valid for a period of four years and shall be re-issued once without examination at the discretion of said board of examiners, provided the holder has taught two years on said certificate. First grade certificates.

The second grade certificate shall be issued to all applicants who shall pass an examination upon all the branches required to be taught in the primary free schools and in addition thereto civil government and the theory and art of teaching and obtain a general average Second grade.

of eighty per cent. and not lower than seventy per cent. on any one branch, which shall be valid for a period of two years and be re-issued only upon examination.

Third grade.

The third grade certificate shall be granted to applicants who shall pass a satisfactory examination in the branches required to be taught in the primary free schools, and the theory and art of teaching and obtain a general average of seventy per cent. and not lower than sixty per cent. in any one branch, and be valid for a period of one year and be re-issued only upon examination and then not to the applicant more than twice. All grades of county certificates provided by law shall be granted at the same examination. Failure to attend the teachers' county institute where such attendance may be required of teachers holding any of these grade certificates unless excused by law or unless said failure may be for reasons deemed sufficient by the county board of examiners shall be cause for revoking said certificate.

State Board of Examiners.

29a. I There shall be a State board of examiners which shall consist of four competent persons, one from each congressional district, to be appointed by the State Superintendent of Free Schools; the term of office of such examiners shall be four years and vacancies in said board shall be filled by the State Superintendent of Free Schools. Said board shall meet at two different places, at least, in each congressional district in each year, for the purpose of making the examinations and granting the certificates provided for in this act, and any three of said members shall constitute a quorum.

Meetings.

Grades of certificates.

II. The board thus constituted may issue two grades of certificates to such as are found to possess the requisite scholarship, and who exhibit satisfactory evidence of good moral character and of professional experience and ability, as follows: First class certificates for twelve years; second class, for six years. Any person holding a certificate of the first class, who shall have taught for eight years of said twelve years, shall be entitled, without examination, to have the same renewed at the expiration of the said twelve.

The second class to be issued to applicants of satisfactory attainments in the branches required for county certificates, and in addition, not fewer than four other branches to be determined upon by the board.

Certificates issued to graduates of certain institutions.

The second class certificates shall be issued upon application, without examination, to the graduates of the State University of West Virginia, of the Peabody Normal College of Tennessee, of the State normal school



and its branches of West Virginia, and of other schools in this State whose grade of work is equal in all respects, in the judgment of the board, to the State normal school and its branches, where graduates shall have presented to the board satisfactory evidence that they have taught successfully three years in the State under a number one county certificate, two of which said three years shall immediately precede the application for such certificate.

Teachers who shall present to the board satisfactory evidence that they have taught successfully four years, under a second-class certificate, shall be entitled to receive, without examination, a first-class certificate at the expiration of the second-class.

First class given on expiration of second.

The board shall keep a record of the proceedings, showing the number, date and duration of each certificate, to whom granted, and for what branches of study, and shall report such statistics to the State Superintendent annually on or before the thirtieth day of September.

Record.

III. All certificates issued by such board shall be countersigned by the Superintendent of Free Schools; and such certificates shall supersede any and all other examinations of the persons holding them, by any board of examiners, and shall be equivalent to a number one certificate granted by a county board of examiners, and shall be valid in any school district in the State, unless revoked by the State board for a good cause.

Certificate valid in any school district.

IV. Each applicant for a certificate shall pay the board of examiners a fee of five dollars.

Fee.

V. The board of examiners shall each receive a compensation of five dollars per day actually and necessarily spent in conducting the examinations, and for one day to be spent in consultation and in preparing for their duties and six cents per mile for each mile necessarily traveled in going to and returning from the place of examination. This compensation shall be paid out of the fees received from the teachers examined, and shall in no case exceed the amount so received.

Compensation of examiners.

Said board shall, at the end of each school year, make and return, to the State Superintendent of Free Schools, a detailed and certified account of the names of all the applicants for examination, the amount of the fees received, the amount paid out to the members of the board, and the balance, if any, shall be paid over to the treasurer of the State, to be placed to the credit of the distributable school fund.

Annual report to State Superintendent.

LXXIV. Graduates of the State Normal School and of the State University, in order to secure the second class certificates, must present to the State board of examiners satisfactory evidence that

they have taught successfully three years under a Number 1 county certificate; two of which said years must immediately precede the application for the certificate.

Teachers to keep daily and term registers.

30. Every teacher shall keep a daily register and make monthly reports to the secretary of the board of education of his district. He shall also keep a term register in which shall be entered the date of the commencement and termination of every term of school, the name and age of every scholar who attended the school during said term, the daily attendance, distinguishing between males and females, the branches taught and the number of scholars engaged each month in the study of each branch, and such other particulars as are necessary to enable the secretaries of the boards of education, or directors, to make the reports required of them; and such monthly report shall in addition to other facts now required show the number of days taught by a substitute, if any, and the grade of certificate held by such substitute.

Forfeit for failure to turn term register.

The State Superintendent of Free Schools shall prescribe such forms and regulations respecting the register to be kept and the reports to be made by the teachers as shall seem to him necessary. At the close of each term, the register thereof shall be returned by the teacher to the office of the secretary of the board of education of the district, who shall file the same, and unless such register be properly kept and returned, the teacher shall not be entitled to demand payment for the balance due on his salary. Teachers shall be paid monthly, and by orders on the sheriff, or collectors, signed by the secretary and president of the board, which orders, when signed as aforesaid and delivered to the teacher, shall be deemed at once due and payable. When any teacher has taught according to his contract, for one month, the trustees for the sub-district in which he has taught, shall certify the fact to the secretary of the district board, whereupon he shall receive from said secretary an order upon the sheriff or collector of the county, signed by the secretary and president of the board of education, for one month's salary; but in no case shall such order be given unless the monthly report containing the facts required in the preceding part of this section, to be shown in the term register, be first duly made out and returned to the secretary. The school month shall consist of twenty days, excluding Saturday, all of which shall be devoted to teaching the school contracted for. As a means of improving the teachers and fitting them for more effective service in the free schools of the State, teachers' institutes shall be held annually throughout the State, one or more in each county; they shall be held at such places

as the State Superintendent shall, with the advice of the county superintendent, direct, and during the week preceding that school term in each county, which a majority of the school teachers of such county may designate by petition to the county superintendent, or by vote at the preceding teachers' institute, and shall continue each for one week of five days.

And every person employed as a teacher in the free schools of the State, who has attended a county institute, shall receive pay for the same at the rate of one dollar and fifty cents per day for a period not to exceed five days in any one year, the amount of such compensation to be paid, with the salary of the last month of the school term, out of the building fund of the district.

Compensation for institute attendance.

The institutes shall be conducted by experienced and skillful institute instructors, but it shall be a part of the duty of the county superintendent, under the instructions of the State Superintendent, to make all proper arrangements for the institutes, and to assist in conducting them.

Instructors.

The instructors, whom the State Superintendent shall appoint as herein provided, shall each receive for his services not more than twenty-five dollars and his expenses for each institute he may instruct, to be paid out of the general school fund on a proper order of the State Superintendent, but in no case shall the amount so paid exceed one hundred dollars for any one institute.

Compensation of instructors.

Every teacher enrolling in a county institute shall pay an institute fee of one dollar, seventy-five cents of which shall be remitted to the Auditor of the State to be paid into the State treasury to the credit of the general school fund, and twenty-five cents to be paid for incidental expenses and for the betterment of the institute.

Institute fee.

The county superintendent shall, at the close of the institute, forward to the State Superintendent a certified list of all persons enrolled at the county institute, giving the exact time each was in attendance and the amount of money received; he shall also forward to the Auditor seventy-five cents for every person so enrolled in his county.

Institute reports.

Within the months of July, August and September or other month after the institute, the county board of examiners shall hold one of the two examinations prescribed in section twenty-eight.

It shall be the duty of the State Superintendent to prescribe a graded course of institute work covering a period of two years, which shall embrace history of education, school management, methods of teaching, educational

Graded course of institute work.

Who exempt from institute attendance.

Failure to attend institute.

psychology and such other subjects as may be prescribed for the West Virginia Teachers' Reading Circle. Any teacher who has completed the graded course of institute work and the graded course of professional study and passed a satisfactory examination thereon, and also obtained a number one teacher's certificate, shall be exempt from further compulsory institute attendance; but any teacher so exempt may attend any such institute and draw pay for the same as above provided. Any teacher not exempt from institute attendance who shall fail or refuse to attend at least one institute annually held under the provisions of this section, unless such teacher shall have an excuse therefor sufficient in the judgment of the board of examiners, shall not be entitled to continue or complete the school term wherein he may be teaching or be employed to teach, in any free school during the year within which such failure or refusal may have occurred, and it shall be the duty of the county superintendent to see that such teacher or teachers are compelled to stop teaching for the year in which such failure occurred.

Appropriation for institutes.

There is hereby appropriated for the support of said county institutes, from the general school fund, the sum of six thousand dollars for the year 1903, and six thousand dollars for the year 1904.

All acts or parts of acts inconsistent with this section are hereby repealed.

LXXV. \* \* \* In view of this condition, I am of opinion that institutes may be held any time after the third Monday in July of each year, and possibly as late as November.—*Romeo H. Freer, Attorney-General.*

LXXVI. The secretary of the board should carefully examine the monthly summary which the teacher files at the end of each month, for it should contain a summary of what the teacher is recording in his term register, which is to become the chief basis of the secretary's report to the county superintendent. In no instance should the secretary issue the teacher's order for his last month's salary until the term register is found to contain all data required by the above section, to be recorded in it.

LXXVII. "The applicant for examination for a teacher's certificate must have attended one institute during the year or have an excuse for not so attending sufficient in the judgment of the board of examiners to entitle such applicant to be examined. Such attendance within the year, or such excuse is a condition precedent to the right to be examined."—*Alfred Caldwell, Attorney-General.*

LXXVIII. When only a few days of a school term run into a new year the school may be reported in the old year, but if a month or more of the school runs into the new year, then it should all be reported in that year.

LXXIX. The per cent. of attendance and absence should make 100 without the per cent. of non-membership.

LXXX. In making reports to the secretary, teachers should not count children of the sub-district not enrolled in the school—when a child is once enrolled he should be accounted for during the whole term, both before and after he is enrolled.

LXXXI. It is the duty of the presidents and secretaries of the boards of education to issue orders for money directed to be paid by the board.

LXXXII. The following excuses are deemed of sufficient importance in all departments of life and may be regarded good for non-attendance at the institute: Sickness, death of a near relative, and attendance at court under summons. Frivolous and petty excuses should not be accepted.

LXXXIII. The trustees, if they employ a teacher who has not complied with the law requiring teachers to attend institutes, violate their oath of office, and ought themselves to be removed if it is done wilfully.—*Alfred Caldwell, Attorney-General.*

LXXXIV. The holding of an examination or the issuing of a certificate in any year prior to the first day of July is prohibited by law. The school year begins with that date, and all certificates should be issued with reference to it. If a certificate—good for one year, be issued in the autumn or later, it terminates with the first day of the ensuing July, and so a three or five years' certificate issued at the same time would end with the first day of July three or five years hence.

31. In contracts with teachers, it shall be understood that school is not to be kept in operation for ordinary instruction on the first day of January, fourth day of July, or the twenty-fifth day of December, nor any National or State festival or Thanksgiving day; but the month or time mentioned in such contract shall nevertheless be computed as if the said days were included. Holidays.

32: All teachers, boards of education, and other school officers are hereby charged with the duty of providing that moral training for the youth of this State which will contribute to securing good behavior and manners, and furnish the State with exemplary citizens. It shall also be the duty of every school trustee to see that the school house is kept clean and in good order, and that fires, when necessary, are made and kept therein, but no expense shall be incurred therefor, to exceed fifty cents per week, and the amount thus expended shall be certified by the trustees to the board of education, and shall, if correct, be paid out of the building fund of the district. Teaching morals.  
Building fires.

LXXXV. Persons building fires should have a definite contract with the trustees.

The Legislature intended by enacting s. 32 to compel the trustees to have school houses kept clean, fires made and kept, &c. by expenditures out of the building fund.

The trustees have no right to alter the form of appointment prescribed by the State Superintendent so as to make it a duty of the teacher to do this work for the salary he is to get out of the 'teachers' fund.'

I fully concur with the opinion given by my predecessor (General Watts) upon the section named.—*Alfred Caldwell, Attorney-General.*

33. The president of the board of education of every district shall, at least once a year, examine the school houses and school house sites in the district, and report the condition of the same to the board; and such as are, in their judgment, properly located and are sufficient, or can with reasonable expense be rendered so, shall be retained for the use of public schools, and the remainder, with the consent of the county superintendent, President of board shall examine all school houses.

School build-  
ings may be  
sold.

shall be sold at public auction or otherwise, by the board of education, and on such terms of sale as the board may order and the proceeds added to the building fund: *Provided*, That the grantor or his heirs of any such school house site shall, if he or they so desire, have the same reconveyed to him or them, without the buildings thereon, (if any), upon paying to the board of education the amount received by such grantor for such site; or in case no compensation was paid therefor, the same shall be so reconveyed free of charge. In case of such reconveyance, the building on such site (if any) shall be sold, as hereinafter provided, with privilege to the purchasers to remove it from off such site in a reasonable time. This proviso shall not be construed to apply to any school house lot within any village, town or city.

LXXXVI. I am of the opinion that the board has the right to sell the old school house notwithstanding the fact that the legal title had not been conveyed. This was an inadvertance that no one can take the advantage of. The equitable title was in the board. I think the board can sell the house as provided in section 33 of chapter 45 of the Code.—*T. S. Riley, Attorney-General.*

The board  
shall provide  
suitable  
houses,  
grounds, &c.

34. The board of education of every district shall provide by purchase, condemnation, leasing, building or otherwise, suitable school houses and grounds in their districts, in such locations as will best accommodate the inhabitants thereof, and improve such grounds and provide such furniture, fixtures and appliances for the said school houses, as the comfort, health, cleanliness and convenience of the scholars may require, and keep such grounds, school houses, furniture, fixtures and appliances in good order and repair: *Provided*, That in case such boards of education shall be unable to agree upon a proper location for a school house in any sub-district, such location shall be decided by the county superintendent.

Districts may  
join in erect-  
ing school  
houses.

Boards of education in adjoining districts or counties may jointly provide for the erection of school houses for the accommodation of adjoining portions of districts or counties, for high schools, union schools or sub-district schools, which from local causes, cannot be conveniently attached to sub-districts in the districts or counties to which they belong. The title to such houses shall be vested in the board of education having supervision of the sub-district containing the greatest number of children, and terms indicating a trust for the purpose aforesaid shall be introduced into an agreement made between the boards of education interested. Such school houses shall be provided with furniture, fixtures and

Title to joint  
building in-  
vested in.

such other appliances as are supplied to school houses generally. An equitable amount shall be assessed on each district interested, by the respective boards of education, for the purpose aforesaid. Boards of education shall in every case require bond of all contractors, with approved security, in double the amount of the contract for building or repairing school houses.

No county superintendent, board of education, or any member thereof, or trustee of any sub-district, shall, directly or indirectly, become personally interested in any contract for building or repairing school houses in his or their district; and any county superintendent, member of such board, or any trustee, violating this section shall be guilty of a misdemeanor and fined not less than one hundred dollars.

Officers not to be personally interested in contract

LXXXVII. The length of a school term in union schools must be determined by the term fixed by the district in which the school is located, for its schools. The trustees of the sub-district would control the location of the school, &c. All the boards of education of the district out of which the pupils are sent have to do, is to pay a just part of the expense of the union school.—*Alfred Caldwell, Attorney-General.*

LXXXVIII. In case the land owner, on whose land a school house is built by a board of education before a deed is delivered therefor, refuses to make the deed, proceedings in a court of equity may be instituted by the board to compel the specific performance of the contract.

LXXXIX. Chapter 65, Acts 1879, makes it a misdemeanor for any county or district school officer to become directly or indirectly pecuniarily interested in contracts, lettings and furnishings in cases where he has a voice or control. See Acts 1879, chapter 65, wherein it is provided that: "It shall be unlawful for any member of a county court, overseer of the poor, district school officer, or any member of any other district board, or for any county or district officer to be or become, directly or indirectly, pecuniarily interested in the proceeds of any contract or service, or in furnishing any supplies in the contract for, or the award or letting of which, as such member or officer, he may have any voice or control." See also section 13 of this chapter.

XC. When the board fail to agree upon the location of a school house, and the county superintendent is called to decide the matter, his decision is final and from it no appeal can be taken.

XCI. A county superintendent has no authority to select a site for a school house. He can only act when the board of education fail to agree as to a location.

35. No school house shall be erected unless the plan thereof shall have been submitted to the county superintendent, and approved by him, and it is hereby made his duty to acquaint himself with the principles of school house architecture, and, in all his plans for such structures, to have regard to economy, convenience, health and durability of structure.

Plans must be submitted to county superintendent.

XCII. The approval of the plans of school houses is, perhaps, the most important duty which the county superintendent has to perform. He is, thus made the architect of school house construction in his county, and if the same are illy constructed, poorly ventilated, poorly lighted, and improperly heated, thus producing physical injury to the pupils, he is morally responsible.

Land for school site may be condemned.

36. When land has been designated by the board of education of any district as a suitable location for a school house and the necessary buildings, or for enlarging a school house lot, if the owner or owners refuse to sell the same, or demand a price therefor which is deemed by the board unreasonable, or the owner is a *feme covert*, a minor, *non compos mentis*, or non-resident, after ten days' notice, served upon such owner or owners, or the owner or owners being non-residents thereof, by publication for four weeks in some newspaper published in the county, or if there be no newspaper published in the county, by posting the same for four weeks at the front door of the court house, and five other public places in the county, at least two of which shall be in the district and one in the sub-district in which such property is located, the board may petition the circuit court of such county, to have such lots of ground condemned for the use of public schools, and such proceedings shall thereupon be had in the name of such board for the condemnation thereof, as provided for in chapter forty-two of this Code: *Provided*, That the land so taken shall not exceed in quantity one acre.

XCIH. When condemnation proceedings become necessary the board of education should consult and advise with the prosecuting attorney who will instruct it how to proceed according to the provisions of chapter XLII, of the Code of West Virginia.

School property exempt.

37. All school houses, school house sites and other property belonging to any board of education and used for school purposes, shall be exempt from execution or other process, and from lien on, or distress for taxes or county levies; but when any order of the board, upon the sheriff of the county, or judgment or decree for a sum of money against the said board has been presented to such sheriff without obtaining payment, payment thereof may be enforced by the circuit court by *mandamus* or an order for specific levy on the property taxable in the district.

37a. WHEREAS it is represented to the legislature that, prior to the introduction of the present free school system, many lots or small pieces of land were donated or purchased, and the title thereof, legal or equitable, vested in trustees with the view of erecting thereon buildings designed exclusively for educational purposes, and that they were used for such purposes many years prior to the formation of the State, and are still used or claimed by the boards of education in the various school districts in many of the counties of the State, and that said trustees in many cases have departed this life or left the State, and others since the introduction of the



free school system have declined to act or take any interest in, or control over, such lands; therefore, Be it enacted by the Legislature of West Virginia:

1. That the title of all such lands be, and the same is hereby vested in the board of education of the school district in which such lands as have been in the actual possession of the board of education for the last five years, and are still in such possession and not otherwise claimed, may be, and their successors in office, to be held and used for free school purposes, and none other.

Title to certain lands.

2. If from any cause the board of education of the school district in which any such land may lie, shall be of opinion that the interest and convenience of the schools of such district will be promoted by the sale of any such lands, they may sell and convey the same, and use the proceeds of such sales in the purchase of other lands and the erection or repair of other buildings to be used and held for free school purposes, as in other cases.

Certain lands may be sold.

38. To provide school houses and grounds, furniture, fixtures and appliances, and keep the same in good order and repair, to supply said schools with fuel and all other things necessary for their comfort and convenience, and to pay any existing indebtedness against the building fund and all other expenses incurred in the district in connection with the schools, not chargeable to the "teachers' fund," the board of education shall, annually, on the first Monday in July, or as soon as practicable thereafter, levy a tax on the property taxable in each district, not to exceed, in any one year, the rate of forty cents on every hundred dollars valuation thereof, according to the latest assessment on the same for State and county taxation.

Levy for building fund.

XCV. The levy for the Building Fund is limited to forty cents on the \$100, except in the case of high schools organized under the provisions of section 24 of this chapter wherein it is provided that for the equipment and support of these high schools 30 cents *additional* may be levied, thus making the rates of levy 70 cents on the \$100.

XCVI. It is the duty of boards of education to levy for a sufficient amount for both teachers' and building funds, to do all that is necessary to have all the schools in their respective districts taught five months in the year unless such amount would require a levy of more than the maximum rate fixed by law. See section 40 and decisions thereunder.

XCVI. Power of board to purchase outline maps and dictionaries—Section 14 seems to imply that there may be apparatus and library connected with the public school. Section 16 limits power of trustees but not the board of education as to expenditures for certain articles. I am inclined to a liberal construction of the law in respect to what is a proper expenditure of the building fund. I believe outline maps, dictionaries for reference and any other necessary apparatus for the instruction of the scholars in the branches to be taught in the school, reasonable in amount, can be purchased out of the building fund at the discretion of the board of education by virtue of the authority conferred by the 34th section upon such board to provide such furniture, fixtures and appliances for the school houses as the convenience of the scholars may require.—*Alfred Caldwell, Attorney-General.*

Building  
Fund.

39. The proceeds of taxes so levied, of school houses and sites sold, of all donations, devises and bequests applicable to any of the purposes mentioned in the preceding section, shall constitute a special fund to be called the "building fund," to be appropriated exclusively to the purposes named in the preceding section.

XCVII. A balance due the building fund should not be taken by the board to pay debts against the teachers' fund, nor should money be taken from the teachers' fund to pay claims against the building fund.

XCVIII. Insurance paid for the destruction of a school house by fire is paid to the credit of the building fund of the board of education generally, and may be used to erect another building in the same or a different place, or for other purposes, as the board may direct.

XCXIX. To supersede or correct a school levy by the circuit court. For process, see Acts of 1875, chapter 72, and Wells, *et al vs.* Board of Education, 20 W. Va. 154.

Levy for  
support of  
schools.

40. For the support of the primary free schools, of their district, and in each independent school district, and to pay any existing indebtedness against the teachers' fund, the board of education thereof, shall annually on the first Monday in July, or as soon thereafter as possible, levy by the authority of the people as prescribed in section two of this chapter, such a tax on the property taxable in the district, as will, with the money received from the State for the support of free schools, be sufficient to keep schools in operation at least five months in the year, provided, the tax in any one year shall not exceed the rate of fifty cents on every one hundred dollars valuation according to the latest available assessment made for State and county taxation. The proceeds of this levy, together with the money received from the State as aforesaid, shall constitute a special fund, to be called the teachers fund, and no part shall be used for any other purpose than the payment of teachers' salaries, first for the current year, and any part of said fund not so expended, shall be appropriated to the payment of any existing indebtedness created for said purpose. Upon the failure of any board of education to lay such levy as hereby required, or any other levy provided for in this chapter, they shall be compelled to do so by the circuit court of the county by a writ of mandamus, unless good cause be shown to the contrary.

Teachers'  
fund.

Board may  
be compelled  
to levy.

Special levy.

But in case the levy provided for in this and the 38th section of this chapter shall not be sufficient to pay any existing indebtedness of the district in addition to the other purposes for which it is levied, the board may increase such levy to the amount actually necessary, or lay a special levy for the purpose, but such increase or special levy together with any other levy not provided for

in this and the 38th section of this chapter, shall not exceed in the aggregate, thirty cents on the one hundred dollars valuation of said property, and in no case shall the appropriation of any money to the payment of any existing indebtedness, directly or indirectly, interfere with the payment of the teachers' salaries for the term of five months, for which the schools are required by law to be kept open each year.

C. If a fifty-cent teachers' levy will not support the schools of a district for five months, reasonably and economically conducted, together with the aid received from the State, the board of education is not only authorized by the statute to exceed that limitation but it is its duty under the law to do so.—*Romeo H. Freer, Attorney General.*

CI. Under the provisions of this section, the free schools must be kept in operation at least five months in the year, and as many more as may be determined by the voters of the district.

CII. A board of education may be compelled by a writ of *mandamus* to levy at a sufficient rate to run the schools of a district five months, if the people have directed by vote that the levy be made and the rate of levy does not exceed the limit prescribed by law which may under the provisions of section 40, by special levy exceed fifty cents on the \$100, but must not exceed 80 cents on the \$100.

CIII. A board of education violates a plain provision of the law when it pays "existing indebtedness" out of the levy for the current year and thereby shortens the term of the schools of the district below five months. A sum necessary to run the schools five months must be provided, and if anything is left it may be applied to existing indebtedness.

41. If the board of education of any district agree that the school in their district should be continued more than five months in the year, or if twenty or more voters of the district ask it, in writing, they shall submit the question to the voters thereof at the next general election, which order shall state also the length of time for which it is proposed to continue the schools. Ballots may be used for voting on the question, on which may be written or printed "for ——— months schools": for those who are in favor of more than five months school; those who oppose a longer term than five months may vote with a ballot having written or printed on it, "against more than five months school." And if the proposition for a longer term than five months have a majority of all the votes cast for and against, then the board shall order the levy accordingly. *Provided*, That in any district where a poll is held for a purpose herein specified, notices of such election shall be posted by the secretary of the board of education in at least three public places in the district, at least three weeks before the day of voting; and the notice shall explicitly state the term of time for the school, which is to be voted for, and only two terms of time shall be voted for at any one election. And the time of the term voted for at such election shall con-

Longer term  
than five  
months.

time for two years. The poll shall be held and the election conducted, and the official records returned as prescribed in the second section of this chapter.

The trustees in each sub-district may, in their discretion, order all the schools under their jurisdiction to begin in any month in the school year.

To get share  
of State fund  
levy is  
necessary.

42. No district or independent school district shall hereafter receive any share of the distributable State fund for free schools, in any year in which the levy required by the fortieth section has not been made in such district or independent school district; and any money heretofore or hereafter distributed, and undrawn and remaining credited on the books of the Auditor to any such district or independent school district on the thirtieth day of June in each year, shall, on that day, be transferred on the books of the Auditor to, and form a part of, the general school fund to be distributed.

CIV. It is the duty of the county superintendent of any county in which a district or districts have voted down the levy, to inform the Auditor of the same, giving name or names of said district or districts that he may properly transfer that part of the State fund due such district or districts for that year to the general school fund. See section 61, last clause.

Assessor's  
certificate  
basis for  
school levy.

43. The assessor of every assessment district shall make out and deliver to the secretary of the board of education of each district in his district, on or before the first day of July in each year, a certificate showing the aggregate value of all personal property; and the clerk of the county court shall certify to the said secretary the aggregate value of all real estate in such district or independent school district, which certificates shall serve as a basis for any levy that may be made for school purposes for that year.

Board must  
determine  
rate of taxa-  
tion.

44. Immediately upon the receipts of the certificates mentioned in the preceding section, and of the notice from the county superintendent, as hereinafter provided, showing the amount of the general school fund to which such district, or independent school district, is entitled, it shall be the duty of the board of education of such district, to determine the rates of taxation necessary, for the pay of teachers and for the building fund in their district for the school year, and for the payment of any such existing indebtedness, as aforesaid, and report the same, by their secretary, to the clerk of the county court, to the county superintendent, and also to the assessor; and thereupon, it shall be the duty of the said assessor to extend on his books of assessment for State and county purposes, the amount of taxes levied as aforesaid, in two separate columns, the one headed

“teachers’ fund,” and the other “building fund,” from which extension the sheriff shall proceed to collect the same, and shall account therefor as required by law.

Any assessor who shall fail to make out and deliver the certificate mentioned in the forty-third section, and any secretary of a board of education who shall fail to make out and deliver the certificate named in this section, shall be fined twenty dollars for the benefit of the building fund of the district. And any assessor who shall charge on the assessor’s books, as provided in the preceding section, a greater amount of taxes than is due from the person charged therewith shall, in such case, if the overcharge be inadvertently made, be fined double the amount, and if wilfully made, ten times the amount of the overcharge, one-half thereof to be applied to the benefit of the building fund, and the residue to the informer.

Fine in certain cases.

The fines provided for in this section may be recovered, on motion of any citizen of the district, or sub-district, in which such overcharge or delinquency of the assessor or secretary shall occur or in which the property overcharged may be, on ten days’ notice before any justice of such district, or by indictment in the circuit court.

How fine recovered.

CV. The rate of taxation and levy cannot be determined and laid before the first Monday in July of each year. See form of proceedings at this meeting, in Appendix.

45. It shall not be lawful for the board of education of any district, or independent school district, to contract for, or expend in any year, more than the aggregate amount of its quota of the general school fund, and the amount collected from the district or independent school district levies for that year, together with any balance remaining in the hands of the sheriff, or collector, at the end of the preceding year, and such arrearages of taxes as may be due such district or independent school district.

Board must not create debt.

But in districts wherein there is a town or city with an enumeration of youth of school age of three hundred or over, the board of education of such district may borrow money and issue bonds therefor for the purpose of building, completing, enlarging, repairing or furnishing school houses, in such town or city. Said bonds shall be payable not exceeding ten years from their date, and the rate of interest thereon shall not exceed six per centum per annum, but in no other case shall any debt be incurred by such board to be paid out of school money for any subsequent year: *Provided,*

Debt may be created in certain cases.

That no debt shall be contracted under this section which shall, including existing indebtedness, in the aggregate, exceed five per centum on the value of the taxable property in said district, to be ascertained by the last assessment for State and county taxes previous to the incurring of such indebtedness, nor without at the same time providing for the collection of a direct annual tax sufficient to pay annually the interest on said debt, and the principal thereof, within and not exceeding thirty-four years; and, *provided, further*, that no debt shall be contracted under this section unless all questions connected with the same shall have been first submitted to a vote of the people of said district, and have received three-fifths of all the votes cast for and against the same. Such election shall be held and conducted in the same manner as the general school election provided for in this chapter.

Issuing bonds must be voted on by the people.

If the trustees of any district, or any board of education shall make any agreement for the employment of a teacher in violation of this section, or for any other object concerning free schools under their charge, so as to occasion thereby the aggregate of the just claims against the board of education of the district, or independent school district, in any year, to exceed its aggregate receipts, as aforesaid, for such year, such board of education, or trustees, shall be individually responsible to the teacher, or other person with whom such agreement is made.

Trustees or board individually responsible.

The board of education of each district, and independent school district, in each county, shall require its secretary, ten days prior to the first day of July, in each year, to prepare and post at three places of election within said district, or independent school district, and in each school district or independent school district where the expenditures for all school purposes in any one school year in said district shall equal or exceed the sum of three thousand dollars, said board of education shall also publish in some newspaper of the county having a general circulation in the district, an itemized statement, duly sworn to by the president and secretary of said board, showing all moneys disbursed by said president and secretary by orders on the sheriff, or otherwise, within the school year, last preceding, distinguishing between the teachers' fund and building fund. The statement shall give the name of each person to whom an order shall have been issued, and shall state the object for which it was given.

**CVI.** The law makes no provision for additional compensation for the secretary in consideration of making up the statements to be published by boards in all districts having an annual expenditure of \$3,000 or more.

**CVII.** An important case arising under the provisions of Section 45, was decided by the Supreme Court of Appeals, December 6, 1893, and is reported in 38 W. Va., p. 382. The syllabus reads as follows:

**1. Schools and Schoolhouses—Boards of Education—Contracts—Construction of Statutes.**

Under section 45, c. 45, of the Code, the value of a school house and its site yet unsold, though the board of education intends to sell it, can not be taken into consideration in estimating the amount of money available in the fiscal year for contracts and expenditures.

**2. Schools and Schoolhouses—Boards of Education—Contracts—Construction of Statutes.**

Where a contract between a board of education and contractors for building a schoolhouse fixes a sum as the contract price, which may exceed the amount of money available under section 45, c. 45 of the Code for a fiscal school year, but contains a provision that no liability shall be imposed by such contract on the board for anything beyond the sum lawfully available under that section, so as to prevent the contractors from recovering of the board anything beyond such sum, the contract is not unlawful under said section, so as to prevent the board from paying upon it such money as is applicable under said section.

46. The sheriff or collector of the county shall receive, collect and disburse all school moneys for the several districts and independent districts therein, both that levied by said district and that distributed thereto by the State. He shall be required by the county court to give in addition to his bond as collector of the State and county taxes a special bond in approved security in a penalty equal to double the amount of school money which will probably come into his hands for school purposes during any one year of his term of office, which shall be made payable to the State of West Virginia, with one or more sureties deemed sufficient by such court, and proved or acknowledged before such court and an order stating such proof or acknowledgment shall be entered of record by such court.

Duties of  
sheriff.

He shall keep his accounts with the several boards of education of each district and independent school district: one of money belonging to the teachers' fund and the other of money belonging to the building fund, and shall credit every receipt and charge every disbursement to the fund to which it belongs. He shall pay out no money standing to the credit of the board of education, except upon an order signed by the secretary and president thereof, specifying the sum to be paid and the fund to which it is to be charged; or upon a certified copy of a judgment, or a decree of a court of justice against the said board, for a sum of money therein specified; or upon an order of the county superintendent, as provided in section eight of this chapter.

He shall, on, or immediately before, the first day of July in each year, settle with the board of education of each district and independent school district, in which

Sheriff's settlement with  
boards

settlement he shall be charged with the amount of taxes levied by the board of education upon the property of the district or independent school district, for the teachers' fund and building fund, and to pay any indebtedness of the district, and with the amount distributed thereto from the general State fund, and for any other moneys received by him during the current year on account of the free schools of such district or independent school district; and he shall be credited with the amount of delinquent school taxes of such district or independent school district that has been duly returned by him and certified by the clerk of the county court to such board of education.

He shall also be credited in such settlement with all vouchers produced by him, if found to be correct by the district board of education, and he shall receive no other credits except his commission as hereinafter provided; an account of this settlement shall be made out by each board of education, naming the district for which it is made, with the proper debits and credits which were the subjects of this settlement. They shall also number all vouchers with which the sheriff has been credited by them, and endorse on the back of each the words; "Settled by B. E." Under this endorsement the secretary of the board shall sign his name and date of settlement.

Sheriff's settlement with county court.

All such accounts and vouchers so endorsed shall then be delivered to the sheriff or collector whose duty it shall be to deliver them to the clerk of the county court, which accounts and vouchers shall serve as a basis of the settlement to be made by the sheriff or collector, with the county court, according to Article XII, and section 7 of the Constitution, and section fifty-two of this chapter. If any sheriff or collector shall pay out in any one year, more money on account of the teachers' fund or building fund than shall have been levied and could have been collected by him during said year, together with the amount remaining in his hands from any preceding year, he shall in such settlement, receive no credit for such excess.

Sheriff's commission on railroad taxes.

He shall receive no pay for receiving and disbursing the State school fund, and not more than two per cent. for receiving and disbursing railroad taxes, and no pay for the disbursement of any school money, arising from the sale of school property or received from any other source than levies. If he fail to account for and pay over, as required by law, any money which may come to his hands, or for which he is liable, judgment may be recovered therefor against him and his securities, with



interest and ten per cent. damages; and upon the failure of such sheriff to pay any proper draft which may be drawn by the said board of education upon him, the person entitled to receive the sum of money specified in such draft may require the sheriff to endorse thereon, or write across the face thereof the words "presented for payment," with the proper date, and sign the same, and judgment upon motion therefor may be obtained against the sheriff before any justice of his county, or before the circuit court thereof, with interest from the time said draft was presented and ten per cent. damages, he having had at least ten days' notice of the motion: *Provided*, That no sheriff shall be required to endorse any school order, nor shall suit be brought on any such school order prior to the first day of November of the current school year.

Sheriff to endorse drafts.

CVIII. Where error is discovered after a settlement has been made it may be corrected by proper legal proceedings.

CIX. See Code, chapter 41, section 56, as to penalty for sheriff who shall fail or refuse to pay any draft or order lawfully drawn upon him, under certain circumstances.

CX. Neither the board of education as a corporation, nor the members thereof individually, are liable to a sheriff who has paid out more in any year, on account of the teachers' fund, than has been levied and could have been collected by him during such year, together with the amount remaining in his hands from any previous year.—*Alfred Caldwell, Attorney-General.*

CXI. School orders shall be received at par value in payment of taxes, county and district levies, militia fines and officers' fees, etc.—See section 16, chapter 41, Code.

CXII. There is no law providing for the payment, by boards of education, of fees to county clerks for preparing abstracts of sheriffs' settlements as required by section 52; or certifying delinquent lists to boards of education, as required of him by this section, or for certifying the value of real estate to said boards as he is required to do by section 43. This work is a part of his duty as a county officer, for which he is paid a salary out of the county treasury by the county court.

47. The delinquent lists for district levies shall be returned and real estate sold therefor, as hereinafter provided.

Such lists of delinquent lands shall be in form, or in substance, as follows:

"List of real estate in the district of —, in the county of —, delinquent for the non-payment of school taxes thereon for the year —:"

Name of Person	Estate held.	Quantity of land.	Description and location of land.	Distance and bearing from courthouse	Teachers' fund.	Building fund.	Special levy.	Why returned delinquent.

The delinquent lists of personal property shall be in form or in substance as follows:

“List of personal property in the district of —, in the county of —, delinquent for non-payment of school taxes thereon for the year — :”

Name of Person	Total value of Personal property charged.	Teachers' fund.	Building fund.	Special levy.	Why returned delinquent			

And the sheriff or collector returning such lists shall, at the foot thereof, subscribe the following oath: “I, A— B—, sheriff, (deputy sheriff or collector), of the county of —, do swear that the foregoing list is, I verily believe, correct and just; and that I have received no part of the taxes for which the real estate (or personal property, as the case may be), therein mentioned is returned delinquent, and that I have used due diligence to find property within my county liable to distress for said taxes, but have found none.”

Property lists;  
disposition of.

48. The said lists shall be returned to the county court, before the first day of July in every year, and a list of real estate shall be examined, corrected and allowed by said court, and a copy thereof certified to the Auditor, and another copy to the assessor for future use in mak-

ing out the next land book. The list of personal property shall also be examined, corrected and allowed by the court, and the amount thereof so allowed, together with the amount allowed of the list of real estate, shall be certified by the clerk of said court, to the secretary of the board of education of the proper district. The original list shall be preserved by the clerk of said court in his office.

CXIII. Secretaries should see to it that clerks of the county courts furnish them with these lists before the first Monday in July, as required by law.

49. The auditor shall include the school taxes on real estate so returned delinquent, in his list to be furnished the sheriff for sale for delinquent taxes. Return of delinquent lands.

50. There shall be a lien on all real estate for the district levies assessed thereon, from the day fixed by law for the commencement of the assessment of taxes therein for each year, and interest upon such levies at the rate of six per cent. per annum, from the twentieth day of January in the year following that in which the assessment is made, until payment. Lien on real estate for levies.

51. A copy of the list of personal property, returned delinquent for the non-payment of district levies, shall, be placed by the clerk of the county court in the hands of the sheriff or collector for collection, to be collected and accounted for by him, in the same manner as for levies originally placed in his hands for collection; and he may collect such levies by distress or otherwise, at any time within two years after they are so placed in his hands. List of personal property returned delinquent.

52. Every sheriff or collector shall be allowed five *per centum* commissions on the collection of all district levies for free school purposes. In addition to the settlements required to be made with each board of a district, every sheriff or collector of school moneys shall also make annual settlements, by districts, with the county court of his county, at its next term after the first day of July of each year, showing the amount of all moneys received and disbursed by him for the preceding year for school and building purposes from State and from the district and independent school district funds, and the amount due to each district; which settlement shall be made a matter of record by the clerk of said court, in a book to be kept for that purpose. All accounts and vouchers required to be returned to the clerk of the county court by section forty-six of this chapter, shall be filed by said clerk in his office, and the file of each district shall be kept separate. Sheriff's commission on district taxes.

Penalty for failure to make settlements.

If any sheriff or collector of school moneys shall fail to make the settlement required by this section at the time required, without reasonable cause therefor, he shall forfeit fifty dollars to the general school fund, and a like penalty shall be incurred by him for each subsequent term of the court that shall pass without such settlement. And the sheriff or collector shall moreover, be charged with twelve per cent. interest on all school moneys in his hands for the time he is in default in making the settlement required in this section, which interest shall be charged up against him when the settlement shall be made.

Prosecuting Attorney shall take action.

When the sheriff or collector shall fail to make this settlement at the time required herein, it shall be the duty of the prosecuting attorney to proceed by action against him and his securities in the circuit court, to recover the fine imposed upon him by this section. Every sheriff or collector shall, moreover, be liable to any person injured in consequence of his failure to make the settlement herein required. This settlement shall extend back to the commencement of the term of office of such sheriff or collector.

Members of board fined

If any board of education fail to make the settlements required by section forty-six of this chapter, with the sheriff, when requested by him to do so, each member of such board so failing or refusing shall be fined twenty dollars, for the benefit of the school fund.

The clerk of the county court shall transmit an abstract of the settlement to the State Superintendent of Free Schools within ten days after the same has been made.

And the retiring sheriff shall within sixty days after he shall have made his final settlement in the manner herein provided, pay and turn over to his successors in office such balances as may be shown due from him by said settlements upon such order as is prescribed by section forty-six of this chapter, and if he fail to do so, he shall be liable to the forfeit and penalty herein prescribed.

County superintendent; qualification and salary of.

53. The county superintendent of schools shall be a person of good moral character, of temperate habits, literary acquirements and skill and experience in the art of teaching, and he shall not teach in any school, public or private, during his term of office. He shall receive for his services an annual compensation, as follows: In counties having not more than fifty schools, three hundred dollars; in counties having more than fifty and not more than seventy-five schools, three hundred and fifty

dollars; in counties having more than seventy-five and not more than one hundred schools, four hundred and twenty-five dollars, and in counties having more than one hundred schools, five hundred dollars, which salary shall be paid ratably for any shorter term of service than one year. *Provided*, however, that the county superintendent shall report on oath to the State Superintendent the number of schools he has visited during the year; in compliance with section fifty-four, chapter forty-five of the Code of West Virginia, and the State Superintendent of Free Schools in paying the said county superintendent as required by this section shall deduct three dollars from the salary of the said county superintendent for each and every school within his county that the county superintendent did not visit.

Forfeit for failure to visit schools.

Such compensation shall be paid quarterly upon orders drawn by the county superintendent on the State Superintendent of Free Schools, who shall upon receiving the same, draw his warrant upon the Auditor therefor, payable to the said county superintendent, or to such person as he may direct. But the payment of the fourth quarter shall not be made until the county superintendent has made the reports to the State Superintendent of Free Schools required by section 22, of this chapter and for every day after the first day of September before the receipt of these reports the State Superintendent shall deduct three dollars from the salary of the county superintendent, unless said reports are delayed by sheriffs' settlements or reports from secretaries of boards of education. The salary of the county superintendent shall be paid out of the general school fund, but the amount thereof shall be deducted by the Auditor from the amount next to be distributed to each county.

Forfeit for delay in reports.

As a further means of improvement among teachers, the county superintendent shall arrange for and conduct district institutes, or teachers' round tables, one or more to be held in each district of his county within the school year, and at such time and place as is most convenient for the teachers. Boards of education shall allow the teachers of their respective districts at least one day's pay in each school year for their actual attendance upon said district institute, such day to be counted as if spent in teaching, and as a part of the school term. The county superintendent shall certify to the secretary of each board of education the attendance of teachers at the different district institutes, and credit shall be allowed for the one day's attendance herein provided for, in the school month in which said institute is held. *Provided*,

District institutes.

Pay for one day's attendance.

That no teacher shall be allowed such pay unless he has been regularly employed by the trustees or board of education.

Bond of  
county super-  
intendent.

The county superintendent shall, before entering upon the duties of his office, execute a bond, conditioned according to law, before the county court of his county, or the clerk thereof in vacation, in the sum of one thousand dollars, with approved security upon which bond he shall be liable in any court having jurisdiction, to any person or persons, or to any board of education for losses sustained by reason of his neglect, or non-performance of duties imposed by this chapter. Said bond shall be filed in the office of the clerk of the county court, who shall within five days, certify to the State Superintendent of Free Schools the name of said county superintendent and his postoffice address: *Provided*, That the county superintendents heretofore elected shall continue in office until their successors shall have been elected and qualified under this chapter.

Vacancies:  
how filled.

A vacancy in the office of county superintendent shall be filled for the unexpired term by presidents of the boards of education in the county, at a meeting to be called for that purpose by the clerk of the county court at the court house of the county, within thirty days after the vacancy occurs. A majority of said presidents shall be necessary to constitute a quorum at such meeting.

CXIV. County superintendents must make their reports to the State Superintendent full and complete before making requisition for last quarter's salary; and the State Superintendent must see to it that said report is full and accurate before issuing his requisition upon the Auditor for said last quarter's salary of county superintendent.

CXV. The offices of county superintendent and of notary public are not incompatible.

CXVI. The county superintendent should not pay the secretaries until he has examined their books and found them correct. If he does this he violates the plain provision of law as set forth in section 8 of this chapter.

CXVII. The salary of the county superintendent depends on or is regulated by the number of schools, and I have no doubt that if the number of schools increase so as to increase his salary during his term of office he is entitled to such increased salary.—*T. S. Riley, Attorney-General*.

CXVIII. Teachers cannot claim pay for attendance at district institutes held on Saturday for that is not a legal school day. It would also increase their salaries without warrant of law.—*Romeo H. Freer, Attorney-General*.

County su-  
perintendent  
to visit  
schools.

54. The county superintendent shall visit each school within his county, at least once in each school year, at such time as he may deem necessary and proper, and note the course and method of instruction and the branches taught and give such directions in the art of teaching, and the method thereof in each school, as to

him shall seem necessary or expedient, so that the uniformity in the course of studies and methods of instruction employed shall be secured, as far as practicable, in the schools of the several grades, respectively.

He shall acquaint himself, as far as practicable, with the character and condition of each school, noting any deficiencies that may exist, either in the government of the school, the classification of its scholars, or the method of instruction employed in the several branches, and shall make such suggestions in private to the teacher, orally or by writing, as to him shall appear to be necessary to the good order of the schools and the progress of the scholars. He shall note the character and condition of the school houses, the sufficiency or insufficiency of their furniture and fixtures, and shall make such suggestions to the several boards of education and trustees as in his opinion shall seem conducive to the comfort and progress of the scholars in the several schools.

55. It shall be the duty of the county superintendent to aid the teachers in all proper efforts to improve themselves in their profession. For this purpose, he shall encourage the formation of county institutes for mutual improvement; shall attend the meetings of said institutes whenever practicable, and give such advice and instruction, in regard to their conduct and management, as in his judgment will contribute to their great efficiency. In connection with superintendents of the adjoining counties, each county superintendent shall encourage the formation of union institutes; shall attend and participate in the exercise of the same, as far as practicable; and shall use all proper means to improve the efficiency of the teachers and to elevate their profession.

County and  
union institutes.

He shall at all times conform to the instructions of the State Superintendent of Free Schools, as to the matters within the jurisdiction of the said Superintendent, and shall serve as the organ of communication between him and the several district boards of education. He shall distribute from his office all blanks, circulars, copies of school laws and other communications from the State Superintendent to the several boards and persons entitled to receive the same.

56. In addition to the reports mentioned in the twenty-second section, it shall be the duty of the county superintendent to make out and transmit to the State Superintendent of Free Schools a detailed report of the condition and character of the schools within his county, noting all deficiencies and suggesting their remedies, with

County  
superintendent's  
report.

such remarks upon the operations of the school laws as his experience and observation may suggest, pointing out wherein he considers them deficient. He shall also report such districts as have failed to make returns of the enumeration of youth as required in the nineteenth section of this chapter; and also those districts that have failed to make the levy required in section forty. It shall be the duty of the county superintendent to make in a well bound book to be kept for the purpose, a record of all his proceedings; of all certificates issued by the board of examiners, and of all reports made by him, which book shall be the property of the office; and all outgoing county superintendents shall make the report required for each year of their service.

CXIX. The law as laid down in section 56, is explicit in requiring a written report of the condition of the schools and school work over which they have supervision. Blank pages are found in the county superintendent's "annual report" and the same should be properly filled.

School officers  
and teachers  
not to act as  
agents.

57. No school officer, or teacher of any free school, shall act as agent for any author, publisher, bookseller, or other person, to introduce or recommend the use of any book, apparatus, furniture, or other article whatever, in the free schools of this State, or any one or more of them, or directly or indirectly contract for or receive any gift or reward for so introducing or recommending the same; nor shall such person be otherwise interested in the sale, proceeds or profits of any book or other thing used, or to be used in said schools: *Provided*, That nothing herein shall be construed to apply to any book written, or thing invented by such person, or to merchants who, in connection with their business, may desire to sell school books or other things used in schools. *Provided, further*. That the same are embraced in the prescribed series.

CXX. It is not a violation of law for the teacher to order for the pupils of his school, they furnishing the money, the lawful contract school books they need, at the contract price, either by mail or express. The teacher would violate the law, however, if he took any profit, or in any sense became an agent or dealer in school books.

School book  
board.

I. There is hereby established in every county of this State a school book board, to be composed of the county superintendent of the county, who shall be a member and the secretary of the board and eight other reputable citizens and taxpayers of the county. At least four of the eight shall be freeholders and not school teachers, and at least three shall be persons actively engaged as teachers in the schools of the county, and shall hold a teacher's number one certificate or its equivalent. Not more than five of said eight shall belong to the same



political party. The said eight persons shall be appointed by the county court. The term of office of each of said members shall be four years and until their successors are appointed, beginning on the first day of July next after their appointment. Said appointment shall be made on or before the fifteenth day of June, one thousand eight hundred and ninety-seven, and in every fourth year thereafter on or before the fifteenth day of July, and the term of office of those appointed after the first appointment (except appointments to fill vacancies) shall begin on the first day of August next after their appointment, and continue four years and until their successors are appointed. They shall receive as compensation for their services the sum of two dollars per day for each day they shall be in session as a board, and shall not receive pay for more than two days in any one year, which compensation shall be paid out of the county treasury. Vacancies in said board shall be filled for the unexpired term in the same manner as the original appointment was made. Five members shall constitute a quorum, but a smaller number may adjourn from day to day until a quorum appears. Every person so appointed shall, before entering upon his duties, take an oath that he will support the Constitution of the United States and the Constitution of West Virginia, and that he will faithfully discharge the duties of his office. A certificate of every such oath shall be filed with and preserved by the clerk of the county court.

How appointed;  
term of office.

When appointed.

Compensation.

Vacancies.

Quorum.

II. The secretary shall keep a record, in a book provided for the purpose, of the transactions of every meeting of the board, and shall record the names of the members voting for and against every proposition to adopt any text-book; which record shall be open to the inspection of any citizen of the county.

Secretary.

III. Immediately after the appointment of said board, in the year one thousand eight hundred and ninety-seven, it shall be the duty of the county superintendent to communicate with the publishers of text books, inviting the submission by such publishers of samples and prices of their books. When such samples and prices have been obtained, it shall be the duty of said board to meet at the county seat on or before the first Monday of August, one thousand eight hundred and ninety-seven, on the call of the county superintendent, and organize by choosing one of their number president. Said board shall then proceed to select and adopt one text book, or a series of text-books, on each subject required to be taught in the free schools of the State, and not provided

First meeting.

for by contract under chapter thirty-seven of the Acts of one thousand eight hundred and ninety-five, for a term of five years, due reference being had to the character of the books and the terms offered. It shall require the affirmative votes of five members of the board to adopt such book, or series of books, at said first meeting.

Retail price,  
&c.

IV. In making selection of text-books, at any time, it shall be the duty of said board to procure the best possible terms for exchange and introduction and for the regular supply of the books for a term of five years, and they are hereby empowered to fix the retail price at which such adopted books shall be sold after the exchange and introduction have been effected, but such permanent retail price shall not exceed twenty-five per cent. advance on the net contract price.

Secretary to  
report.

V. Said board shall, upon making an adoption of any text-books, decide upon the date when such adoption shall go into effect. The secretary shall send to the State Superintendent of Free Schools, and to all the boards of education in the county, notice of the names of the books adopted, the prices fixed therefor, and the date fixed for their introduction and use in the schools of the county.

Meeting be-  
fore expira-  
tion of  
contract.

VI. At least six months before the expiration of the contract made under provisions of chapter thirty-seven of the Acts of one thousand eight hundred and ninety-five, it shall be the duty of the State Superintendent to notify the county superintendent of every county of the date of the expiration of such contracts and the name of the text-books thereby affected; and it shall be the duty of said board to meet upon the call of the county superintendent, at least three months before the expiration of any such contract, and adopt one text-book, or a series of text-books, on each subject contracted for under said chapter thirty-seven of the Acts of one thousand eight hundred and ninety-five, for a term of five years. On the call of the county superintendent, the board shall meet in regular session at least three months before the expiration of any contract made under the provisions of this act, and select the necessary books to be used for the succeeding term of five years. If any publisher shall fail or refuse to furnish any book contracted for under the provisions of this act, it shall be the duty of the said board, on the call of the county superintendent, to meet and select books to be used instead of those which said publishers have failed or refused to furnish. But no books shall thereafter be

County Su-  
perintendent  
to call  
meeting.

adopted of a publisher who shall have failed or refused to fulfil his contract with any board in the State, and the name of any such publisher shall be furnished by the secretary of said board to the State Superintendent of Free Schools, and the State Superintendent shall communicate the same to every county superintendent.

Refusal of publishers to carry out contract.

VII. No text-book or series of text-books, on any one subject now contracted for under said chapter thirty-seven of the Acts of one thousand eight hundred and ninety-five, or that shall be contracted for under the provisions of this act, shall be changed for another or different book or series of books except by the affirmative votes of five members of the board: *Provided*, That no change in the text-books contracted for under the provisions of said chapter thirty-seven of the acts of one thousand eight hundred and ninety-five shall be made until the expiration of such contracts, unless for failure of the contractor. And not more than one book or one series of books on one subject, shall be changed in any one year, except by the affirmative votes of six members, and except as provided in section three: *Provided*, That in case of failure of a publisher to comply with his contract, the board may, by the affirmative vote of five members, adopt other books in place of those contracted for.

Present contract to remain in force.

Not more than one book changed, except.

VIII. After the adoption of any text-books the board shall contract with the publishers proposing the same, to supply said books in sufficient quantities, for a term of five years, beginning on a date to be stated in the contract, to every board of education, depository, agent of said school book board or of said board of education, or to any dealer or other person of the county, at the prices named in this contract, and free on board the cars at the place of publication or other place (which place shall be named in such contract); and that said books shall be equal in binding, typography, and in all other respects to the samples furnished; and that no changes shall be made in said book during the life of the contract. In such contract shall be stated the accurate title of every book therein contracted for, the name of the author and of the publisher thereof, and the agreed price or prices thereof. Forms of such contract shall be prepared by the State Superintendent of Free Schools and furnished to each county superintendent. Every dealer or publisher entering into such contract, shall furnish to the county superintendent a sample copy of each book contracted for, and the county superintendent shall attach to each of said books a label bearing

Who may sell books.

Form of contract.

thereon: "Sample copy contracted for with.....  
on the.....day of.....189..

....., County Superintendent."

Bond of  
publisher.

IX. Every publisher entering into contract with any board under the provisions of this act, shall, within thirty days thereafter, give a bond, in the penalty of ten thousand dollars, to be approved by the Governor and deposited with the State Superintendent of Free Schools, conditioned for the faithful performance of every such contract made by such publisher theretofore or thereafter with any such board.

No school  
officer act as  
agent.

X. No member of said board shall serve, directly or indirectly, as the agent for any publisher in school books competing for adoption under the provisions of this act, or be personally interested in any school book, and no teacher nor school officer shall act as agent for any school book.

Depositaries.

XI. At the first meeting after the thirtieth day of June, one thousand eight hundred and ninety-seven, the board of education of any district in this State may (at their option) appoint one or more depositaries in each district, and when practicable one or more depositaries at or near each postoffice, who shall keep at all times a sufficient supply of text-books to supply the free schools of the neighborhood. Each depositary shall execute a bond in the penalty of double the value of the books which he will probably have on hand at any time, but in no event of a less penalty than one hundred dollars; which bond shall be approved by the board of education and filed with the secretary thereof. The board of education may discharge any depositary at any time, and require him to deliver the books in his possession to such person as the board may name, and require the depositary to settle his accounts and pay over to the sheriff any balance in his hands on or before a date named by the board.

Bond of  
Depositary.

Depositary  
to keep  
books.

XII. Each depositary shall, on or before the first day of September in each year, unless the board of education shall name an earlier date, make out a list of the text-books, in sufficient quantity in his judgment to supply the schools in his neighborhood for a period of six months, and from time to time thereafter each depositary shall make out additional lists of such books, so that he may at all times have a sufficient supply on hand; such lists, when approved by the board of education, or the president thereof, shall be signed by him and the secretary thereof, and by the secretary forwarded to the address of the publishers of the books therein named.

XIII. It shall be the duty of said publishers promptly to forward the books therein named to such depository, and to make out two invoices or bills therefor, one of which shall be forwarded to the depository and the other to the secretary of the board of education. The board of education shall supply the secretary with a proper book in which to keep the accounts of all the depositories in the district. On the receipt of each invoice the secretary shall charge the amount thereof against the depository receiving the books therein named, in said account book, and file or preserve the invoice or bill. If there be any error in such invoice or bills, the depository receiving the same shall promptly notify the publisher making the same; and if such publisher fail to correct such error within twenty days thereafter, such depository shall notify the secretary of the board of education thereof, and the board of education shall investigate the same and take such action therein as may be proper and just. Each depository shall pay to the sheriff, of the county, at the end of each thirty days, or oftener if required, and whenever required by the board of education, the amount received by him from the sale of such text-books since his last previous payment, less his commission (to be fixed by the board of education and not to exceed fifteen per cent. on the amount of such sales), and the amount paid by him for transportation charges on such books; *provided*. That each statement of charges to the sheriff shall be accompanied by all the transportation bills paid by said depository. The sheriff shall duplicate receipts therefor to such depository, wherein shall be stated the total amount of such sales and the amount paid by such depository to the sheriff, one of which receipts shall be filed by such depository with the secretary of the board of education, and upon receiving the same said secretary shall credit the account of said depository with the amount appearing thereby to have been so paid by him to the sheriff and the amount paid for transportation charges, and the amount of said commission by separate items, and said secretary shall charge against the account of the sheriff, which he is hereby required to keep, the amount paid by such depository to such sheriff, to be accounted for by the sheriff in his annual settlement with the board of education. The amounts received from the sales of such books shall be credited to the building fund of the district.

Invoices of books.

Payment to the sheriff.

Depository's commission.

XIV. The board of education of each district shall be liable in its corporate capacity for the whole amount

Board of education liable.

of all such text-books furnished to the depositaries in the manner hereinbefore prescribed, and shall within sixty days from the date of any invoice or bill of text-books supplied by the publishers thereof to any depositary in the district in the manner prescribed in the preceding section, cause an order to be issued in favor of such publisher, payable out of the building fund of the district, and cause such order to be forwarded by mail to such publishers. On presentation of such order to him the sheriff shall pay the amount thereof to the party entitled to receive the same, if there be in his hands sufficient funds due the building fund of said district; but if the sheriff have not sufficient of such funds to pay the same, he shall endorse on the back thereof the words "Presented for payment," with the date of such presentation and said order shall draw interest from that date.

If the Sheriff shall fail or refuse to pay such order when he has funds in his hands, or should by law have the same, with which to do so, he shall be liable as provided in section forty-six of chapter forty-five of the Code.

Books paid  
for out of  
building  
fund.

XV. The board of education shall pay the cost of such books and the amount of charges for transportation out of the building fund of the district, and shall lay an annual levy for the same upon the taxable property of the district in the manner and at the time that other levies are laid for said fund, and if at any time any scholar or scholars should remove from the county into another county in which a different book, or series of books, or different books have been adopted, the board of education of any district are authorized to purchase from such scholar or scholars with money from the building fund and at a fair valuation, such book or books or series of books as may not be adopted in the county to which they may remove: *Provided*, That the provisions of this section shall not apply to districts in which no depositary shall be appointed.

Board may  
remove  
depository.

XVI. The board of education may remove any depositary in his district at any time, and appoint another in his stead; may require him to execute a new bond, or additional bond, whenever in their opinion they shall deem it necessary, and may cause to be made at any time an invoice of the text-books in the possession of any such depositary. It shall be the duty of every depositary whenever the board of education shall order, to turn over to his successor or such other person as the said board may name, all text-books in his possession.

XVII. Every depository shall receive from any resident of his district copies of the books that may at any time be superseded by adoption of other books in their stead, at the contracted exchange allowance of such superseded books, to be applied on payment of adopted books. Each depository shall turn over such superseded books to the board of education at such times as the board may direct, and shall receive credit on his account for the value thereof. Such superseded books shall be held by the board of education subject to the orders of the publishers thereof, for a period of not longer than three months. Books in exchange.

XVIII. If any teacher in a primary or graded school of the free school system of this State use, or cause to be used in such primary or graded school, any text-books not authorized in place of an authorized book, then the county superintendent shall apply to the board of education for an order signed by said board, directed to such teacher, requiring the use of such unauthorized text-book to be discontinued; and if any teacher shall disobey any such order issued by said board of education, such teacher shall forfeit the sum of ten dollars for each such offense, and it shall be the duty of the board of education of the district where said teacher is employed to retain that amount out of the salary of said teacher, which amount so forfeited shall be paid into the teachers' fund of such district. Teacher liable.

XIX. Any publisher, school officer, depository, dealer, teacher or other person, violating the provisions of this act, shall be guilty of a misdemeanor, and, on conviction thereof, shall be fined for each offense not less than five nor more than fifty dollars. Misdemeanor.

XX. Nothing contained in this act shall be construed as changing or modifying the contracts heretofore made with publishers of text-books under authority of chapter thirty-seven of the Acts of one thousand eight hundred and ninety-five; and all acts, or parts of acts, coming within the purview of this act and inconsistent therewith, are hereby repealed. Acts repealed.

(58b Passed Feb. 27. 1903.)

I. The boards of education throughout the State may, out of the building funds of their district, purchase the necessary prescribed text-books to be used by the pupils of the several schools therein under their control. Free text books.

II. In any district where the board of education determines to purchase and furnish to the pupils of their schools such free text books, they shall enter an order Books to be kept by secretary of board.

upon their records to that effect and shall cause said books to be kept in charge by the secretary of such board and furnished to the school children of their district as hereinafter provided.

Secretary to deliver books to teachers.

III. At the commencement of every term of school in such district the secretary shall deliver to the teachers of the several schools of the district such books as may be necessary for the use of the several pupils therein for the ensuing term of school and take from them a receipt showing the number and kind of books so received. It shall be the duty of such teachers to take charge of such books and to distribute the same among the several pupils of their schools as they may from time to time need the same, and said teachers shall have and exercise general control of said books during such term and at the close thereof shall collect and gather together all the books so used during the term and deliver the same to the secretary of the board of education. Provided that if any of the books so delivered to any pupils of such district shall be unnecessarily injured or destroyed, the same shall be replaced by the pupils who so injured or destroyed them.

Teachers to exercise general control over books during term.

Pupils to replace books unnecessarily destroyed.

IV. All such books shall be purchased by the board of education directly from the publishers contracted with as prescribed by law and at the net contract price, *Provided*. That such text books as are now in the possession of pupils shall be used by them so long as they are suitable for such use.

Secretary's remuneration.

V. The secretary for his services in this matter shall receive a compensation in addition to his salary as such secretary a sum not exceeding fifty dollars (\$50.00) per year.

Fines for violations.

59. If any officer or teacher, fail to perform any duty required of him by this chapter, or violate any provision thereof, and there is no other fine or punishment imposed therefor, by law, he shall be fined not less than three, nor more than ten dollars, for every such offense, to be recovered before a justice of the peace of the county; and such fine shall not impair or affect his liability for damages to any person injured, nor the liability of himself and sureties on his official bond. If the board of education of any district or independent school district, fail to perform any duty required by this act, each member of such board shall be liable to the full penalty imposed by this section, unless he show that he was not guilty of any neglect or default in the premises.

60. For the support of free schools, there shall be a state tax levied, annually, of ten cents on the one hundred dollars' valuation on all the real and personal prop-



erty of the State, which together with the interest of the invested school fund, the net proceeds of all forfeitures, confiscations and fines which accrued to the State during the previous year, the proceeds of the annual capitation tax, dividends on bank stock held by the board of the school fund, and the interest accruing on stocks invested in United States bonds, shall be set apart as a separate fund to be called "the general school fund," and shall be annually applied to the support of free schools throughout the State, and to no other purpose whatever. It shall be distributed to the several counties in the State in proportion to the number of youth therein, according to the latest enumeration made for school purposes; but the Auditor shall first deduct therefrom the aggregate salary of the State Superintendent of Free Schools, and the necessary traveling and contingent expenses of his office, together with such other sums as may be required to be paid by him out of the general school fund. Fifty per cent, of this distributable sum shall be paid on the fifteenth day of September, and the remainder on the fifteenth day of December, of each year, and in the manner provided in the sixty-first section of this chapter.

State school tax.

General School Fund.

When distributed.

61. It shall be the duty of the Auditor, on or before the tenth day of June, in each year, to ascertain the amount which is distributable among the several counties as aforesaid, and notify the State Superintendent of Free Schools thereof, who shall thereupon ascertain the proper share of each county and notify the Auditor and each county superintendent, also, the amount deducted by the Auditor from the share of his county on account of salary paid the county superintendent, as required by section fifty-four, which amount the county superintendent shall also deduct from the share of his county before making his distribution of the same among the several districts thereof.

Duties of Auditor and State Superintendent in distributing State school fund.

Upon receiving such notice, the county superintendent shall ascertain the proper share of each district, and independent school district, of his county, according to the number of youths therein, and give notice to the board of education of each district, and independent school district, in the county, of the amount of the general school fund due each, respectively, and that the same cannot be drawn by them until they have made the levy required by the fortieth section of this chapter.

County Superintendent to apportion among districts.

62. Upon being officially notified by the secretary of the board of education, in the manner provided for in the forty-fourth section of this chapter, that the board

Requisition  
on Auditor.

of education has authorized the levy for school purposes, the county superintendent shall issue his requisition on the Auditor, payable to the order of the sheriff of his county for the amounts due such districts as may have made the levy aforesaid, which shall be paid in two equal installments, payable on the fifteenth days of September and December, respectively; whereupon the Auditor shall issue his warrant upon the Treasurer in favor of the sheriff for the amount of such requisition, indicating in writing upon said warrant the depository upon which the same shall be drawn; and the Treasurer shall thereupon be authorized and required to draw his check upon the said depository for the said amount.

The requisition of the county superintendent shall be in form or in substance as follows:

Form of  
requisition.

OFFICE OF THE COUNTY SUPERINTENDENT OF FREE  
SCHOOLS,

County of ---, the --- day of ---, 18--.

*Auditor of West Virginia:*

Pay to the order of -----, sheriff of ----- county, ----- dollars, the amount of State school fund apportioned to the district (or independent school district) of -----, in said county for the year 18--.

And I hereby certify that said district (or independent school district), has made the levy required by law, for school purposes, and that said sheriff has given the bond required by law.

A-----B -----, County Superintendent of  
Schools.

CXXI. Sections 42 and 61 prohibit any district or independent school district from receiving its proportion of the State school fund, until it has laid the local levy required by section 40. County superintendents should inform the Auditor if a district votes down the levy that he may act in compliance with section 42.

State Super-  
intendent.

63. There shall be elected a State Superintendent of Free Schools for the State, whose term of office shall be the same as that of the Governor. He shall be a person of good moral character, of temperate habits, of literary acquirements, and skill and experience in the art of teaching. He shall receive annually the sum of one thousand five hundred dollars in payment for his services, to be paid monthly out of the school fund upon the warrant of the Auditor. If in the performance of any duty imposed upon him by the Legislature, he shall incur any expenses, he shall be reimbursed therefor. *Provided*, The amount does not exceed five hundred dollars in any one year.

64. The State Superintendent shall reside and keep his office at the seat of government. He shall provide a seal for his office, and copies of his acts and decisions, and of papers kept in his office, authenticated by his signature and official seal shall be evidence equally with the original. He shall sign all requisitions on the Auditor for payment of money out of the State treasury for school purposes, except as hereinafter provided.

State Super-  
intendent.

65. The State Superintendent shall be charged with the supervision of all county superintendents and free schools of the State, and see that the school system is carried into effect. He shall prepare and transmit to the county superintendents instructions how to conduct the elections prescribed in this chapter, to keep and transmit the official records and ballots thereof, and the manner of ascertaining and announcing the results, so as to conform the same to the provisions of this chapter, and also to such provisions of the general election laws of the State as may not be inconsistent therewith; he shall prescribe and cause to be prepared all forms and blanks necessary in the details of the system, so as to secure its uniform operation throughout the State, and shall cause the same to be forwarded to the several county superintendents, to be by them distributed to the persons entitled to the same. He shall cause as many copies of this chapter and other school laws in force with such forms, regulations and instructions as he may judge expedient, thereto annexed, to be from time to time published, as he may deem expedient, and shall cause the same to be forwarded to the county superintendents, to be by them distributed to the persons entitled to receive them.

Duties of  
State Super-  
intendent.

66. It shall be the duty of the State Superintendent to aim at perfecting the system of free schools as established in the State: and for this purpose it shall be his duty to correspond with educators and school officers abroad, to acquaint himself with the various systems of free schools established in other states and countries, collate the results as exhibited in the reports of their several superintendents, and to use all efforts necessary to enable him to render available the combined results of the experience of other communities with his own experience and observation.

Duties of  
State Super-  
intendent.

He shall acquaint himself intimately with the peculiar educational wants of each section of the State, and shall take all proper means to supply them, so that the schools shall be as nearly as possible equal and uniform in grade throughout the State. He shall acquaint him-

self with the different systems and methods of instruction which may be introduced among educators, and shall explain and recommend such as experience and sound principles of education may have demonstrated to be valuable; and it shall be his duty to endeavor to render available to the people of this State all such improvements in the system of free schools and the methods of instruction, as may have been tested and proven by the experience of other communities.

Report of  
State Super-  
intendent.

67. He shall, on or before the first day of January, of each year, make a report to the Governor, to be by him transmitted to the next regular session of the Legislature, in regard to the condition of free schools within the State, embracing all statistics compiled from the reports of the county superintendents, and such other authentic information as he can procure, which will be necessary to give a proper exhibit of the working of the system together with such plans as he may have matured for the management and improvement of the school fund, and for the better and more perfect organization and efficiency of free schools; and, likewise, all such matters in relation to his office and to free schools, as he may deem expedient to communicate.

Auditor to  
report condi-  
tion of  
school fund.

68. The Auditor shall annually, before the first day of September, deliver to the Governor and the State Superintendent of Free Schools, each, a report made up to the first day of July next preceding, of the condition of "the school fund," with an abstract of the accounts thereof in his office, which report the Governor shall lay before the legislature at its next regular session.

CXXII. Chapter 29, section 67, Code, requires the Auditor to certify to each county superintendent the amount of railroad levies, due to each district and independent district. See said section.

Board of  
school fund.

69. The Governor, State Superintendent of Free Schools, Auditor and Treasurer, shall be a corporation, under the name of "the board of the school fund," and shall have the management, control and investment of said fund, under the fourth section of the twelfth article of the constitution. The Governor shall be president of the board, and in his absence the board may choose one of their number to preside temporarily in his place. The Auditor shall be the secretary of the board. A faithful record shall be kept of all the proceedings, and a copy thereof, certified by the secretary of the board, shall be evidence in all cases in which the original would be. A majority of the board shall constitute a quorum for the transaction of business.

70. A meeting of the board may be held at any time, upon the call of any member thereof, provided notice be given to all members who may be at the seat of government. The Auditor's office shall be the place of meeting, and the proceedings shall be signed by the president and secretary of the meeting for that day, and shall be open to inspection at all times. Meetings.

71. All the money which ought to be paid into the treasury to the credit of "the school fund" shall be recoverable with interest by action or motion in the name of said board, before any court having jurisdiction, and the Attorney-General shall institute and prosecute such action or motion when so directed by the board. Moneys recoverable.

72. The board may appoint agents for the collection of debts or claims, and authorize them to secure payment thereof, and to protect the interests of the school fund, on such terms as it may approve. They shall take bond from said agent, if any money is to come into his hands; and any agent, selling lands, when directed to do so by the board, shall execute a deed, (with the resolution giving such directions thereto annexed), conveying to the purchaser by special warranty. Said agent may be allowed by the board a compensation not exceeding, in any case, five per cent. on the money paid into the treasury. Board may appoint agents.

73. All such sums as have accrued or shall hereafter accrue to this State, from the several sources enumerated in the fourth section of the twelfth article of the Constitution, shall be set apart as a separate fund to be called "the school fund," and it shall be the duty of the Auditor to ascertain from time to time what sums have so accrued or may hereafter accrue, and to pass the same to the credit of the said school fund; and it shall be the duty of the board of the school fund, from time to time, to invest the same in the interest bearing securities of the United States, or of this State, or otherwise, provided for in said fourth section of the twelfth article of the Constitution. And it shall be the duty of the said board to sell any investments on account of the school fund now made in other securities, than those required in said fourth section of the twelfth article of the Constitution, and invest the proceeds thereof in the interest bearing securities of the United States, or of this State, or otherwise, as provided in the Constitution aforesaid. Permanent school fund; how invested.

(73a. I. All stock owned by the State of West Virginia, standing in the name of the Commonwealth of Virginia, the State Internal Improvement Fund, or the Certain stocks transferred to school fund.

Board of the Literary Fund, or in any other name, in the National Bank of West Virginia, at Wheeling; the Parkersburg National Bank, the First National Bank of Wellsburg, the First National Bank of Fairmont, the National Exchange Bank of Weston, and all the interest owned by the State, standing in the name of the Commonwealth of Virginia, or in the name of either of said funds, or in the name of the State of West Virginia, or in any other name, in the North Western Bank of Virginia and its branches, and in the branches of the Exchange Bank of Virginia at Weston; and all dividends and accrued interest on all such stock, is hereby transferred to and shall henceforth be held and treated as a part of the school fund of the State, subject to the control of the board of the school fund; and the annual interest or profits thereof (but no part of the principal), shall be passed to and become a part of the fund for annual distribution among the several counties of the State.)

Auditor shall  
be account-  
ant.

74. The Auditor shall be the accountant of the board, exercising any of their powers, except that he shall not, without special authority, entered upon the records of their proceedings, dispose of any property or invest any money of the school fund. He shall place the securities in which said school fund is invested in such depository for safe keeping, as the board shall direct. All money belonging to "the school fund" shall be received into and paid out of the treasury upon the warrant of the Auditor. But no warrant for paying out such money shall be issued without the authority of the board.

City of  
Wheeling.

75. Nothing in this chapter shall alter or affect the laws now in force respecting the free schools in the city of Wheeling, and the parts of districts connected therewith; nor shall anything in this chapter be constructed as abolishing any independent school district heretofore created, or as affecting any right or privilege conferred upon them, respectively, in the acts of the Legislature by which they have been created; except so far as such right or privilege may be inconsistent with the provisions of this chapter in which independent school districts are especially included. In the independent school district of Wheeling none but practical educators who shall have had at least three years of practice as teachers in graded schools, shall be eligible to the office of superintendent.

CXXIII. Independent school districts are those created by special act of the Legislature and are governed by the laws laid down in the acts creating them. On points where these acts are silent the general law applies.

## WEST VIRGINIA UNIVERSITY

76. "The Agricultural College of West Virginia," located and established at Morgantown, in the county of Monongalia, in pursuance to the act passed February seventh, one thousand eight hundred and sixty-seven, entitled "An act for the regulation of the West Virginia Agricultural College," shall be and remain as so established and located; and all the provisions of said act, except so far as the same may be altered by this chapter, shall remain in full force and effect to the same extent as if this chapter as amended had not been passed.

Agricultural  
College of  
West Virginia.

77. The name of said college shall hereafter be "The West Virginia University," by which name it shall have and hold all the property, funds, investments, rights, powers and privileges, now had and held under the name prescribed in the above recited act.

West Virginia  
University.

78. For the government and control of said university there shall be a board of regents consisting of nine persons, to be called "The regents of the West Virginia University." As such board they may sue and be sued, and have a common seal. The said board shall have the custody and control of the property and funds of said university, except as otherwise provided by law. They shall have the power to accept from any person or persons any gift, grant or devise of money, land or other property intended for the use of the university, and shall, by such acceptance, be trustees of the funds and property which may come into the possession or under the control of said board by such gift, grant or devise, and shall invest and hold such funds and property, and apply the proceeds and property in such manner as the donor may prescribe by the terms of his gift, grant or devise. A majority of said regents shall constitute a quorum for the transaction of business, except that for making arrangements for the erection of buildings or the permanent alteration thereof, or the appointment to, or removal from office of professors, or fixing their compensation or changing any rule or regulations adopted by a majority of the board, in which case all of the regents shall be notified in writing by the secretary of the board, of the meeting place and object of the meeting proposed to be held for any of the purposes excepted in this section; and the conference of a majority of the regents shall be required. Said board of regents shall consist of nine members who shall be residents and voters of the State. The governor shall, on or before the fifteenth day of March, in the year nine-

Board of  
regents.

ten hundred and one, or as soon thereafter as convenient, appoint said nine regents, who shall be divided into two classes, consisting of four and five regents respectively. The term of office of both classes shall begin on the first day of May, nineteen hundred and one; and the term of office of the first class shall continue for two years and until their successors are appointed and qualified, and the term of the second class shall continue for four years and until their successors are appointed and qualified; and thereafter the term of office of each class shall be for four years and until their successors are appointed and qualified. Any person appointed a regent during the recess of the Senate shall serve as such until the next meeting of the Senate. The governor may by appointment fill any vacancy occurring in the board for the unexpired term. Not more than six of said regents shall belong to the same political party, and not more than one shall be appointed from the same senatorial district or county. The term of office of the regents now in office shall expire on the thirtieth day of April, nineteen hundred and one.

Courses of study.

79. The board of regents shall from time to time establish such departments of education in literature, science, art, agriculture and military tactics as they may deem expedient, and as the funds under their control may warrant, and purchase such materials, implements and apparatus, as may be requisite to proper instruction in all said branches of learning, so as to carry out the spirit of the act of Congress aforesaid, approved July second, one thousand eight hundred and sixty-two.

Rules and regulations.

80. The said board shall establish and declare such rules and regulations and by-laws not inconsistent with the laws of this State, or the United States, as they may deem necessary for the proper organization, the tuition of students and good government of said University and the protection of public property belonging thereto. They shall appoint a superintendent of the buildings and grounds, a secretary for said board and also a treasurer, who shall be members of the faculty of the University, and shall not receive any compensation for services as such superintendent, secretary and treasurer. No salary shall be paid to the secretary of the executive committee. From the said treasurer they shall take a bond with ample security, and conditioned according to law, for the faithful keeping and disbursing such money as is herein, or may be hereafter appropriated, and such other money as may be allowed by said board to come into his hands from time to time; they shall also settle with

Officers of the University.



him annually or oftener if they think best; inspect annually all the property belonging to said University and make a full report of the condition, income, expenditures and management of said University, annually, to the Governor; to be by him laid before the Legislature.

81. The board shall have power to create a preparatory department to said University, and establish any other professorships than those indicated heretofore, if the same be deemed essential; to fix the salaries of the several professors, and to remove them for good cause, but in case of removal the concurrence of a majority of the regents shall be required, and the reasons for a removal shall be communicated in a written statement to the Governor.

Preparatory  
department.

82. Besides prescribing the general terms upon which students may be admitted, and the course of instruction, the regents are still further empowered to admit as regular students of the University, not more than two hundred and twenty-five cadets in the military department. Each member of the Senate shall be entitled to appoint one cadet from his district, on or before the first day of June in the second year of his term, and one cadet on or before the first day of June in the fourth year of his term. Each member of the House of Delegates shall be entitled to appoint one cadet from his county on or before the first day of June next preceding the end of his term. In case a cadetship filled by appointment by any member of the Legislature shall become vacant, the member making the appointment, or his successor, shall fill the same by a new appointment within the limits of time aforesaid. But no Senator or Delegate shall appoint any cadet until he receives a certificate from the President of the University, or the commandant of cadets, giving him notice of his right to do so; and he shall not have the right to exercise such power of appointment as long as two cadets are accredited to himself and his predecessor, either by original appointment or by re-enlistment. All other cadets necessary to make up the full complement of the corps shall be appointed by the regents, in proportion to their number, including vacancies, if any, caused by the failure of any member of the Legislature to make his appointment. Cadets shall not be under sixteen years of age, and shall not be over twenty-one years of age. Their appointment shall be made upon undoubted evidence of good moral character and sound physical condition. Their term of enlistment of service shall be two years, but any cadet, at the expiration of his first term,

Cadets;  
appointment  
of.

shall be entitled to re-enlist for the further term of two years, upon giving notice of his intention to the commandant of cadets at least thirty days before the expiration of such term. But not more than fifteen cadets shall be appointed from any Senatorial district, and not more than eight from any one county.

Cadets have free books, etc.

83. The cadets admitted under the provisions of the preceding section shall be entitled to all the privileges, immunities, educational advantages, and benefits of the University, free of charge for admission, tuition, books and stationery, and shall constitute the public guard of the University, and of the public property belonging thereto; and of the ordinance and ordinance stores, and camp and garrison equipage, of which a sufficient supply shall be kept in the arsenal belonging to the institution. And the professors and the students of the University receiving instruction in military tactics and the art of war, shall be individually and collectively responsible for the preservation and safe-keeping of all arms and camp equipage belonging to said institution.

Expenses of regents.

84. All reasonable expenses incurred by said regents in discharging the duties hereby imposed upon them (not, however, including wages or *per diem* compensation) shall be allowed by the Governor and paid out of the treasury of the State, in like manner as other sums are drawn therefrom: *Provided, however,* That such expenditure shall not exceed five hundred dollars per annum.

Graduation.

85. The president, board of regents and faculty may graduate any student of the university found (after proper examination) duly qualified, and shall certify the same by affixing the seal of the University to his diploma.

Investment of land fund.

86. The funds derived from the sale of United States land warrants which have been donated to this State for the purpose of endowing an agricultural college, shall be invested by the Governor in a loan of public stock of the United States, or otherwise, as required by Congress, for the use and benefit of the said University.

#### AGRICULTURAL EXPERIMENT STATION

Agricultural Experiment Station.

[86a. WHEREAS, The Congress of the United States has in its wisdom seen fit to appropriate the sum of fifteen thousand dollars annually for the establishment and maintenance of an agricultural experiment station in this State, to aid in acquiring and diffusing among the people useful and practical information on the subjects con-

needed with agriculture, and to promote scientific investigation and experiment respecting the principles and applications of agricultural science, to be established in connection with and under the direction of the college of this State, establishing in accordance with the provisions of an act approved July 2, 1862, entitled, "An act donating public lands to the several States and Territories which may provide colleges for the benefit of agricultural and the mechanical arts," and,

WHEREAS, The West Virginia University by an act of the Legislature of West Virginia, entitled, "An act, for the regulation of the West Virginia Agricultural College," passed February 7, 1867, and other acts of the Legislature amendatory, thereof, is the institution of this State receiving the benefits of the above mentioned land grant fund; and,

WHEREAS, In accordance with the provisions of section 9 of aforementioned act of Congress establishing said experiment stations, the Governor of West Virginia has accepted for the West Virginia University the congressional appropriation for the establishment of an agricultural experiment station, and

WHEREAS, The board of regents of the West Virginia University, in accordance with section 1, of the aforementioned congressional act, approved March 2, 1887, has established a department in the West Virginia University, known as "the West Virginia Agricultural Experiment Station," which is now in full working order and issuing regular bulletins for the diffusion of information among the people of the State; as required by law; and which is now well and thoroughly equipped with chemical laboratories, apparatus and machinery, and has a staff of scientific men employed and carrying on the work contemplated in the congressional act, therefore,

*Be it enacted by the Legislature of West Virginia:*

I. That the State of West Virginia hereby assents to and accepts from the government of the United States the grants of money authorized by said act of congress, and assents to the purposes of said grants. State accepts government grants.

II. The bulletins and annual reports required to be published under section four of said act, shall be printed at the expense of the State, by the State printer, in such editions or numbers as the mailing list of the experiment station shall indicate as being required, and shall be distributed by the station free of all charge to farmers and other citizens of the State desiring the same. Bulletins.

## STATE NORMAL SCHOOLS

State normal  
school.

87. The "West Virginia State Normal School," established under and by virtue of an act passed February twenty-seventh, one thousand eight hundred and sixty-seven, entitled "An Act for the establishment of a State Normal School," shall be and remain at Marshall College, in the County of Cabell, as provided in said act, and all the provisions of said act, and all other acts in relation thereto, shall be and remain in full force, except so far as the same may be altered by this chapter. For the government and control of said school and its branches, there shall be a board of regents, consisting of the State Superintendent of Free Schools, together with six other persons, to be appointed, by the governor as hereinafter provided, who shall be called the "Regents of the State Normal School," and as such may have a common seal, sue and be sued, plead and be impleaded, contract and be contracted with, and take, hold and possess real and personal estate for the use of said school. The transfer and conveyance by the board of supervisors of Cabell County of lands and building of Marshall College and of the real estate heretofore conveyed by the Central Land Company of West Virginia to the regents of said school heretofore appointed, is hereby accepted, confirmed and legalized. But in case the said school should at any time hereafter be removed from the said Marshall College, the said property so conveyed shall revert to and be vested in the county court for the use of the said county of Cabell. The said six regents shall be appointed by the governor, between the fifteenth day of March and the fifteenth day of April in the year nineteen hundred and one, whose term of office shall begin on the first day of June next following their appointment, and continue for four years and until their successors are appointed and qualified; except that the board appointed in the said year 1901, three shall be for the term of two years and three for the term of four years. Not more than two of the regents of each of said two classes shall belong to the same political party. A vacancy occurring in the board shall be filled by appointment by the governor for the unexpired term. The term of office of the regents now in office shall expire, on the thirty-first day of May, nineteen hundred and one.

Board of  
regents.

Rules and  
regulations.

88. The said school shall be under the general supervision and control of the said regents. They shall have full power and authority to adopt and establish such by-laws, rules and regulations for its government as they may deem necessary and proper, to effect the object of its establishment, not inconsistent with the laws of this

State. They shall fix the number and compensation of the teachers, and others to be employed therein, and appoint and remove the same; prescribe the preliminary examination of pupils, and the terms and conditions on which they shall be received and instructed in said school: *Provided*, That all pupils admitted free of tuition to any one school, shall not exceed in number the whole number appointed to such county for admission to all normal schools of the State; the branches of learning to be taught in each department thereof; and shall determine the number of pupils to be received in the normal department of said school from each county or judicial circuit of this State, conforming as nearly as possible to the ratio of population therein, and the mode of selecting them. The pupils admitted into the normal department of said school shall be admitted to all the privileges thereof, free from all charges of tuition, or for use of books or apparatus: that every such pupil shall pay for all books lost by him or any damage done by him to such books or apparatus: and any pupil in said school may be dismissed therefrom by said regents, or by the executive committee, subject to the approval of the regents, for immoral or disorderly conduct, or for neglect or inability to perform his duty. The State Superintendent of Free Schools shall prepare suitable diplomas to be granted to the students of the normal department of said school who have completed the course of study and discipline prescribed by said regents. The said regents may establish a pay department in said school whenever the accommodations thereof will admit of the same, and may admit into such department so many paying students as can be accommodated therein from this or any other State, whether they desire to become teachers of schools or not.

Number of pupils.

Diplomas.

They may cause to be taught in the said department of said school, all or any of the branches of learning usually taught in colleges and seminaries, and for that purpose may establish therein the necessary professorships.

They may also make all the necessary rules and regulations for the government of said department and prescribe the tuition and the terms of admission therein. The said school shall continue to be called and known by the name of "Marshall College."

Tuition, etc.

CXXIV. It is the practice to allow persons attending any of the State Normal Schools, under appointment, to teach one term of school each year if desired, and yet hold the appointment. The same rule is held to be good in case of colored teachers attending the West Virginia Colored Institute.

CXXV. Clearly under section 88 of the school law, two departments are contemplated. One known as the normal department, and the other as the pay or academic department. It is intended that in the latter department, persons are admitted who do not desire to take the normal course, or if they have taken the normal course, who desire to pursue a higher grade of studies. I see nothing to prevent those who have taken the normal course, and have graduated from reviewing the studies contained in the normal course, free of charge.

The purpose of the normal course is to prepare teachers, and a reviewing of that course would be to make the teachers more perfect.—  
*T. S. Riley, Attorney-General.*

Executive  
Committee.

89. The said regents shall appoint three intelligent and discreet persons, residents of the county of Cabell, who shall constitute an executive committee for the care and immediate management and control of said school, subject to the rules and regulations prescribed by the regents. Said committee shall (subject to the control of said regents), designate the person to take charge of the boarding department of said school, and fix the price to be paid for board therein. They shall from time to time make full and detailed reports to said regents of the condition, working and prospects of said school, and shall perform such other duties in relation thereto as the said regents may from time to time prescribe.

Fairmont  
branch.

90. The branch of the state normal school established at Fairmont, under and in pursuance of the act passed March fourth, one thousand eight hundred and sixty-eight, entitled, "An act providing for the purchase of the West Virginia Normal School at Fairmont," shall be and remain at that place, and all provisions of said act shall remain in full force, except so far as the same may be altered by this chapter. Said school shall be under the jurisdiction and control of the regents of the State normal school, in the same manner and to the same extent as the State normal school at Marshall College.

West Liberty  
branch.

91. The branch of the state normal school established at West Liberty, under and in pursuance of the act passed March first, one thousand eight hundred and seventy, entitled "An act to establish a branch normal school at West Liberty, in Ohio county," shall be and remain at that place, and all the provisions of said act shall remain in full force, except so far as the same may be altered by this chapter. Said school shall be under the jurisdiction and control of the regents of the state normal school, in the same manner and to the same extent as the state normal school at Marshall College.

Glenville  
branch.

92. The branch of the State normal school established at Glenville, under and in pursuance of the act passed the nineteenth day of February, one thousand eight hundred and seventy-two, entitled "an act to establish a branch normal school at Glenville, Gilmer county,"

shall be and remain at that place, and all the provisions of said act shall remain in full force, except so far as the same may be altered by this chapter. Said school shall be under the jurisdiction and control of the regents of the State normal school in the same manner and to the same extent as the State normal school at Marshall College.

93. The branch of the State normal school established at Shepherdstown, under and in pursuance of the act passed and approved February fourteenth, one thousand eight hundred and seventy-two, entitled "an act to establish a branch normal school at Shepherdstown, in the county of Jeffereson," shall be and remain at that place, and all the provisions of said act shall remain in full force, except so far as the same may be altered by this chapter. Said school shall be under the jurisdiction and control of the regents of the State normal school, in the same manner and to the same extent as the State normal school at Marshall College. Shepherdstown branch

94. The branch of the State normal school at \*Concord, in Mercer county, established by the act passed the twenty-eighth day of February, one thousand eight hundred and seventy-two, entitled "an act to locate a branch State normal school at Concord, in the county of Mercer, shall be and remain at that place, and all the provisions of said act shall remain in full force, except so far as the same may be altered by this chapter. Said school shall be under the jurisdiction and control of the regents of the State normal school in the same manner and to the same extent as the State normal school at Marshall College. Concord branch.

95. The principals of the State Normal School and its branches shall make, at the close of each term thereof, to the president of the board of regents, in addition to the annual reports required of them, a report, under oath, of the number of non-paying normal school pupils and the number of paying pupils in the several departments of the school in actual monthly attendance during said term. Principal's reports.

96. The president of the board of regents of the State Normal School and its branches, upon receipt of the reports required in the ninety-fifth section of this chapter, shall furnish the Auditor of the State with the number of the non-paying Normal pupils in actual monthly attendance in each of the said Normal Schools, and the number of months of actual attendance, upon the receipt of which report, and upon the requisition of the presi-

\*The name of the postoffice has been changed to Athens.



dent of the board of regents, the said Auditor shall issue to the executive committee of each of said schools, warrants upon the treasury of the State for the amount due said schools, at the rate of three dollars and fifty cents per month for every non-paying Normal pupil reported as in monthly attendance.

Appropriation.

A sum not to exceed thirty-two hundred dollars each year is hereby appropriated for each of the Normal Schools, payable out of the treasury of the State.

Colored teachers.

The State Superintendent of Free Schools shall, if possible, in every year, make arrangements with some suitable institution of learning in this State for the education and Normal school-training of a number of colored teachers, in the proportion to the colored population of the State which the non-paying white students in the Normal Schools bear to the white population of the State; but the amount to be paid for each of said colored teachers shall not exceed the sum herein specified for each non-paying white student: and an additional sum to the extent necessary to pay the tuition of said colored students, is hereby appropriated, payable out of the treasury of the State in each year, as provided for in the next section, upon the requisition of the State Superintendent of Free Schools.

CXXVI. Actual monthly attendance' of a non-paying pupil during any month of a school term, may be an attendance *bona fide* for a portion of the month. Sickness might prevent constant attendance during any month, yet if the pupil was in attendance in good faith during part of the month, when able to attend, the school would be entitled to \$3.50 for such pupil for that month. \* \* The words 'actual monthly attendance' are used in the statute, so as to plainly prohibit pay being drawn for constructive monthly attendance.

The attendance of a pupil must have commenced in a month and in good faith, with an intention of continuing. If the pupil does not attend at all during any month \* \* the law prohibits any pay being given.—*Alfred Caldwell, Attorney-General.*

Unearned appropriation.

97. If any normal school does not earn the amount of its annual appropriation of three thousand dollars, as aforesaid, in any year, the board of regents of the State Normal School and its branches are hereby authorized to expend in their discretion the unearned amount of its annual appropriation in the payment of teachers in another or others of such schools and the Auditor shall issue his warrants for such expenditures on the order of said board.

CXXVII. Section 96 as amended by chapter 45, Acts 1895, provides for an appropriation of thirty-two hundred dollars for each normal school.

Dealing with students.

98. I. If any money be lent or advanced, or anything be sold or let to hire, on credit to or for the use of any student or pupil under twenty-one years of age, at the West Virginia University, the West Virginia State



Normal School or any of its branches, or any incorporated college in the State, without the previous permission, in writing, of his or her parent or guardian, or the president or principal of such institution, nothing shall be recovered therefor, and there shall, moreover, be forfeited to the State, by the person giving such credit, twenty dollars, and the amount or value of such thing. When such selling, letting, lending or advancing is by an agent, such forfeitures shall be by his principal, unless the principal shall within ten days after he has knowledge or information of the selling, letting, lending or advancing, give notice, in writing, of the date, nature and amount thereof to the president or other head of the institution, in which case the forfeiture shall be by the agent.

II. All acts and parts of acts coming within the purview of this chapter, and inconsistent therewith, are hereby repealed.

#### THE WEST VIRGINIA SCHOOLS FOR THE DEAF AND BLIND

[98a. I. That the name of the West Virginia Institution for the Deaf, Dumb and Blind be and the same is hereby changed to that of "The West Virginia Schools for the Deaf and Blind." Name.]

The board of regents for the West Virginia Schools for the Deaf and Blind, shall be composed of nine members, whose term of office shall commence on the first day of June, one thousand eight hundred and ninety-seven. Board of regents.

The Governor shall on the tenth day of March, one thousand eight hundred and ninety-seven, or as soon thereafter as convenient, nominate, and by and with the advice and consent of the Senate, appoint said nine regents for said schools, but said regents shall be divided into three classes of equal numbers and not more than two regents in each class shall belong to the same political party. Not more than one regent for the West Virginia Schools for the Deaf and the Blind shall be appointed from any one county. Governor to appoint regents.

The term of office of the first-class shall be two years, of the second-class four years, and of the third-class six years.

On the tenth day of March, one thousand eight hundred and ninety-nine, or as soon thereafter as convenient, and every second year thereafter, the Governor shall nominate, and by and with the advice and consent of the Senate, appoint three regents for said schools, in

Governor to  
fill vacancies.

place of the class whose term expires in said year; and the term of such regents shall commence on the first day of April in the year of their appointment and continue six years. The Governor may in like manner appoint regents to fill any vacancy that may occur in the board of said schools, and any one appointed a regent by him during the recess of the Senate, shall be a regent until the next session of the Senate thereafter.

Said members shall constitute collectively a body corporate with powers to rent, purchase and convey real estate, and with all other powers necessary for the carrying on of the institution for the education of the deaf and blind youth of West Virginia, established under the act passed March third, eighteen hundred and seventy, and to be known as "The Board of Regents of the West Virginia Schools for the Deaf and the Blind." Said board shall appoint one of their number as president, and in case of his absence a president *pro tem.* shall appoint a secretary, and all orders, drafts or requisitions for money from the State shall be signed by their secretary and countersigned by the president. Said board shall meet as hereinafter provided, and shall hold such other meetings as they may think necessary. Extra meetings may be called by the president or by any four members of the board by notifying the other members of the time and place of the meeting and of the nature of the business which renders an extra meeting necessary. A majority of the board shall constitute a quorum for the transaction of all ordinary business, but the board may, in its discretion, designate business of a nature to be specified by it, which may be transacted by a stated number of regents less than a quorum.

Quorum.

Principal.

II. It shall be the duty of the principal under the direction of the board to superintend the affairs necessary for the proper conduct of the institution, and to make such general regulations as may be necessary for the successful management of the same, and to purchase such books and apparatus as may be necessary for the efficient working the institution.

Teachers.

III. Said board shall appoint all necessary teachers and assistants, and shall provide the furniture, fixtures, apparatus and other things necessary for the comfort and convenience of inmates of the institution.

Furniture

Steward.

IV. The said board may, when they deem it necessary elect a steward; and the principal and matron shall reside in the institution, and the steward and teacher in or near it. All salaries shall be fixed by the board of regents, and shall be paid monthly or quarterly, as the board may

Salaries.

deem proper, out of the fund appropriated by the legislature.

V. The board of regents shall employ as visiting physician of the institution, a physician of reputable standing in his profession, and it shall be his duty to render all medical assistance necessary to its inmates, and fix his salary, not to exceed three hundred dollars, to be paid in the same manner as a teacher.

Visiting  
physician.

VI. The principal and steward shall give bond with approved security in such amount as the board of regents may direct, for the faithful discharge of their respective duties.

Bond.

VII. The board of regents shall prescribe such by-laws, rules and regulations for the government and conduct of the institution under their charge as shall secure the harmonious and efficient management of said institution in all its parts. They shall require such reports from the principal, steward, matron and physician as in their opinion the institution may demand, and they shall annually, on or before the first day of December, report to the Governor all the facts and circumstances in connection with the conduct and progress of the institution, with a careful statement of all the receipts and disbursements of the same, and shall accompany their annual report with such recommendations and suggestions as will enable the State efficiently to foster and promote the enterprise of educating the deaf, dumb and blind youth within its limits. The fiscal year of the institution shall end on the last day of September, and the accounts of the institution shall be kept with reference to said fiscal year; and there shall be an annual meeting of said board on the third Thursday in October in each and every year.

Rules and  
regulations.

Fiscal year.

VIII. The board of regents may provide in said institution accommodation for all the officers, assistants and employees, and for all the deaf, dumb and blind youth resident of the State of West Virginia who may apply for admission to the said institution, between the ages of eight and twenty-five years, and for such other deaf, dumb and blind persons as may apply for admission as paying pupils, under such regulations as said board may direct, but all youth admitted must be of sound mind and not afflicted with any contagious or offensive disease.

Admission of  
pupils.

IX. All such deaf, dumb and blind youth residents of the State of West Virginia between the ages of eight and twenty-five years, shall be admitted to pupilage in the institution on application to the principal; until the institution is filled, applicants shall be admitted in the

Admission of  
pupils.

order of their application, and it shall be the duty of the principal to keep a careful record of the names of all pupils admitted with the dates of their admission and discharge, their age, postoffice address, the name of their parents or guardians, the degree, cause and circumstances of their deafness or blindness.

**Charges.**

All such deaf, dumb and blind pupils shall be admitted as above directed without charge for board and tuition; and when not otherwise provided with clothing they shall be furnished by the institution while they are pupils in the same, and the principal shall make out an account therefor in each case against the respective counties from which said pupils are sent, in an amount not exceeding forty dollars per annum for every such pupil, which account shall be certified by the principal and countersigned by the secretary, and which shall be transmitted by the principal to the Auditor of the State, whose duty it shall be to transmit a copy of the same to the clerks of the county courts of the respective counties against which they are; and the county court of such counties shall thereupon at their next sessions, respectively, thereafter held for the purpose of making a county levy, include in such levy the amount of said account against their counties, respectively, and cause an order to issue on the sheriff of the county in favor of the Auditor of the State, and cause the same to be transmitted by the clerk of said court to the Auditor, whose duty it shall be to collect the same and place it to the credit of the institution, to be drawn out upon requisition as a part of the current expenses of said schools. If the same is not paid to the Auditor by the respective counties from which they are due in a reasonable time, it shall be the duty of the Auditor to collect the same by law.

**Duty of county officers.**

**Term of pupilage.**

The term of pupilage shall be five years at least, and for so much longer term as in the discretion of the board and principal their condition and progress would seem to justify. After all the applicants between the prescribed ages of eight and twenty-five years have been admitted, if there is still room, the principal may admit other deaf and dumb and blind persons upon application who may be of suitable age to receive any advantage of the institution, and upon such terms as the board may prescribe; but it shall be distinctly understood that such persons shall withdraw from the institution in order of the dates of their admission to make room for new applicants between the ages herein already prescribed.

X. The course of instruction in the institution shall be prescribed by the board of regents with the advice of the principal, and shall be as extensive both in the intellectual, musical and mechanical departments, as the capacities and interests of the pupils may require.

Course of instruction.

XI. In addition to their other duties the assessors of the State are hereby required to register in a book, to be furnished them by the Auditor for the purpose, the name of all the deaf and the blind persons in their respective districts, with the degree and cause of deafness and blindness in each case as far as can be ascertained from the heads of families, or from other persons whom the assessors may conveniently consult, their ages, the names of their parents or guardians, their postoffice address, and such other circumstances as may constitute useful statistical information in making the said institution promptly efficient in ameliorating the condition of the deaf and the blind by education. They shall complete the registration as early as possible, in the first annual assessment after the passage of this act, and shall forward their report directly to the Auditor, who shall if practicable before the first day of July, or as soon thereafter as possible, make an alphabetical abstract of all the facts furnished him by the assessors' reports, and shall send the same by mail to the principal of the West Virginia schools for the deaf and the blind, and said principal is hereby further required to put himself in immediate correspondence with all the deaf and blind persons, of suitable age and condition, mentioned in the Auditor's abstract, with a view to their admission as pupils into the West Virginia schools for the deaf and the blind.

Assessors' registration.

Principal to correspond with persons named on registration list.

The assessors shall receive for the extra duties hereby imposed, the same compensation as is now allowed them for the registration of births and deaths, and shall be liable to the same penalties for failure to discharge these duties.]

#### THE WEST VIRGINIA COLORED INSTITUTE

98b. An act accepting the provisions of the act of Congress, approved August thirtieth, eighteen hundred and ninety, entitled "And act to apply a portion of the proceeds of the public lands to the more complete endowment and support of the colleges for the benefit of agriculture and the mechanic arts, established under the provisions of an act of Congress, approved July second, eighteen hundred and sixty-two," and providing for the apportionment of said endowment according to the provisions of said act.

Act of Congress.

WHEREAS, The Congress of the United States of America, by an act approved August thirtieth, eighteen hundred and ninety, entitled, "An act to apply a portion of the proceeds of the public lands to the more complete endowment and support of the colleges for the benefit of agriculture and the mechanic arts, established under the provisions of an act of Congress approved July second, eighteen hundred and sixty-two," made an appropriation to each state and territory of fifteen thousand dollars for the year ending June thirtieth, eighteen hundred and ninety; and an annual increase of said appropriation thereafter for ten years by the additional sum of one thousand dollars over the preceding year, after which time the annual amount so appropriated will be twenty-five thousand dollars for the more complete endowment and maintenance of the colleges established under the act of Congress last aforesaid, "to be applied only to instruction in agriculture, the mechanic arts, the English language, and the various branches of mathematical, physical, natural and economic science, with special reference to their application in the industries of life; and to the facilities for such instruction," and

WHEREAS, By a proviso in said act no State can obtain the benefits thereof, where facilities are not provided for the instruction of colored students in said branches of study, either in the same institution or in separate institutions, and the legislatures of the several states are required to make an equitable division of said annual appropriation where such separate institutions are provided, and report the same to the Secretary of the Interior, and

WHEREAS, The Constitution of the State of West Virginia forbids the education of white and colored youths in the same State schools, and this State having heretofore made no provision for the separate education of colored youth in agricultural and the mechanic arts; and the enumeration of the white and colored youths of this State, of school age, being about 250,000 white and 12,000 colored, it being the duty of this State to indicate a reasonable proportion of said appropriations to be set apart annually for the instruction of the colored youth of the State, the sum of \$3,000 is hereby indicated as an equitable portion of said appropriations for five years from the date of the passage of this act, and after that time \$5,000 as long as such appropriation continues; and

WHEREAS, By the terms of the said act of Congress of the United States, approved August thirtieth,

eighteen hundred and ninety, it is necessary, in order to enable this State to share in the appropriations so made and to be made under the provisions of said last recited act, for the legislature to accept of the provisions of said act for and on behalf of this State, and to make proper and suitable provisions for said act upon which this State will be entitled to her distributable share of said appropriations, and to designate the institutions of learning to become the beneficiaries of said appropriations, and the officer of this State to whom the money shall be paid by the United States for the use of said beneficiaries. Therefore,

Be it enacted by the Legislature of West Virginia :

I. The Legislature of the State of West Virginia hereby accepts for said State, the terms and provisions of the said act of the Congress of the United States approved August thirtieth, eighteen hundred and ninety, for the objects and purposes mentioned and declared therein, and designates "The West Virginia University," established in pursuance of the Act of the Congress of the United States passed July 2, 1862, and a subsequent act passed by said Congress on April 19, 1864, at Morgantown, in the county of Monongalia in this State, as the beneficiary of said appropriation for the instruction of white students, and an institution to be located and provided for the purpose as hereinafter required and directed in the county of Kanawha, to be called "The West Virginia Colored Institute," for the beneficiary of said appropriation for the instruction of colored students to be paid to each in the proportion mentioned in the preamble to this act. And the said institution by the name of "The West Virginia Colored Institute," shall have and hold all the property, funds, rights, powers and privileges hereinafter mentioned.

Acceptance of  
Congressional  
grants.

II. For the government and control of said institute there shall be a board of regents, consisting of the State Superintendent of Free Schools and six other competent persons, not more than four of whom shall belong to the same political party, to be called the "Regents of the West Virginia Colored Institute," and as such board they may sue and be sued, plead and be impleaded, and have a common seal. The governor shall, between the fifteenth day of March and the fifteenth day of May, in the year nineteen hundred and one, and every four years thereafter, nominate and, by and with the advice and consent of the Senate, appoint said six regents, whose term of office shall begin on the first day of June next following their appointment, and continue for four years

and until their successors are appointed and qualified. Vacancy in the office of regent shall be filled by appointment by the governor for the unexpired term. The term of office of the regents now in office shall expire on the thirty-first day of May, nineteen hundred and one. Said board shall have the care, custody and control of the property and funds of the Institute, and may accept from any person or persons, gifts of money or property for the use of said institute; and all such money and property when so received by them, shall be held in trust by them for the use and benefit of the Institute, and applied thereto as the donors may have directed, and if no such directions have been given, as a majority of the regents may determine.

Regents to  
establish  
departments.

III. The board of regents shall from time to time establish such departments of education in literature, science, art and agriculture, not inconsistent with the terms of the several acts of Congress hereinbefore referred to as they deem expedient, and as the funds under their control will warrant, and purchase such materials, implements, and apparatus, as may be requisite to the proper instruction of said colored students in all said branches of learning as to carry out the intent and purposes of said acts of Congress.

Rules and  
regulations.

IV. The said board shall establish and declare such rules, regulations and by-laws, not inconsistent with the laws of the United States or of this State, as they may deem necessary for the proper organization, the tuition of the students and the good government of the institute, and the protection of the property belonging thereto. All reasonable expenses incurred by said regents in the discharge of their duties hereby imposed upon them shall be allowed by the Governor and paid out of the treasury of the State, in like manner as other charges on the treasury are paid.

State Treas-  
urer to re-  
ceive grants.

V. The Treasurer of this State is hereby designated as the officer to receive from the Secretary of the Treasury of the United States the said several sums of money so to be paid to this State aforesaid, for the uses and purposes aforesaid. He shall keep an exact account of the moneys so received, and shall place to the credit of each of said beneficiaries thereof, its due proportion of the same. The sums so placed to the credit of the West Virginia University shall be paid out by him on the order of the board of regents thereof, and the sums so placed to the credit of the West Virginia Colored Institute, shall be paid out by him on the orders of the board of regents of said institute. And said treasurer shall



include in his biennial report to the Governor a statement of his receipts and disbursements under the provisions of this act.

VI. It shall be the duty of the board of the school fund to proceed with all reasonable dispatch to procure the necessary quantity of farming land not exceeding fifty acres in all in some suitable and proper locality in the county of Kanawha, with a title thereto clear and unquestionable, and to erect the necessary buildings and make the necessary improvements thereon, for the purposes of this act, and to comply in good faith with the terms and conditions, and to carry into effect the objects and purposes of the acts of Congress in making said appropriations. Site and buildings.

VII. And in order to enable said board to perform the duties required of them by this act, the sum of ten thousand dollars is hereby appropriated and placed at their disposal, payable out of any money in the treasury not otherwise appropriated: *Provided*, That said board may in their discretion borrow the said sum of ten thousand dollars from the "school fund" mentioned in section 4 of article XII of the Constitution of this State, at six per cent. interest per annum, and execute the bonds of the State therefor, payable with interest as aforesaid, not more than ten years from the date thereof. Ten thousand dollars to carry out this act.

#### WEST VIRGINIA REFORM SCHOOL

[98c. I. An institution to be called "The West Virginia Reform School," is hereby established, and shall hereafter be carried on in a suitable building or buildings for the purpose, to be erected by the State at such locality as may be selected in accordance with this act. This institution shall be under the control of a board of directors hereinafter provided for. Reform School.

II. The board of directors shall consist of seven members, not more than five of whom shall belong to the same political party. The Governor shall, on the tenth day of March, one thousand nine hundred and one, or as soon thereafter as convenient, and every four years thereafter, nominate and, by and with the advice and consent of the senate, appoint said seven directors, whose term of office shall begin on the first of May, next following their appointment, and continue for four years and until their successors are appointed and qualified. Any vacancy in the board shall be filled by appointment by the Governor in like manner, for the unexpired term. The term of office of the directors now in office shall expire on the thirtieth day of April, nineteen hundred and one. Board of directors.

President.

III. The board of directors shall biennially choose one of their body to be president of the board, and in his absence shall choose a president *pro tempore*. A majority of the board shall constitute a quorum, but the board may in its discretion designate business, of a nature by it to be specified, which may be transacted by a stated number of directors less than a quorum.

Quorum.

Rules and regulations.

IV. The board of directors shall make such by-laws, ordinances, rules and regulations relative to the management, government, instruction, discipline, training, employment and disposition of the minors in the reform school, not contrary to law, as they may deem proper, and shall appoint such officers, agents and servants as they may deem necessary to transact the business and carry on the operation of said reform school, and may designate their duties.

Directors' report.

V. The board of directors shall make an annual report to the Governor of all their transactions, of the number of minors received by them into said reform school, the disposition which shall be made of such minors, by instructing or employing them therein or by binding them out as apprentices; the receipts and expenditures of said board of directors, and generally all such facts and particulars as may tend to exhibit the effect, whether beneficial or otherwise of said reform school.

Manner of commitment.

VI. The manner of receiving inmates into the West Virginia Reform School shall be in either of the following modes, namely:

First. Male minors under the age of sixteen years may be committed by a justice of the peace of any of the counties in the State, on complaint and due proof made it manifestly requisite that from regard for the such minor, that by reason of incorrigible or vicious conduct, such minor has rendered his control beyond the power of such parent, guardian or next friend, and made it manifestly requisite that from regard for the morals and future welfare of such minor and the peace and order of society, he should be placed in the West Virginia Reform School.

Second. Male minors under the age of sixteen years may be committed by the authority aforesaid, when complaint and due proof have been made that such minor is a proper subject for said reform school by reason of vagrancy or of incorrigible or vicious conduct, and that from the moral depravity or otherwise of the parent, guardian or next friend, in whose custody such minor may be, such parent, guardian or next friend is

incapable or unwilling to exercise proper care and discipline over such incorrigible or vicious minor.

Third. Such male minors under the age of sixteen years as their parents, guardian or next friend may desire to place therein for temporary restraint and discipline, where parents, guardian or next friend shall agree and contract with the board of directors for their support and maintenance.

And fourth. Male minors committed by the several courts of the State, as provided by section 7 of this chapter. Male minors committed.

VII. Whenever any male minor, under the age of sixteen years, shall be convicted in any of the courts of this State of a felony or of a misdemeanor, punishable by imprisonment, the judge of said court in his discretion, and with reference to the character of the reform school as a place of reform and not of punishment, instead of sentencing said minor to be confined in the penitentiary or county jail, may order him to be removed to and confined in the said reform school, to remain until he shall have arrived at the age of twenty-one years, unless sooner discharged or bound as an apprentice by the board of directors; but no such boy shall be retained in said school after the superintendent shall have reported him, and he has been found by the board or its executive committee, to be fully reformed. Male minors under sixteen years of age, convicted in any of the courts of the United States for the district of West Virginia, or of any offense punishable by imprisonment, may also be received into said reform school upon such regulation, and such terms as to their maintenance and support, as may be prescribed by the board of directors, and assented to by the proper authorities of the United States. And in all cases, before any minor is transferred to said reform school, due notice shall be given to the superintendent and an answer received from him that there is room in the reform school for such minor.

VIII. It shall be the duty of the justice of the peace when committing a minor to said reform school under the first and second clauses of section six of this chapter, in addition to the commitment, to annex to said commitment the names and residences of the different witnesses examined before him, and the substance of the testimony given by them respectively, on which the adjudication was found. Data to be annexed to commitment.

IX. In all proceedings before justices of the peace for commitment of minors to the said reform school under the first and second clauses of section six of this chap- Guardian of them.

ter, the justice shall appoint some discreet and disinterested person guardian *ad litem* for such minor, whose duty it shall be to represent the interest of said minor and see that no injustice is done him: and the guardian *ad litem* of said minor shall have the right to demand a jury of twelve men to try the truth of the charges made against said minor, and said jury shall be selected and said trial shall be conducted in the same manner as is provided by law for the trial of criminal cases before justices by juries. And said guardian *ad litem* or said minor shall have the same right of appeal from any final decision rendered against said minor in any such proceedings, whether upon a trial by jury or otherwise, as is allowed by law in other criminal cases tried before justices.

Male inmates only.

X. The West Virginia Reform School shall be exclusively charged with the reformation and care of male minors, but white and colored inmates shall be kept separate.

Children may be bound out as apprentices.

XI. The board of directors shall have power to bind out male children committed to their care, with the consent of such children, as apprentices during their minority to such person and place, whether in or out of the State, and to learn some proper trade and employment as in the judgment of said board will be most conducive to the reformation and future benefit and advantage of such children, and the indentures by which said children shall be bound, shall contain the covenants and provisions prescribed by chapter eighty-one of the Code of West Virginia, relating to master and apprentices, and all the provisions of said chapter shall apply to apprentices bound under this section, so far as applicable.

Commission to select site.

XII. A commission consisting of the State Superintendent of Free Schools, and one member from each Congressional district of the State to be appointed by the Governor, shall within four months after this act becomes in force as a law, select such locality as it may deem best as the site for the West Virginia Reform School, and procure a good title to such site, and report their action to the Governor as soon as such selection is made and the title procured. And as soon as practicable after said report is made to the Governor, the "board of directors" herein provided for, shall contract for and cause to be constructed on the said site, such building or buildings as may be needed in carrying out the provisions of this act. *Provided*, That the sum to be expended for said site and for constructing said building, shall at no time exceed the appropriation for said purpose.

XIII. The sum of five thousand dollars to be paid out of the State fund for the fiscal year ending September 30, 1889, and five thousand dollars to be paid out of the State fund for the fiscal year ending September 30, 1890, is hereby appropriated out of any money in the treasury not otherwise appropriated to be used in procuring said site for said Reform School, and in providing suitable buildings and accommodations for the same, and in carrying on said Reform School when established; and the reasonable expenses of the commissioners herein provided for, selecting a site for the said Reform School shall be allowed and paid out of said money hereby appropriated.

Appropriation for site and buildings.

XIV. Every boy sent to the reform school shall remain until he is twenty-one years of age, unless sooner discharged or bound as an apprentice by the board of directors; but no boy shall be retained after he has been reported by the superintendent and found by the board or executive committee to be fully reformed; *Provided*, That in any case where a boy is committed to the reform school for an offense punishable by confinement in the penitentiary, and it is found by the board of directors that the reform school is unable to benefit such boy, and that his presence is a detriment or menace to other boys in the institution, or to the general good of the school, he may be securely returned to the court which sentenced him, and said court shall thereupon pass such sentence upon him as to confinement in the penitentiary as may be proper in the premises, or as it should have done had it not sentenced him to the reform school.

Boys to remain till of age or reformed.

Criminal boys may be sent to penitentiary.

And the governor shall have power, when in the judgment of the warden of the penitentiary and the superintendent of the reform school it is advisable, to remit the penalty of any youthful offender, under the age of sixteen years, confined in the penitentiary, to a sentence to the reform school.

Governor may commute sentence.

XV. If any person shall entice, or attempt to entice, away from the reform school any boy legally committed to the same; or shall aid or abet any boy to escape from said reform school; or shall harbor, conceal, or aid or abet in harboring or concealing, any boy who shall have escaped therefrom; or shall, without the permission of the superintendent, give or sell, or aid or abet any other person to give or sell, to any boy in said reform school, whether on the premises of said institution or otherwise, any money, firearms, intoxicating drink, tobacco, cigarettes, or other article whatsoever; or shall in any way cause or influence, or attempt to cause or influence, or

Persons assisting inmates in escaping, &c., shall be guilty of misdemeanor and fined.

aid or abet therein, any boy in said reform school to violate any rule of the institution or to rebel against the government of said school in any particular; or shall receive by the hands of any such boy anything of value, whether belonging to the State or otherwise; such person shall be deemed guilty of a misdemeanor, and, upon conviction therefor, shall be fined not less than ten nor more than one hundred dollars, or be confined not more than twelve months in the county jail, or both fined and imprisoned as aforesaid, as the court may deem proper.

Officers to  
arrest.

And the superintendent, or any of his assistants, or any one authorized in writing by him, or any sheriff, constable, policeman, or other peace officer, shall have power, and it is hereby made his duty, to arrest any boy, when in his power to do so, who shall have escaped from said school, and return him thereto.

Fees and  
charges.

XVI. Justices and constables and juries shall have the same fees in the proceedings for the commitment of boys to the reform school as are allowed by law for similar services in other criminal cases, and such fees shall be audited by the county court of the county, and paid out of the county treasury. For transporting a boy to the reform school the officer having him in charge shall be allowed five cents for each mile of necessary travel, either in going or returning; and said costs of transportation in case the boy has been convicted of a felony shall be paid out of the State treasury in the same manner that other criminal charges are paid out of said treasury; and in case the boy has been convicted of a misdemeanor, or been committed by a justice, said costs of transportation shall be paid out of the treasury of the county, from which said boy is committed, in the same manner as other criminal charges are paid out of the treasuries of the counties.

PREPARATORY BRANCH OF THE WEST VIRGINIA UNIVERSITY  
AT MONTGOMERY, FAYETTE COUNTY

Name.

1. There shall be established a school at Montgomery, in the county of Fayette, to be called the Preparatory Branch of the West Virginia University, by which name it shall have and hold all the property, funds, investments, rights, powers and privileges granted by this act, by bequest, private subscriptions, donation or otherwise.

Appropriation.

2. It being estimated that the sum of ten thousand dollars will be needed for the purpose of the erection of suitable buildings and the purchase of a site for said

school, therefore the sum of five thousand dollars payable out of the revenues of this fiscal year, one thousand eight hundred and ninety-five, is hereby appropriated out of any money in the treasury, to be expended under the directions of the board of regents of said school for said purpose.

For the government and control of said school there shall be a board of regents consisting of the state superintendent of free schools and the members of the board of regents of the West Virginia University. As such they may sue and be sued, plead and be impleaded, contract and be contracted with and have a common seal. Regents.

3. Said board shall have all the powers to act and shall act and be controlled according to and under the laws of chapter forty-five of the code of West Virginia, governing the board of regents of the West Virginia University, except as herein limited by this act. Powers of regents.

4. Said board of regents shall as soon as this act takes effect, let the contract and provide for the erection of suitable buildings upon the site selected and furnished for said school by the citizens of the town of Montgomery, Fayette county. Said buildings to be completed and said school opened not later than the first day of September, one thousand eight hundred and ninety-six. Said board shall provide suitable books, furniture and apparatus necessary for the successful operation of said school, all of which shall be paid for as herein provided. Board to let contract.

5. That the property in all grounds, buildings and improvements erected under the provisions of this act, shall be vested in the board of regents of said school, to be used and controlled, as in like manner, is the property of the West Virginia University used and controlled by its said board of regents. Property vested in board.

6. There shall be taught in said school such branches of learning as are taught in the preparatory department of the West Virginia University and in the normal schools of this State; but no student shall receive instruction free of tuition in any of the branches herein designated, except as to such as are taught free in the preparatory department of the University of West Virginia. Branches taught.

7. It shall be the duty of the said board of regents to employ and fix the salaries of a sufficient and competent corps of teachers and other necessary officers. Said teachers and officers to be paid as is provided by law for the payment of teachers and officers of the West Virginia University. Teachers.

**Tuition.** 8. All students of this or other States desiring to take other branches of study than those designated in said preparatory courses or take other course of study in said school shall pay such tuition as shall be hereinafter fixed by the faculty of said school.

**Tuition, etc.:  
how applied.** 9. All money arising from tuition, matriculation fees or otherwise coming into the hands of the treasurer of said school shall be used and applied to the payment of the teachers' salaries and other liabilities of said school.

#### BLUEFIELD COLORED INSTITUTE

**Name.** 1. There shall be established a school at Bluefield, county of Mercer, to be called "Bluefield Colored Institute," by which name it shall have and hold all the property, funds, investments, rights, powers and privileges created by this act, by bequest, private subscription, donation or otherwise.

**Board of Regents.** 2. For the government and control of said institute there shall be a board of regents consisting of the State Superintendent of Free Schools and five other persons, not more than three of said five persons shall belong to the same political party. Said board shall be a body corporate under the style of "Board of Regents of the Bluefield Colored Institute," and as such may sue and be sued, plead and be impleaded, contract and be contracted with, and have and use a common seal. The Governor shall, between the fifteenth day of March and the fifteenth day of May, in the year nineteen hundred and one, and every four years thereafter, nominate and, by and with the advice and consent of the Senate, appoint said five regents, whose term of office shall begin on the first day of June next after their appointment and continue for four years and until their successors are appointed and qualified. A vacancy in the office of regent shall be filled by appointment by the Governor for the unexpired term. The compensation of said regents shall be the same as that provided for the regents of the West Virginia Colored Institute. The term of office of the regents now in office shall expire on the thirty-first day of May, nineteen hundred and one.

**Powers of board.** 3. Said boards shall have all the powers to act, and shall act and be controlled according to and under the laws governing the board of regents of the normal schools of this State, except as here limited by this act.

**Provisions for school.** 4. The said board of regents shall, as soon as this act takes effect, let the contract and provide for a suitable building upon the site selected for said school by the



said board of regents, said building to be completed and said school opened not later than the first day of September, one thousand eight hundred and ninety-six. Said board shall provide suitable books, furnitue and apparatus necessary for the operation of said school, all of which shall be paid for as hereinafter provided.

5. The property and all grounds and improve-<sup>Property.</sup>ments erected under the provisions of this act, shall be vested in the board of regents of said school, to be used and controlled in like manner as the property of the normal school and branches is used and controlled by its said board of regents.

6. There shall be taught in said school such branches<sup>Branches to be taught.</sup> of learning as are taught in the preparatory department of the West Virginia University and in the normal schools of this State, but no student shall receive instruction free of tuition in any of the branches here designated except as provided in section ninety-six of chapter forty-five of the Code of West Virginia, and as to such as are taught free in the preparatory department of the University of West Virginia.

7. It shall be the duty of the said board of regents to employ and fix the salaries of a sufficient and competent corps of teachers and other necessary officers, such teachers and officers to be paid as is provided by law for the payment of teachers and officers of the normal schools of this State. The said salaries to be paid out of any moneys in the State treasury not otherwise apportioned.<sup>Teachers and officers.</sup>

8. All students of this State desiring to take other<sup>Tuition.</sup> branches of studies than those designated in said preparatory course or taking other courses of study in said school, shall pay such tuition as shall hereafter be fixed by the faculty of said school.

9. All students from other states shall be required to<sup>Foreign students.</sup> pay such tuition as shall be designated by the said board of regents.

10. All money arising from tuition, matriculation fees<sup>Money collected.</sup> or otherwise, coming into the hands of the treasurer of said school, shall be used and applied to the payment of teachers' salaries and other liabilities of said school.

KEYSER PREPARATORY BRANCH OF THE WEST VIRGINIA  
UNIVERSITY

I. There shall be established at Keyser, in the county<sup>Name.</sup> of Mineral a school to be called the "Keyser Preparatory Branch of the West Virginia University," by which name it shall hold all the property, funds, investments, rights,

powers granted and may receive and hold by bequest private subscriptions, donations or otherwise money and other property.

Appropriation.

II. It being estimated that the sum of twenty thousand dollars will be needed for the purpose of erecting suitable buildings for said school, therefore, the sum of seven thousand five hundred dollars is hereby appropriated out of the revenues of the fiscal year, one thousand nine hundred and one, and the sum of twelve thousand five hundred dollars out of the revenues of the fiscal year one thousand nine hundred and two, is hereby appropriated under the directions of the board of regents of said school for said purpose. For the government and control of said school, there shall be a board of regents consisting of six members, who shall be appointed by the Governor; not more than four of whom shall be of the same political party, and who, with the State Superintendent of Free Schools, who shall be ex-officio member shall constitute said board; two of the members of said board of regents shall hold their office for the term of two years, beginning the first day of June, 1901; two for the term of four years and two for the term of six years. Vacancies occurring in the board shall be filled by the Governor as they occur.

Board of Regents.

Counties represented on board.

The members of said board shall be appointed from the citizens of Mineral, Grant, Hardy, Morgan, Pendleton, Tucker, Preston and Hampshire counties, and before entering upon the discharge of their duties, the members of the board shall take an oath to faithfully discharge their duties. The said board shall be known as the board of regents of the "Keyser Preparatory Branch of the West Virginia University," by which name said board shall sue and be sued, make contracts, receive and hold real and personal property as aforesaid.

Building.

III. Said board of regents shall as soon as practicable after this Act takes effect, contract and provide for the erection of suitable buildings upon the site selected and furnished for said school by the town of Keyser, in Mineral county. Said buildings to be completed and said school opened by the first day of October, 1902. Said board shall provide suitable books, furniture and apparatus necessary for the successful operation of said school. All of which shall be paid for as herein provided.

Property vested in board.

IV. That the property, buildings and improvements erected under the provisions of this Act, shall be vested in the board of regents of said school, to be used and controlled for the purposes of this Act.

V. There shall be taught in said school such branches of learning as are taught in the Preparatory Department of the West Virginia University and in the Normal Schools of this State, including mechanics and such other branches as shall fit the pupils for useful trades and callings. But no student shall receive instruction free of tuition in any of the branches herein designated, except as to such as are taught free in the Preparatory Department of the West Virginia University.

Branches to be taught.

Tuition.

VI. It shall be the duty of said board of regents to employ and fix the salaries of a sufficient and competent corps of teachers and officers, to be paid as provided by law, and as directed by said board of regents.

Salaries of teachers.

VII. All students of this or other States desiring to take other branches than those designated in said preparatory course, or to take other courses of study in said school, shall pay such tuition as shall be fixed by the board of regents.

Additional branches; tuition.

VIII. All money arising from tuition, matriculation fees or otherwise coming into the hands of the treasurer of said school, shall be used and applied to the payment of the teachers salaries, and other liabilities of said school.

Money, how used.

IX. No part of this appropriation provided for in this Act shall be expended in the construction of buildings, providing furniture for said school, nor be used for that purpose until the board of regents shall certify to the Auditor that the town of Keyser, or the citizens thereof, have donated to the board for the purposes of this Act at least the sum of five thousand dollars, in land, money or other property.

Keyser to donate to school.

X. And the Auditor is hereby authorized to draw his warrant on the Treasurer of this State, payable to the treasurer appointed by said board, for the money appropriated by this act when payable according to the terms of this Act.

Auditor to issue warrants.

XI. The board of regents of said school shall have power to appoint a treasurer, and require him to give bond, with good security to be approved by said board, and also a secretary, to appoint an executive committee of not more than three persons, citizens of Keyser, to have the care, control and management of said school, under the order and direction of the board of regents.

Treasurer, secretary and executive committee.

XII. The members of the board of regents shall receive three dollars per day for the time actually employed by them and their actual expenses while attending the meetings of the board, which shall be verified by oath.

Per diem and expenses of board.

## UNCODIFIED LAWS

Optional  
text book.

Davies' "Facts in Civil Government" be, and the same is hereby made a supplementary and optional text-book for use in the free schools of the State, the same to contain the constitution of West Virginia. The price at which such book shall be furnished to be 55 cents per copy.

Boards may  
purchase  
flags.

The boards of education throughout the State, out of the building funds of their districts may provide for the purchase of a United States Flag, four by six feet of regulation bunting, for each school house in their district and require the same to be displayed over the school house during, the time the school is in session.

Trustees to  
keep flags  
displayed.

The trustees of such school district shall, in accordance with the direction of the board of education, place such flag over the school house in their school district at the beginning of the school term therein, and said trustees shall cause the teachers to keep said flag so displayed during the time the school is in session, except that on stormy or inclement days, said flag shall not be so displayed, if in the judgment of said teacher such inclement weather would be destructive of said flag.

Election days  
holidays.

All election days shall be legal holidays throughout the district or municipality in which the election is held.

Holidays  
designated.

The following named days be regarded, treated and observed as legal holidays, viz: The first day of January, commonly called "New Year's Day;" the twenty-second day of February, commonly called "Washington's Birth Day;" the fourth day of July, commonly called "Independence Day;" the thirtieth day of May, commonly called "Memorial Day;" the twenty-fifth day of December, commonly called "Christmas Day;" the first Monday in September, commonly called "Labor Day;" any national or state election day; and all days that may be appointed or recommended by the Governor of this State or the President of the United States as days of thanksgiving, or for the general cessation of business; and when either of said days or dates falls on Sunday, then it shall be lawful to observe the succeeding Monday as such holiday: *Provided*, that when the return day of any summons or other court proceeding, or any notice, or the time fixed for holding any court, or doing any official act, shall fall on either of said holidays, the next ensuing secular day shall be taken as meant and intended.

## APPENDIX

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### ORDER OF PROCEEDINGS AT THE FIRST ANNUAL MEETING OF THE BOARD AFTER THEIR ELECTION

[See Section 8.]

1. Appoint a secretary.
2. Appoint one trustee for each sub-district.
3. Determine the number of months the schools shall be taught in the district during the school year.
4. Determine the number of teachers that may be employed in the sub-districts, allowing at least one for each school house.
5. Fix the salaries of teachers according to the grade of certificate.
6. Estimate the number of teachers of each grade that will be employed.
7. Ascertain the whole number of months to be taught in the district by teachers of each grade.
8. Determine the aggregate amount of money necessary to pay all the teachers.
9. Ascertain the unexpended balance of the teachers' fund in the hands of the sheriff, due the district from last year, after paying all salaries due teachers the preceding year.
10. Ascertain any other moneys available to the teachers' fund.
11. Deduct these amounts from the aggregate amount necessary to pay all the teachers.
12. Lay the district levy for teachers' fund large enough to cover this amount, making proper allowances for exonerations, delinquencies and commissions.

The following calculation will be convenient for reference in making levies for school purposes:

Number of teachers to be employed in the district.....	20
Number of months to be taught during the year.....	6
Amount of money to pay all teachers (estimated).....	\$ 4,380
This estimate is made as follows:	
10 No. 1 grade teachers at \$40 per mo.....	400
6 No. 2 grade teachers at \$35 per mo.....	210
4 No. 3 grade teachers at \$30 per mo.....	120
	-----
Monthly pay .....	\$ 730
Number of months .....	6
	-----
Total for term .....	\$ 4,380
Deduct amount on hand including amount of general school fund .....	1,880
	-----
	\$ 2,500

To ascertain the number of cents to be levied on every one hundred dollars' valuation of property in the district to raise \$2,500 by taxation, suppose the whole valuation in the district to be \$600,000.

RULE—Drop the cents, if any, and add four ciphers to the amount in dollars to be raised by the levy, and divide by the amount in dollars taxable property.

$$\begin{array}{r}
 \text{Example: } 600,000) 25,000,000 \text{ (41 2-3 cents.} \\
 \underline{24,000,000} \\
 1,000,000 \\
 \underline{600,000} \\
 400,000 \\
 \underline{600,000} = 2-3
 \end{array}$$

Similar calculations should be made in relation to the Building Fund.

14. Determine the method and enter it on record, for calling special meetings of the board when necessary.

FORM NO. I

FORM OF ORDERS TO BE ENTERED OF RECORD BY THE BOARD OF EDUCATION.

OFFICE OF THE BOARD OF EDUCATION..... )  
 DISTRICT, IN THE COUNTY OF..... )  
 WEST VIRGINIA.

At a meeting of the Board of Education held on the .... day of ....., 19.., there were present, ..... president, and ..... and ....., members of the board.

On motion of ....., it is ordered that ..... be, and he is hereby appointed Secretary of this Board.

On motion, it is ordered that the following named persons be appointed trustees in the following named sub-districts, for a term of three years, and until their successors are appointed and qualified:

*Trustee for Sub-District No. 1.*

.....

*Trustee for Sub-District No. 2.*

.....

On motion of ....., it is ordered that the salaries of teachers per month, for the school year, shall be as follows, according to the grade of their certificate: For grade No. 1, \$....; for grade No. 2, \$....; for grade No. 3, \$....

It is found by the board that in addition to the available funds now on hand, \$.... will be necessary for the payment of teachers' salaries for the current year, and on motion of ....., it is ordered that a tax of .... cents on the one hundred dollars' valuation of the real estate and personal property of the district be levied for that purpose.

(A similar order should be entered in relation to the levy for Building Fund.)

On motion of ....., it is ordered that the president and secretary of this board be authorized to sign, in vacation, all proper orders for the payment of money out of the teachers' fund or the building fund, for the salaries of teachers employed and claims allowed by the board, and that they report the orders drawn on each fund, at the next meeting of this board.

The secretary of this board made a report this day for the several orders drawn by him and the president, on the teachers' fund and the building fund, respectively, since the last meeting of the board, as follows: An order on the teachers' fund, in favor of ....., a teacher, for \$....; an order in favor of ....., a teacher, for \$....; also an order on the building fund, in favor of ....., for work done on ..... school house, for \$....; and an order, in favor of ..... for furnishing wood for ..... school house, for \$....

On motion of ....., it is ordered that when in the opinion of the president or of the two commissioners it is deemed necessary, the president or secretary may call a special meeting of this board.

On motion the board does now adjourn.

.....  
*President.*

.....  
*Secretary.*

FORM NO. II

ORDER OF APPOINTMENT TO FILL A VACANCY IN THE BOARD OF TRUSTEES

[To be entered in records of the board.]

There being a vacancy in the board of trustees in sub-district No. . . . ., in the district of . . . . ., on motion of . . . . ., it is ordered that . . . . . be, and he is hereby appointed to fill said vacancy for the unexpired term, and till his successor shall be appointed and qualified.

NOTE—This order of appointment should be entered in the record book of the board of education at a regular meeting, and a copy of it signed by the secretary of the board served upon the appointee.

FORM NO. III

APPOINTMENT OF A MEMBER OF THE BOARD OF EDUCATION TO FILL A VACANCY

OFFICE OF COUNTY SUPERINTENDENT, )  
 OF THE COUNTY OF . . . . . )  
 . . . . ., West Virginia, . . . . ., 19...

It having been made known to me that there is a vacancy in the board of education in . . . . . district in my said county, I . . . . ., county superintendent of said county, in pursuance of the authority vested in me by law, hereby appoint . . . . . to fill the vacancy in said board for the unexpired term.  
 . . . . ., *County Superintendent.*

FORM NO. IV

OATH OF OFFICE

*State of West Virginia, County of . . . . ., to-wit:*

I, . . . . ., do solemnly swear (or affirm) that I will support the Constitution of the United States, and the Constitution of this State, and that I will faithfully discharge the duties of my office of . . . . . to the best of my skill and judgment. So help me God.

A— B—.

Sworn to and subscribed before me, . . . . ., a justice of the peace, the . . . . day of . . . . ., 19..

C— D—, *J. P.*



FORM NO. V

FORM TO BE USED IN THE SETTLEMENT BY THE SHERIFF WITH THE SEVERAL BOARDS OF EDUCATION, ON OR BEFORE THE 30TH DAY OF JUNE IN EACH YEAR

....., Sheriff of ..... county, in account with the Teachers' Fund of ..... district for the year ending June 30, 19..

	\$	Cts
To balance due District on settlement for the year ending June 30, 19.....		
To amount due from State School Fund for the year ending June 30, 19..		
To amount levied on a valuation of \$... for the year ending June 30, 19.. at.....cents on each hundred dollars valuation.....		
To amount received from other sources for the year ending June 30, 19.... [Itemize each sum received from "other sources," giving date, amount and from whom received.]		
Total debits .....		

	\$	Cts.
By balance due sheriff on settlement for the year ending June 30, 19.....		
By sundry school orders paid to date..... [The No., date and name of person to whom each order was drawn, with the actual amount paid thereon by the officer presenting it, should be given in detail.]		
By commission at 5 per cent. on net district levies.....		
By 2 per cent. commission on railroad levy.....		
By exonerations—(Name each person exonerated, the name and for what year the exoneration is made).....		
By delinquent list for the year ending June 30, 19.....		
Total credits .....		
Balance due district, (or sheriff, as the case may be) .....		

FORM NO. VI

CALL FOR SPECIAL MEETING

OFFICE OF ..... )  
 ..... DISTRICT, )  
 ..... COUNTY, W. VA. )  
 ....., 19..

It appearing to ..... that a special meeting of the board of education of said district is necessary to transact business relating to ..... and other matters, a meeting is hereby called at ..... at ..... o'clock .... M., ....., 19.. You are requested to be present.

....., Secretary.

To .....

FORM NO. VII

FOR TRANSFER

..... DISTRICT, )  
..... COUNTY, W. VA. )  
SUB-DISTRICT, No..... )

It appearing to the undersigned, trustees of ..... sub-district that ....., children of ..... of ..... sub-district are so situated as to be better accommodated in sub-district no ....., ..... district, ..... County, W.Va., this is to certify that said trustees have this day, as required by law, transferred them to that district. This transfer is to commence on the .... day of ....., 19.., and continue in force ..... months.

To the Trustees of Sub- ) ..... )  
Dist. No. .. of .. Dist., ) ..... ) Trustees.  
..... County, W. Va. ) ..... )

On the reverse of the transfer (Form VII) the following endorsement may be made:

Transfer of .... scholars from sub-district no ....., ..... District, ..... County, to sub-district no ....., ..... District, ..... County, W. Va.

We, the trustees of the last named sub-district, this day ..... \*accept the within transfer in accordance with sec. 12 school law, ....., 19..

..... )  
..... ) Trustees.  
..... )

\*Or refuse to accept.

NOTE—Trustees accepting transfers from other districts should transmit them to their board of education, there to be kept on file for the information of the board in making settlements for the amount due for the transferred pupils.  
Trustees making transfers should furnish their board with information of all transfers made by them, to enable the board to provide for the payment of the pro rata expenses of the transferred pupils. The following form may be used by the trustees:

To the president of the Board of Education of ..... district:  
This is to certify that the undersigned, trustees of sub-district no .., ..... District have transferred as required by law ..... pupils, the children of ....., from this sub-district to no. ...., ..... District, ..... County, to begin on the .... day of ....., 19.., and continue .... months.  
..... )  
..... ) Trustees.  
..... )

FORM NO. VIII

FORM OF CONTRACT BETWEEN TRUSTEES AND TEACHER

This Contract Witnesseth, That .....,  
 and ....., trustees of sub-district No. .... in the  
 district of ....., and county of ....., West Vir-  
 giinia, of the first part, having met together as required by section 13  
 of the School Law, and ....., a teacher holding a  
 No. .... teacher's certificate, of the second part, have this day  
 agreed that said ..... shall teach the free school in said  
 sub-district, for the term of ..... months, commencing on the ....  
 day of ....., 19..; for the sum of ..... dollars per month,  
 and that for said services, properly rendered, the trustees aforesaid  
 will pay, as prescribed by law, the amount of salary due said  
 ..... according to the terms of this contract.

And it is further agreed that if for any legitimate reason the  
 school is not begun on the date mentioned, or if for such cause it is  
 discontinued or suspended, neither party shall have recourse on the  
 other for damages.

Witness our hands, this .... day of ....., 19..

..... )  
 ..... ) Trustees.  
 ..... )  
 ....., Teacher.

FORM NO. IX

SECRETARY'S NOTICE TO COUNTY SUPERINTENDENT, ASSESSOR AND  
 COUNTY CLERK, OF RATE OF LEVIES

OFFICE OF SECRETARY BOARD OF EDUCATION.

....., 19.. \*To ..... of ..... county,

At a meeting of the board of education of ..... district  
 of said county, held on the .... day of ....., 19.., it was  
 ordered that levies for the support of the free schools of the district  
 for the year beginning the first day of July, 19.., be made for the  
 respective funds at the following rates:

For Teachers' Fund, ..... cents on the \$100 valuation.

For Building Fund, ..... cents on the \$100 valuation.

Respectfully,  
 ....., Secretary.

SECTION 44 SCHOOL LAW.—Immediately upon the receipt of the  
 certificate mentioned in the preceding section, and of the notice from  
 the county superintendent, as hereinafter provided, showing the  
 amount of the general school fund to which such district, or inde-  
 pendent school district is entitled, it shall be the duty of the board  
 of education of such district to determine the rate of taxation nec-

\*Write Assessor, Clerk of County Court or County Superintendent as the case may  
 be. Each must be notified promptly.

essary for the pay of teachers and for the building fund in their district for the school year and for the payment of any such existing indebtedness, as aforesaid, and report the same by their secretary, to the clerk of the county court, to the county superintendent and also to the assessor; and thereupon, it shall be the duty of the said assessor to extend on his books of assessment for State and county purposes the amount of taxes levied as aforesaid, in two separate columns, the one headed "Teachers' Fund," and the other "Building Fund," from which extension the sheriff shall proceed to collect the same, and shall account therefor as required by law. Any assessor who shall fail to make out and deliver the certificate mentioned in the forty-third section, and any secretary of a board of education who shall fail to make out and deliver the certificate named in this section shall be fined twenty dollars, for the benefit of the Building Fund of the district.

FORM X

COUNTY SUPERINTENDENT'S CERTIFICATE TO SECRETARIES OF THE  
AMOUNT OF RAILROAD TAX

OFFICE COUNTY SUPERINTENDENT FREE SCHOOLS.

To the Sec'y Board of Education of ..... District.  
..... County, West Virginia.

You are hereby notified that the amount due your district for school purposes and chargeable to the Sheriff on the respective accounts of Teachers' and Building Fund in *proportion to the rate of levy* for each, for the school year ending June 30, 19.., from the ..... Railroad Company is ..... Dollars.

Given under my hand this .... day of ....., 19....

Dated ....., 19.... County Sup't ..... County,

When the County Superintendent is notified by the Auditor of the amount paid into the treasury by the Railroad Company to the credit of any district for school purposes; or, is notified of the amount of Railroad tax certified by the Auditor to the Sheriff of the County for collection for school purposes, he should, without delay, notify (on this blank) the Secretaries of the respective Boards of Education of the amount due them from the different Railroad companies that have property in their respective districts. The secretaries of the Boards, when they are notified as above directed, should divide the amounts so reported, between the Teachers' and Building Funds in *proportion to the rate of levy* made for each. The amounts should then be *charged* up to the Sheriff on account of the respective Funds.

FORM NO. XI

COUNTY SUPERINTENDENT'S CERTIFICATE TO THE AUDITOR OF DISTRIBUTION OF STATE FUND FOR HIS COUNTY

OFFICE COUNTY SUPERINTENDENT FREE SCHOOLS, )
....., COUNTY, W. VA., ..... , 19.. )

To the Auditor of the State of West Virginia.

SIR:—The following shows the apportionment made by me, to the several school districts of the county of ....., for the school year commencing July 1st, 19..

Whole amount certified by State Superintendent, ..... \$.....

Amount deducted for salary of County Superintendent, .....

Whole amount distributed to the several school districts, .....

Amount distributed to each school district respectively :

Table with columns: DISTRICTS., Payment of Sept. 15th., Payment of Dec. 15th., Total. Rows include District, \$ and Total.

Table with columns: INDEPENDENT DISTRICTS., Payment of Sept. 15th., Payment of Dec. 15th., Total. Rows include District, \$ and Total.

....., County Superintendent
of ..... County.

Section 22 of the School Law requires county superintendents to apportion the State Fund among the several districts of their respective counties and to report the same on this form to the Auditor.

FORM NO. XII

COUNTY SUPERINTENDENT'S CERTIFICATE TO SECRETARIES OF THE AMOUNT OF STATE FUND

OFFICE OF COUNTY SUPERINTENDENT FREE SCHOOLS.  
 ..... COUNTY, WEST VIRGINIA.

..... 19..  
*To the Secretary of the Board of Education of ..... District.*

I hereby certify that the amount of State School Fund apportioned to your district for the school year beginning on the 1st day of July, 19... is ..... dollars.

Enumeration for 19..., (corrected) .....

.....  
*County Superintendent.*

This amount will be paid to the sheriff of the county in two equal installments, on September 15th, and on December 15th, next; provided your board levy for a sum, which, together with the balance on hand, funds from other sources, and this State fund, will be sufficient to pay for having the schools of your district taught for at least five months in the year. You will charge the sheriff with the above amount on account of the teachers' fund.

As soon as the county superintendent receives notice from the State Superintendent of the amount apportioned to his county, he should apportion the amount among the respective districts and independent districts, according to the number of younts between 6 and 21 in each, ascertained by the last enumeration; and should thereupon notify the respective secretaries on this blank (Form 18) without delay.

FORM NO. XIII

ASSESSOR'S NOTICE TO SECRETARIES OF VALUATION OF PERSONAL PROPERTY

OFFICE OF ASSESSOR  
 OF ..... COUNTY.  
 WEST VIRGINIA.

*To the Secretary of the Board of Education of ..... District:*

The assessed valuation of the personal property in your district on the first day of January, 19..., aggregates \$.....

Given under my hand the .... day of ....., 19..

....., Assessor.

P. O. Address, .....

.....

A copy of this notice should be sent to the secretary of each district at the very earliest moment possible, as he must have it on the first Monday in July, at the annual meeting of the board of education.

The assessor of every assessment district shall make out and deliver to the secretary of the board of education of each district and independent school district in his district, on or before the first day of July in each year, a certificate showing the aggregate value of all personal property; and the clerk of the county court shall certify to the said secretary the aggregate value of all real estate in such district or independent school district, which certificates shall serve as a basis for any levy that may be made for school purposes for that year.—(Sec. 43 School Law.)

Any assessor who shall fail to make out and deliver the certificate mentioned in the forty-third section, and any secretary of a board of education who shall fail to make out and deliver the certificate named in this section, shall be fined twenty dollars, for the benefit of the building fund of the district.—(Part of Sec. 44 School Law.)

## FORM NO. XIV

COUNTY CLERK'S NOTICE TO SECRETARIES OF ASSESSED VALUATION OF  
REAL ESTATE

OFFICE CLERK COUNTY COURT  
..... County, W. Va.  
West Virginia.

*To the Secretary Board of Education of ..... District:*

The assessed valuation of the real estate in your district on the first day of January, 19.., aggregates \$.....

Given under my hand the ..... day of ....., 19..

.....  
*Clerk of County Court.*

A copy of this notice should be sent to the secretary of each district at the very earliest moment possible, as he must have it at the annual meeting of the board of education on the first Monday in July.

The assessor of every assessment district shall make out and deliver to the secretary of the board of education of each district and independent school district in his district, on or before the first day of July in each year, a certificate showing the aggregate value of all personal property; and the clerk of the county court shall certify to the said secretary the aggregate value of all real estate in such district or independent school district, which certificates shall serve as a basis for any levy that may be made for school purposes for that year. (Section 43 School Law.)

FORM XV

COUNTY CLERK'S NOTICE TO SECRETARIES OF DELINQUENT LISTS

OFFICE CLERK COUNTY COURT  
..... COUNTY.  
WEST VIRGINIA.

To the Secretary Board of Education ..... District:

The sheriff of ..... county is entitled to credits for the delinquent list (including property erroneously and improperly charged) for the year ending June 30, 19... :

On Real Estate for Teachers' Fund,.....	\$.....
On Personal Property for Teachers' Fund.....	\$.....
Total for Teachers' Fund,.....	\$.....
On Real Estate for Building Fund,.....	\$.....
On Personal Property for Building Fund,.....	\$.....
Total for Building Fund,.....	\$.....

You will charge the sheriff with the following amounts, certified by the Auditor as paid to the sheriff on account of redemption of delinquent lands paid into the treasury before sale:

For Teachers' Fund, .....	\$.....
For Building Fund, .....	\$.....

Given under my hand the ..... day of ....., 19..

.....  
*Clerk of County Court.*

The said lists shall be returned to the county court before the first day of July in every year, and the list of real estate shall be examined, corrected and allowed by said court, and a copy thereof certified to the Auditor, and another copy to the assessor for future use in making out the next land book. The list of personal property shall also be examined, corrected, and allowed by the court, and the amount thereof so allowed, together with the amount allowed of the list of real estate, shall be certified by the clerk of said court to the secretary of the board of education of the proper district. The original list shall be preserved by the clerk of said court in his office.—Sec. 48, School Law.

FORM NO. XVI.

TRUANT OFFICER'S NOTICE

....., W. Va., ..... , 190..  
M. ....

Dear .....

You are hereby notified that the attendance of ....., ....., and ..... being under your control are required to attend school and according to the provisions of section 10a, Chapter 45 of the Code as revised by the Legislature of 1903, such attendance must commence within five days from receipt of this notice unless due cause be shown why such child or children should not attend.



Should you fail to comply with the requirements of this law, you will be subject to a fine of two dollars for the first offence and five dollars for each subsequent offence.

Respectfully,  
..... Truant Officer,  
..... District ..... County, West Virginia.

Note.—This notice should be mailed where practicable, otherwise it must be delivered by the truant officer in person or sent by a reliable carrier.

FORM NO. XVII

TRUANT OFFICER'S REPORT TO BOARD

Members Board of Education, ..... District, ..... County, West Virginia.

GENTLEMEN: I hereby certify that I have investigated ..... cases under the truancy law during the month of ....., 19.., of which number ..... were prosecuted and ..... convicted. I have mailed .... notices, delivered in person .... notices and sent by other means .... notices.

In all I have spent ..... hours\* or ..... days and .... hours in the discharge of my duties as truant officer.

Respectfully,  
..... Truant Officer,  
..... District, ..... County, W. Va.

Personally appeared before me, ..... of ..... County, the said ..... and, on oath, says that the above report is true and correct, to the best of his knowledge and belief.

Given under my hand this ..... day of ....., 190..

\*Note.—Nine hours should be reckoned as constituting a day.

FORM NO. XVIII

TRUANT OFFICER'S STATEMENT TO SHERIFF

....., W. Va., ..... 190..

M.....,  
Sheriff of ..... County,  
..... W. Va.

DEAR SIR: Under the provisions of Sec. 10a, Chap. 45 of the Code the following fines were imposed in ..... district, ..... County, under my jurisdiction during the month of ....., 19...:



FORM NO. XX

SCHOOL BOOK BOND

*Know all men by these presents, That we* .....  
 ....., Principal, and ..... and  
 ..... sureties, are held and firmly bound unto  
 the State of West Virginia, in the sum of ten thousand (\$10,000)  
 dollars, lawful money of the United States of America, to be paid  
 unto the said State, for which payment well and truly to be made,  
 we bind ourselves, our heirs, executors and administrators, jointly  
 and severally, firmly by these presents.

Sealed with our seals and dated this ..... day of.....,  
 in the year one thousand eight hundred and ninety.....

WHEREAS, by a certain agreement in writing, bearing date on the  
 ..... day of ..... 190., the above bounden .....  
 ..... has covenanted, promised and agreed with the School Book  
 Board of ..... County to supply certain school text-books  
 for use in the free schools of said County and State, as will in the  
 said agreement more fully and at large appear:—

Now, therefore, the condition of the above obligation is such that  
 if the said ..... shall faithfully, fully  
 and entirely do, perform, keep and observe the said agreement, and  
 every such agreement hereafter or heretofore made with any onther  
 School Book Board of any other county within this State, and each  
 and every of the covenants, provisions, agreements, terms and condi-  
 tions on h part to be done, performed, kept and observed, then  
 this obligation shall be void, otherwise to remain in full force and  
 virtue.

.....  
 .....  
 .....  
 .....

FORM XXI

SCHOOL TEXT-BOOK CONTRACT

THIS AGREEMENT, Made and entered in to this .... day of  
 ....., in the year of our Lord, one thousand nine hundred  
 and by and between the School Book Board of .....  
 County, State of West Virginia, under and by authority of the act  
 of the Legislature of said State passed on the 19th day of February,  
 1897, entitled "An Act to establish a School Book Board in every  
 county of the State and to prescribe its duties; to provide for the sale  
 of school text-books, and to provide penalties for violations of this  
 act," party of the first part, and ..... part of the second  
 part:

WITNESSETH:—THAT, WHEREAS, the said part of the second

part, the publisher of certain text-books authorized by law to be used in the free schools of said State of West Virginia, has agreed to furnish the following text-books to every board of education or its agents, depository, agent of the party of the first part hereto, or to any dealer or other person of the county, to be used in the free schools of said State in the county of ..... for the term of five years from the .... day of ....., 190., and at the prices hereinafter specified, that is to say:

[Here state full and accurate title of each book, name of author, and name of publisher, and price, including prices agreed on for exchange for other books, and for introduction, if any such prices for exchange or introduction are agreed on.]

NOW, THEREFORE, In consideration of the premises the part of the second part hereby agree to furnish, and the party of the first part agrees to purchase at the contract prices set opposite the title to each book set forth in this agreement for the period of five years, from the .... day of ....., 190., the school text-books hereinbefore described in adequate quantities and as needed from time to time for the supply of said schools, and in quality of paper, typography and binding equal to the sample copies furnished to ....., County Superintendent of Free Schools for said ..... County, as provided in Chapter 62, Sec. 8 of the Acts of 1897.

It is further stipulated and agreed that the said part of the second part shall make no changes in said books used in the free schools of this State during the continuance of this contract, except as hereinafter provided.

It is further stipulated and agreed that the said part of the second part shall print for the information of the County Superintendent, Boards of Education, and for general circulation, a complete schedule of the contract prices and exchange prices agreed upon, and furnish to the County Superintendent at least as many copies thereof as there are school houses, and places, in the said county of .....

It is further stipulated and agreed that no charge shall be made by the second part to the boards of education, depositaries, or other persons, for the boxing and cartage of such books, but said books shall be delivered free of charge in good condition and properly packed on board the railroad cars at ..... in the county of ..... and State of .....

It is further stipulated and agreed that at the expiration of this contract the said part shall take back all copies of books that

may be in the hands of said boards of education, school book boards, or the agents of either, and depositaries, and in good condition, and refund the amount paid therefor.

It is further stipulated and agreed that if any of the books hereinafore named are geographies, the said part of the second part may from time to time make such changes as may be necessary to cause such books to conform to the facts as to later explorations, the changes in forms of governments and political divisions, and the discoveries of science, but such changes shall not be made so as to alter the arrangement of the books.

It is further agreed that all the provisions of said act whether incorporated in this agreement or not shall be binding on the parties hereto, and shall be taken, treated and deemed as a part of this agreement.

In Witness Whereof, this agreement has been subscribed by the said party of the first part by ....., its President, and by the part of the second part, this day and year first above written.

*The School Book Board of ..... County.*

*By ....., President.*

.....

# SCHOOL CALENDAR

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## JULY.

1. School year begins.  
Member of board takes office.  
(Or before) Assessor certifies value of property.  
(Or before) Sheriff settles with Board of Education.  
(Before 1st day of July) Sheriff reports delinquent property.
- 1st Monday. Board of Education meets.  
(Or as soon thereafter as practicable) Board of Education lays levies.
- 1st Wednesday. Presidents meet to appoint examiners.
4. Legal holiday.
- 3rd Monday. Trustees meet to employ teachers.
20. (Or before) Secretary reports rate of levy.

## AUGUST.

1. (Or before) County Superintendent makes report to State Superintendent.

## SEPTEMBER.

1. Auditor reports condition of school fund to State Superintendent.  
1st Monday. Legal holiday.

## NOVEMBER.

- Last Thursday. Thanksgiving Day. Legal holiday.

## DECEMBER.

25. Christmas. Legal holiday.

## JANUARY.

1. New Year's Day. Legal holiday.  
(Or before) State Superintendent makes report to Governor.

## FEBRUARY.

22. Legal holiday.

## APRIL.

1. (Or before) Teachers make enumeration.
15. (Or before) Secretary transmits copy of enumeration to County Superintendent.

## MAY.

1. (Or before) County Superintendent forwards to State Superintendent report of enumeration.
30. Legal holiday.

## JUNE.

10. (Or before) Auditor notifies State Superintendent of amount of general or distributable school fund.
30. School year ends.

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NOTE.—Line 6 from the bottom page 20 should read: "month has been less than thirty-five per cent. of the"







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