

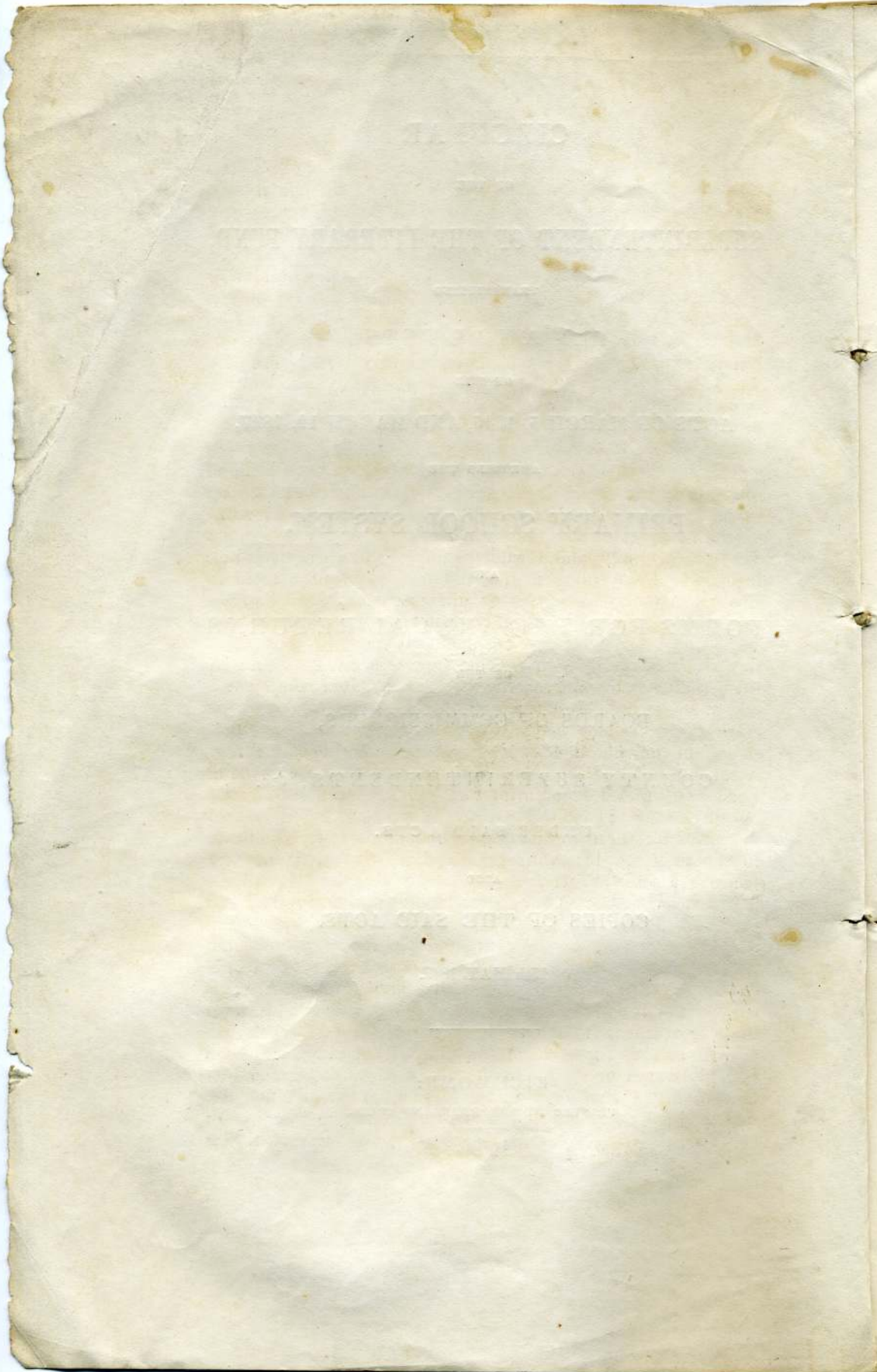
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CIRCULAR  
OF THE  
SUPERINTENDENT OF THE LITERARY FUND,  
TRANSMITTING  
AN ANALYSIS  
OF THE  
ACTS OF MARCH 5, 1846, AND MARCH 19, 1847,  
AMENDING THE  
PRIMARY SCHOOL SYSTEM,  
AND  
FORMS FOR THE ANNUAL RETURNS  
OF THE  
BOARDS OF COMMISSIONERS,  
COUNTY SUPERINTENDENTS, &c.  
UNDER SAID ACTS.  
ALSO  
COPIES OF THE SAID ACTS.

25th MAY 1847.

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RICHMOND:  
PRINTED BY SHEPHERD AND COLIN.  
1847.



C I R C U L A R

O F T H E

S U P E R I N T E N D E N T O F T H E L I T E R A R Y F U N D .

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The important amendments made to the primary school system by acts passed at the sessions of 1845-6, and 1846-7, render it proper that they should be presented to the agents concerned in carrying them into execution in a form which sets forth distinctly and separately the respective powers and duties of *each*. The trouble and perplexity of searching through and obtaining a proper understanding of the various provisions scattered throughout the acts, will thus, in a great measure be saved. I have accordingly prepared with this view the *Analysis* which accompanies this circular—and in order that the acts themselves may be consulted when occasion may arise, copies of them are hereto appended.

It has also become necessary that new forms should be furnished for the reports of school commissioners, county superintendents and other officers, corresponding with the changes made. These I have prepared and submit herewith marked (A, B, C, D, E, F, G, H.)

In framing these forms, I have endeavoured to adhere as closely as practicable to those heretofore in use, but there are necessarily some departures.

For instance the county superintendent's abstract (D) of school operations, &c. combines with the former abstract of teachers' accounts, several items of necessary information which give it the appearance of complexity, but on a particular examination it will be found that most if not all that is new in it, will be obtained without the least difficulty from returns and accounts in his possession. I take occasion here to observe that the forms in use in all the states which have carried their school systems to the greatest perfection are much more precise and minute in many respects than any which I have ever prescribed—and that those forms are there considered indispensable, as they present a body of facts which

enable the controlling power to perceive the deficiencies in the system and the remissness of agents appointed to carry them into execution and to devise the proper measures to obviate both, by efficient new regulations. I am well aware that many persons are strongly opposed to all forms which tie them down to minute details based on facts. My own experience, however, has brought my mind to the firmest conviction not only of their utility, but that without them, no extensive system can reach the degree of perfection which is necessary to secure the great object aimed at, to wit: the education of the youth of the country.

Until the receipt of the annual returns of the school commissioners of those counties which have proceeded to carry into effect the acts aforesaid, it will be impossible to form a positive opinion as to the practical results of the amendments introduced into the primary school system. But having given to those amendments a most attentive consideration, I have become convinced that they are an improvement upon the system as it previously existed, and that they will be productive of great advantage. I proceed to a notice of the principal changes, accompanied by the views which I entertain respecting them.

1. *The Creation of a greater number of School Districts in the Counties, of smaller extent, and the corresponding increase of the number of Commissioners.*

It has been long a complaint on the part of the school commissioners that it was exacting too much to require them to visit all the houses of the poor throughout the *large districts* to which they have heretofore been assigned; to attend to the selection of the children and providing schools for them; to visit the schools therein and ascertain the qualifications of teachers, the discipline maintained by them, and the conduct and improvement of the children; and to adopt such remedial measures to correct abuses or deficiencies of any kind, as attentive observation to those particulars would readily suggest. Under the amended system these duties of the *individual* commissioner are much lightened by the fact that *if the letter and the spirit of the law are carried out by the courts*, his district will be moderate, *either* in extent or in population, and "*well adapted for his convenient supervision*," and he will consequently be able to attend more accurately and frequently to the duties of his office. These may be carried to a greater extent of usefulness by zeal and attention, than will be *evident* on a hasty examination.

2. *The Enumeration and Registration of the Children between 5 and 16 years of age.*

The act of 1846 required that this registration should comprehend all classes of children between the ages mentioned, but the late act so modifies this provision as to apply it to the children of the class for whose benefit alone the office of commissioner was created. It was objected to by the commissioners of some of the counties as imposing too burdensome a duty on them to require at their hands a complete census of all the children of all classes, as well as unnecessary, as they had to do with one class only. They did not seem to take into consideration that although such a duty *might* really be oppressive in some *very large as well as populous districts as they have heretofore existed*, it could be performed with great comparative facility if the districts *are so laid off by the courts* under the late act, as to adapt each of them for the *convenient* supervision of a single commissioner. It will be evident, however, on reflection, that the enumeration first required would be attended with this great incidental advantage; the aggregate number of the children of all classes in each district, county and corporation, and in the state, would be correctly ascertained; and would furnish to the public and more especially to the legislature the means of knowing correctly the extent of the deficiency of good schools in each district and county, and in the state at large, not only for the instruction of the poor, but of thousands of other children to whom no schools are now accessible, and of overcoming that deficiency by procuring an adequate number of competent teachers who have not only been educated amongst ourselves, but as far as practicable expressly for the profession of teaching.

3. *The creation of the office of County Superintendent of Schools.*

This office, if filled by zealous, intelligent and influential persons, is of the highest importance and value, not only in regard to the particular duties attached to it by law, but to the influence which the incumbent must necessarily possess. In a zealous and conscientious performance of these duties he must visit the schools of the county, never less than once, and as much oftener as practicable, in order that he may be enabled to report to the board of commissioners and to the superintendent of the Literary fund, for the information of the legislature, the "condition of the system," and the "management and course of instruction of the schools," and to present

viously to the act of 5th March 1846, so much importance do I attach to the uniformity of the system, that I earnestly recommend that the primary school laws as amended may be adhered to in all the counties which do not prefer the district free school system. The amended system, although encumbered perhaps with some provisions which have broken in upon its simplicity, still contains not merely new regulations, but valuable improvements, which open the way to still greater. In order that the public of the state may be undeceived as it regards the feasibility of establishing the "*common or free school system*," throughout our territory, and that it may be induced to hold fast the present primary school system in all thinly peopled counties, it will be sufficient to quote a few words from one of the annual reports of Horace Mann, Esq., a gentleman well known for his literary attainments, and for his unwearied and successful exertions as secretary of the Board of education in Massachusetts. He says: "*The population of Massachusetts, being more than eighty to the square mile, gives it the power of maintaining common schools. Take the whole range of the western and southwestern states, and their population, probably, does not exceed a dozen or fifteen to the square mile. Hence, except in favourable localities, common schools are impossible; as the population upon a territory of convenient size for a district, is too small to sustain a school.*" It is known that the white population of Virginia did not average *eleven* to the square mile, by the census of 1840, and (if any reliance can be placed in the judgment of one so distinguished as Mr. Mann,) "except in favourable localities," common schools are impossible in our state.

From information received from a few of the counties in which an enumeration of the poor children has been made, I apprehend the number of that class in the state has been greatly underrated. In one county it is said the proportion for each child of the legal age will not exceed fifty cents, a sum totally inadequate to provide any useful instruction. In such counties the following suggestion, contained in my circular of 1830, may be found worthy of consideration: "A still further advance to economy may it is thought be made, by always selecting for school the oldest of the children whose regular attendance can be relied on. When they shall have acquired the degree of instruction contemplated by law, which it is believed two years will fully enable them to do, those next in age will supply their places; thus a fund which, on the plan usually pursued, is capable of providing for the tuition of one fourth only of a county, will, on the system of succession recommended, if judiciously and

zealously pursued, extend its benefits with certainty to the whole, or a much greater part, of those who can be got to attend school regularly, and that too in a more effectual and useful degree; for it cannot be doubted that children from ten to fifteen years of age will be much more sensible of the advantages of education, and desirous of improvement, as well as more capable of imbibing it, than those of a more tender age."

The act of 19th March last, besides standing provisions, contains several of limited duration, intended to legalize certain informal proceedings, and partial or entire omissions on the part of some of the counties and corporations of the state in carrying the act of 1846 into execution; and to authorize the payment of the school quotas to such counties or corporations. These provisions are noticed at page 18 of the Analysis. To render them available however, they must have been acted upon at some term of the courts prior to that of June 1847. *Resolutions* intended to effect the same object without delay, by anticipation of the act of 1847, then in progress in the house of delegates, were adopted by the legislature on the 22d January and 4th February last. These provisions will also be inoperative, unless they shall have been acted on within the same time. The relief afforded by the last mentioned resolution has enabled a large number of counties to proceed with their school operations at a much earlier period than they could otherwise have done, and thereby to ensure instruction to some thousands of children, who would otherwise have been necessarily neglected until the following year. Only 12 or 15 counties remain to be heard from, most of which have probably taken the necessary steps, but have failed to advise me of the fact.

J. BROWN, JR. *2d Auditor*  
*And Superintendent Lit. Fund.*

SECOND AUDITOR'S OFFICE, }  
 25th May 1847. }

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## COMBINED ANALYSIS

*Of the "Act amending the present Primary School System," (chapter 40,) passed 5th March 1846, and of the further amendatory Act, passed 19th March 1847, entitled "An Act to provide for cases in which the Courts have failed to comply with the Act of the 5th March 1846, amending the present Primary School System, and for other purposes;" (chapter 28,) shewing the provisions of said Acts now in force. (All the provisions of the former laws relating to the Primary School System, not in conflict with these acts, remain in force.)*

### I.

#### COUNTY AND CORPORATION COURTS—*Duties of.*

*It is their duty:*

1. To lay off at October term their county or corporation into districts, numbered from *one* upwards, by accurate and well known bounds, to be particularly described in the orders of said courts, having regard to territorial extent and population. (Act of 1846, sec. 1, and act of 1847, sec. 3.) And they may annually, at the same term, revise, and enlarge, reduce or alter the boundaries, or increase the number of the districts, in such manner as to equalize the number of indigent children in the several districts, and adapt said districts for the convenient supervision of the commissioner assigned to each—(Act of 1847, sec. 2.)
2. To appoint at their October terms annually one commissioner for each district, who shall be resident therein, and to fill any vacancy in the board of commissioners, on the certificate of the county superintendent of such vacancy, at the earliest convenient time thereafter—(Act of 1846, sec. 1, and 1847, sec. 3.)
3. To order a poll, *on the petition of one fourth of the legal voters of any county*, for taking the sense of the people upon the adoption of a district system of free schools. Said poll to be conducted in like manner, and by the same person who conducted the next preceding election of delegates—(Act 1846, sec. 6.)
4. The appropriation of the school quotas, or any part thereof, of the Cities of Richmond and Norfolk and town of Petersburg, to Lancasterian and other free schools therein, does not authorize the courts of said corporations to dispense with the laying off the said cities and town into districts, and appointing a commissioner for each—(Act 1847, sec. 8.)

## II.

BOARDS OF SCHOOL COMMISSIONERS—*How constituted, and duties of.*

5. Constituted of the commissioners appointed for the several districts by the county or corporation courts, (act of 1846, sec. 1,) and whose duty it shall be to assemble annually at the courthouse at November term of the said courts. Nine commissioners shall constitute a quorum; or if the number of commissioners appointed shall be less than sixteen, a majority of them shall constitute a quorum—(Act of 1846, sec. 2.)
6. They shall elect, *viva voce*, a county or corporation *superintendent of schools*; and should the individual appointed decline to serve, or fail to execute a bond for the performance of his duties, the commissioners shall at the next court proceed to make another appointment of superintendent; and in like manner shall fill any vacancy in said office in case of death, resignation or removal—(Act of 1846, sec. 2.)
7. It shall be their duty to report to the *superintendent of the Literary fund*, with such comments as they may deem appropriate, the account of the superintendent, (act of 1846, sec. 4,) and to certify the same, and his official reports respecting the condition of the system, to the clerk of the court—(Act of 1847, sec. 16.)
8. They shall have control over the compensation of teachers fixed by the county superintendent, which compensation shall not exceed the maximum per diem rates heretofore allowed by law—(Act of 1846, sec. 4, and act of 1847, sec. 7.)
9. Their authority under the act of 22d March 1836, (chapter 4,) to assign the whole or a part of the school quotas derived from the surplus revenue of the Literary fund to colleges and academies, *is repealed*: but where the school quota of any county or corporation is found *more than sufficient* for the tuition of the poor children in any year, the board of school commissioners may at each annual meeting transfer their probable surplus of the following year to any incorporated academy or academies, established and in operation within their limits, to be applied to the compensation of the teachers employed therein for the education of such poor youths as may be entered by the board of school commissioners, at a rate of compensation to be fixed by them—(Act 1847, sec. 9.)
10. They are authorized to pay to the Female orphan asylums at Fredericksburg, Norfolk and Richmond, or other similar institutions now existing, such amount as they were heretofore allowed by law to apply to the education of poor girls within their respective counties and corporations—(Act of 1847, sec. 7.)
11. The board of school commissioners of the cities of Norfolk and Richmond and town of Petersburg, are authorized to apply such portions of their respective annual school quotas to the Lancasterian schools established in said cities, and to

the Anderson seminary and other free schools in said town as they deem expedient: *Provided*, so much of said quotas shall be *reserved* as will be sufficient to educate such poor children of any districts as cannot attend said Lancasterian and free schools, but can attend schools within their own districts—(Act 1847, sec. 8.)

12. *The board of school commissioners of any county or corporation may reject both the act of 5th March 1846, and that of 19th March 1847, amending the primary school system, and upon such rejection the laws establishing said system as it existed prior to the passage of said act of 1846, shall continue in such county or corporation in full force—(Act of 1847, sec. 19.)*

## III.

DISTRICT SCHOOL COMMISSIONER—*How appointed and duties of.*

13. *One to be appointed for each district (resident therein) by the county or corporation court at October term—and such commissioner shall be bound to act unless he shall have already served in that capacity five years—(Act of 1846, sec. 1, and act of 1847, secs. 3 and 14.)*
14. *It shall be his duty to attend the annual meeting of the board of commissioners of his county or corporation at November term of the court—(Act 1846, sec. 2.)*
15. *To transact any business in his district in relation to schools, and to register and report annually to the county or corporation superintendent the number, names, ages and sexes, of the children in his district, entitled to be instructed under this act, and also to report to said superintendent the number of days actual instruction received by such children in the year preceeding 30th September annually—together with such other information as may be deemed important by himself or as said superintendent may from time to time require—(Act of 1846, secs. 3 and 4, and act of 1847, sec. 5.)*
16. *To enter with teachers any number of indigent children which his district's proportion of the quota will pay for at the rate of tuition fixed, subscribing such number of days as he thinks proper to each teacher, having first ascertained by computation the number of days instruction such proportion will pay for, and to direct the teacher to keep an account of every day's actual attendance of each child so entered—(Act of 1846, sec. 3,) and for the amount of the teacher's account, if found correct in form and substance, he is authorized to draw on the county or corporation superintendent in the form prescribed by the superintendent of the Literary Fund—(Act 1846, sec 4, and act 1847, sec 17.)*
17. *The appropriation of the school quota, or any part thereof to Lancasterian and other free schools in the Cities of Richmond and Norfolk and town of Petersburg, shall not authorize the district commissioners of said corporations to omit the performance of their necessary local duties—(Act of 1847, sec. 8.)*

18. The district commissioner shall be notified by the county or corporation superintendent of the proportionate amount of the school quota allotted to his district—(Act of 1846, sec. 4.)

## IV.

COUNTY OR CORPORATION SUPERINTENDENT—*How appointed and duties of.*

19. A county or corporation superintendent shall be elected *viva voce* by the board of school commissioners at their annual meeting, who shall perform the duties heretofore performed by the treasurer and clerk of the school commissioners, subject to the provisions of the acts of 1846 and 1847—(Act of 1846, secs. 2 and 4, and act of 1847.)
20. He must execute a bond with sufficient security, payable to the president and directors of the Literary fund, for the performance of the duties imposed on him—(Act of 1846, sec. 2,) which bond shall be taken by the clerk of the county or corporation court in the penalty and for the term, and to be filed and recorded in the manner heretofore prescribed for the bonds of treasurers of school commissioners—(Act of 1847, sec. 4,)—and if the superintendent so elected declines to act or fails to give such bond, it is the duty of the board of school commissioners to make another appointment at the next court, and in like manner to fill any vacancy occasioned in the office of superintendent, by death, resignation or removal—(Act of 1846, sec. 2.)
21. He shall be entitled as a compensation for his services to *four per centum* on the amount actually expended by him for the purposes of education; but such compensation shall not be less in any case than ten dollars—(Act of 1847, sec. 12.)
22. If the county or corporation superintendent or his executors, administrators or other personal representative shall fail to pay any money received by him by virtue of his office, when thereto duly required, it shall be lawful for the school commissioners in the name of the president and directors of the Literary fund, or the said president and directors in their own name, on motion after 10 days notice, to recover the same with 10 per cent. per annum damages in any court having jurisdiction thereof—(Act of 1847, sec. 15.)
- *It is his duty:*
23. To certify any vacancy in the board of school commissioners to the next court after such vacancy occurs—(Act of 1846, sec. 1.)
24. To make and keep a register of all the children entered at school—(Act 1846, sec. 4.)
25. To require of each commissioner a report of the number, ages, names and sexes, of the indigent children in his district, between the ages of 5 and 16 years, and the number of days actual instruction received by such children in the year preceeding 30th September annually—(Act of 1846, sec. 4.)

26. To report the facts thus obtained annually to the superintendent of the Literary fund, with any others deemed important by him, or required by said superintendent—(Act of 1846, sec. 4.)
27. To fix, within the limits heretofore prescribed by law, the *per diem* compensation to teachers for tuition of indigent children, subject to the control of the board of school commissioners—(Act of 1846, sec. 4, and act of 1847, sec. 7.) and
28. To keep an account with each district, passing to its credit its proper proportion of the school quota, (according to the number of poor children in each, compared with the whole number in the county)—to notify the district commissioner of the amount of such proportion, and to charge the orders given by such commissioner—(Act of 1846, sec. 4, and act of 1847, sec. 11.)
29. He may require from the several commissioners reports from time to time, and *from any teacher* of indigent children, information connected with the management or course of instruction at his school—(Act of 1846, sec. 4.)
30. To report to the board at their annual meeting the condition of the school system, with such other matters as he deems useful to them, and to submit to them his account as superintendent for the preceding year—(Act of 1846, sec. 4.)

## V.

CLERKS OF COUNTY AND CORPORATION COURTS—*Duties of.*

31. It is their duty to take bonds of the county or corporation superintendents, (in the form prescribed by the superintendent of the Literary fund,) in the penalty and for the term, and to file and record the same in the manner heretofore prescribed by law in the case of the treasurer's bonds—(Act of 1847, sec. 4.)
32. To transmit to the superintendent of the Literary fund copies of such bonds, and of the orders of courts laying off or changing districts, and appointing commissioners for the same—and
33. To receive, and in like manner transmit copies of the annual and other reports and returns of the boards of school commissioners and superintendents of schools—(Act of 1847, sec. 16.)
34. For these services they are allowed a compensation not exceeding *three dollars*—(Act of 1847, sec. 16.)

## VI.

SUPERINTENDENT OF THE LITERARY FUND—*Powers and duties of.*

35. It is his duty to furnish all necessary forms for the government of commissioners, superintendents and teachers in the execution of their respective duties and obligations—(Act of 1847, sec. 17.)

36. He is authorized to require additional information from county or corporation superintendents—(Act of 1846, sec. 4.)
37. The clerks of the county and corporation courts are required to transmit to him certified copies of the annual and other reports and returns of the boards of commissioners and superintendents, and other documents—(Act of 1847, sec. 16.)

## VII.

REGISTRATION OF INDIGENT CHILDREN—*Between the ages of 5 and 16 years.*

38. The number, ages, names and sexes of all such children to be registered by the district commissioner, and to be reported by him to the county or corporation superintendent, and a register of all those entered at school in his county or corporation to be prepared and kept by said superintendent—(Act of 1846, sec. 3 and 4, and 1847, sec. 5.)

## VIII.

TEACHER OF INDIGENT CHILDREN—*Duties and compensation of.*

39. He is required to keep an account of every day's actual attendance of each indigent child entered with him by a school commissioner, and to communicate to the county or corporation superintendent, when required by him, any information connected with the management or course of instruction at his school—(Act of 1846, sec. 3 and 4.)
40. He will be entitled to receive the rate of per diem compensation fixed (with the sanction of the board of school commissioners) by the county or corporation superintendent: provided such rate shall not exceed the limit heretofore prescribed by law; and provided further, that such account shall not exceed in the aggregate the number of days subscribed by said commissioner to the teacher—(Act of 1846, sec. 3 and 4, and act of 1847, sec. 7.)
41. His accounts for tuition are to be made out and verified in the form prescribed by the superintendent of the Literary fund, and if found correct by the district commissioner, will be paid by the county superintendent, upon the order of said commissioner in the required form.

## IX.

## FORFEITURE OF SCHOOL QUOTAS.

42. All school quotas which shall have remained in the public treasury for the space of one year, on the first day of January annually, shall be forfeited by the county or corporation to which they shall have been assigned, and shall be constituted a part of the permanent capital of the Literary fund—(Act of 1847, sec. 13.)

## X.

## INCORPORATED ACADEMIES.

43. The authority to school commissioners under the act of 22d March 1836, to assign the whole or a part of the surplus quotas of their respective counties or corporations to colleges and academies, is repealed, (act of 1847, sec. 9,) but
44. Whenever the board of commissioners of any county or corporation shall be *fully satisfied* that their annual funds are more than sufficient for the education of the indigent children therein, it shall be lawful for them at each annual meeting to transfer the probable surplus of the following year to any incorporated academy established and in operation within their limits, as compensation for the education of such indigent youths as they may enter at such academy, at a rate of compensation to be fixed by them; provided that the trustees of such academy shall make annual reports to the superintendent of the Literary fund of its income and condition, as heretofore required—(Act of 1847, sec. 9.)

## XI.

FEMALE ORPHAN ASYLUMS—(*Provision for, authorized.*)

45. The boards of school commissioners of the Cities of Norfolk and Richmond, and town of Fredericksburg, are authorized to pay to said asylums in said corporations, such amount as they were heretofore allowed by law to apply to the education of poor girls within their respective corporations, and other similar institutions now existing may receive like aid—(Act of 1847, sec. 7.)

## XII.

LANCASTERIAN AND OTHER FREE SCHOOLS—(*Provision for, authorized.*)

46. The boards of school commissioners in the Cities of *Richmond* and *Norfolk* and the town of *Petersburg* may continue their appropriations to the Lancasterian schools in said cities, and to the Anderson seminary and other free schools in said town: *Provided*, That so much of their quotas shall be reserved by said boards as may be required to educate, in the districts where they reside, those indigent children who from various causes are unable to attend those schools—(Act of 1847, sec. 8.)

## XIII.

DISTRICT FREE SCHOOLS UNDER ACT OF 1829, CHAP. 14—(*Continuance provided for.*)

47. The 1st, 2d and 3d sections of the act of 25th February 1829, "amending the several acts concerning the Literary fund,"



which relate to the establishment of district free schools upon the principle of joint contributions out of the school quotas of the several counties and corporations and voluntary subscriptions, continued in force—(Act of 1847, sec. 7.)

## XIV.

## GENERAL SYSTEM OF DISTRICT FREE SCHOOLS—(How adopted.)

48. *If the provisions of the act of 5th March 1846, fail to meet the wants of any of the counties of the commonwealth, or be disapproved by them, it is made the duty of the county court, upon petition of one fourth of the legal voters, to order a poll for taking the sense of the people respecting the adoption of a system of district free schools—(Act of 1846, sec. 6.)*
49. *Regulations for superintending polls and voting—(Act of 1846, sec. 6.)*
50. *Should two thirds of the legal voters decide in favour of a district system, a majority of said voters may cast their votes in favour of any district system that has been passed into a law, and such system shall be put in full force and operation in said county—(Act of 1846, sec. 7.)*


## XV.

ACTS OF 5TH MARCH 1846, CHAP. 40, AND 19TH MARCH 1847, CHAP. 28—*Amending the primary school system. Right of rejecting.*

51. *In any counties, cities or boroughs in which the school commissioners may reject these acts, the laws establishing the primary school system, as it existed prior to the first named act, shall continue in force.*

## XVI.

## TEMPORARY PROVISIONS

 *To be carried into execution in certain cases by County and Corporation Courts and School Commissioners previously to the June terms 1847 of said Courts.*

52. *In counties and corporations where school commissioners have been appointed, and have proceeded to act under the primary school system as it existed previous to the act of 5th March 1846, by appointing a treasurer, and entering children for tuition, said system shall be revived and remain in operation until 1st October 1847, at which time the said act of 5th March 1846, shall be again in full force and effect: *Provided*, That no treasurer so appointed shall receive any school funds until he shall have given a new bond in the form and manner required by said laws—(Act of 1847, sec. 6.)*

53. Where the act of 5th March 1846 has not been *fully* complied with, the courts are required at some time previous to June term 1847, to lay off their counties or corporations into districts and appoint commissioners for the official term ending 1st October 1847. And the said commissioners shall choose a superintendent at the court succeeding their appointment; but this direction shall not apply to such counties as shall have continued the primary school system in the manner specified in the above section—(Act of 1847, sec. 1.)
54. It is the duty of the courts of those counties and corporations in which the provisions of the act aforesaid of 5th March 1846 have been carried into execution, at some term after the number of indigent children in each district has been ascertained in the manner prescribed by law, but prior to June term 1847, to revise the districts laid off by them at their preceding October terms, and enlarge, reduce or alter the boundaries or increase the number thereof, so as to equalize as far as practicable the number of such children in the several districts, and adapt said districts to the convenient supervision of the commissioners assigned to them—(Act 1847, sec. 2.)
55. *Teachers' accounts*, for tuition of poor children entered under the old system, for terms expiring between 30th September 1846, and 1st January 1847, presented in the form heretofore prescribed under that system, may be paid out of *balances of funds of 1846 and prior years*, in the hands of the treasurers or of the superintendents for the time being, but shall be first examined, approved and certified by the boards of school commissioners at their first meetings after the passage of this act, or as soon thereafter as practicable—(Act of 1847, sec. 10.)



[ A. ]

FORM OF THE ANNUAL REPORT  
OF THE BOARD OF SCHOOL COMMISSIONERS.

[ This form is intended for the Primary School System as amended by the Acts of March 5th, 1846, (chap. 40,) and March 19th, 1847, (chap. 28.) ]

At the annual meeting of the school commissioners of \_\_\_\_\_ county, assembled according to law at the courthouse of said county, the day of \_\_\_\_\_ 184\_\_\_\_. Present, \_\_\_\_\_ president of the board, and \_\_\_\_\_ other commissioners, viz: (name them)—who, together constituted a quorum, the whole number appointed by the court being \_\_\_\_\_, the following report was adopted, viz:

The board of school commissioners of the county of \_\_\_\_\_, organized in conformity to the acts of March 5, 1846, (chap. 40,) and March 19, 1847, (chap. 28,) submit to the superintendent of the Literary fund the following REPORT of their proceedings within the year ending the 30th Sept. 184\_\_\_\_.

The court having at its \_\_\_\_\_ term 184\_\_\_\_, laid off the county into school districts, and appointed a commissioner to each district resident therein as the law requires, the commissioners so appointed assembled at the courthouse on the \_\_\_\_\_ day of \_\_\_\_\_ 184\_\_\_\_, elected a superintendent, and made the other necessary arrangements for the performance of the duties enjoined on them in relation to the education of the children of the indigent poor of the county.

The condition of the amended primary school system in this county, and the result of the proceedings of the individual commissioners will be gathered from the report and account of the superintendent of schools to the board of commissioners herewith transmitted, and from the report and accompanying documents of the same officer to the superintendent of the Literary fund. (B. and C.)

[ For the remainder of this report no form can be prescribed, as it must consist entirely of observations and suggestions growing out of the practical operation of the system; but amongst the various subjects which will naturally present themselves in the execution of the official duties of the school commissioners, the following will doubtless elicit some notice.

1. The sufficiency or insufficiency of the appropriation for effecting the contemplated object of educating all the poor of the county—where insufficient, the rule adopted by the commissioners for the selection of the children sent to school.
2. The measures taken by the commissioners for establishing schools in neighbourhoods where none exist, but where there is a sufficient number of children (of all classes) to support them.
3. Visitations of the schools by the commissioners—the attention paid to this duty and the observations resulting therefrom—the qualifications of the teachers, and the improvement of the children.
4. The mode adopted by the board for the selection, purchase, distribution and preservation of school books, writing materials, &c. for the use of the children.
5. The understanding had with teachers respecting the necessity of rendering their accounts immediately after the 30th September.
6. Regulations of the board of school commissioners of a general nature for the government of the district commissioners, and for the preservation of uniformity in the school operations throughout all the districts of the county.

The board of commissioners will also advert to any difficulties which they may have encountered in carrying the amended system into execution, and suggest such alterations or modifications of the existing laws and regulations, as they deem calculated to effect a more judicious application of the school fund; to

*simplify its management, and to diffuse its benefits to the greatest practicable extent.]*

Signed by order of the board,

\_\_\_\_\_, President.

Attest,

\_\_\_\_\_, Sup't of Schools.

*[This report to be certified by the board of school commissioners to the clerk of the court, and a copy thereof to be sent by him to the superintendent Literary fund, Richmond.]*

[B.]

FORM FOR THE ANNUAL REPORT  
OF THE COUNTY SUPERINTENDENT OF SCHOOLS

*To the Board of School Commissioners of the County, and  
to the Superintendent of the Literary Fund.*

The superintendent of schools of the county of \_\_\_\_\_ herewith submits to the board of school commissioners of said county, his account (C) of receipts and disbursements for the year ending 30th September 18 \_\_\_\_\_. From this account it will appear that during the year he has received officially the sum of \$ \_\_\_\_\_, on account of the balance unexpended at the last annual settlement—and \$ \_\_\_\_\_ for the school quota of the year \_\_\_\_\_; that he has paid out for tuition and other authorized expenses the sum of \$ \_\_\_\_\_, and that there is a balance now in his hands of \$ \_\_\_\_\_.

It will further appear by the abstract (D) that \_\_\_\_\_ children, entered by the district commissioners, attended schools during the year the aggregate number of \_\_\_\_\_ days, at an expense of \$ \_\_\_\_\_; that the average attendance of each child was \_\_\_\_\_ days, at the average expense of \$ \_\_\_\_\_, and that there are accounts due and now outstanding to the amount of \$ \_\_\_\_\_, which sum forms part of the abovementioned balance in the superintendent's hands.

The same document shews the aggregate number of indigent children in the county as reported to the superintendent by the several commissioners to be \_\_\_\_\_.

With the sanction of the board on entering upon the duties of the office, your superintendent fixed the teacher's compensation for each pupil at \_\_\_\_\_ cents per diem—and having ascertained the net amount of the fund applicable to the education of the poor to be \$ \_\_\_\_\_, passed to the credit of each commissioner his equal proportion thereof.

*[The superintendent will here state, whether and how often he has visited the schools of the county, and submit to the board of school commissioners such suggestions in regard to the condition and improvement of the system itself or of the mode pursued by the commissioners in executing it, as his observation in the course of the performance of his duties may enable him to make—some of the points of information to which the attention of the board of school commissioners is recommended in form A, (their annual report) may probably come more particularly under his own observation.]*

\_\_\_\_\_, Sup't of Schools.

*[This report and the accompanying account (form C) and the abstract (D,) will be furnished to the board of school commissioners by the superintendent of schools, and be by them certified to the clerk of the court, who will transmit copies to the superintendent of the Literary fund.]*

*These documents will embrace all the facts and information which the superintendent of the Literary fund will probably have occasion to require of the county superintendent, or which the county superintendent is required to furnish to him by law.]*

[C.]

## FORM OF ANNUAL ACCOUNT OF THE COUNTY SUPERINTENDENT OF SCHOOLS.

The School Commissioners of \_\_\_\_\_ County, in account with A. G. their Superintendent of Schools, for the year ending September 30, 18—.

RECEIPTS.							
18—, Jan. 25,	By balance on hand at last annual settlement, - -					\$91 85	
	By cash received from the treasury of the commonwealth, for the school quota of the county for the year 18—, -					475 00	\$566 85
DISBURSEMENTS.							
	No. children paid for.	No. days act'l attendance of s'd p. child'n.	Price tuition per day.	Books, paper, &c. for use of p. children.			
To cash paid teachers on the orders of G. R. school commissioner of district No. 1, per accounts in due form, viz:							
18—, July 27,							
18—, Sep. 15,							
						65 44	
To cash paid teachers on the orders of J. R. school commissioner of district No. 2, per accounts in due form, viz:							
18—, Aug. 4,							
" 10,							
18—, Oct. 1,							
						77 07	
* * * * *							
* * * * *							
To cash paid teachers on the orders of S. B. school commissioner of district No. 13, per accounts in due form, viz:							
18—, Oct. 4,							
" 9,							
						94 36	
To cash paid teachers on the orders of A. G. school commissioner of district No. 14, per accounts in due form, viz:							
18—, June 7,							
July 2,							
" 17,							
18—, Oct. 4,							
						68 86	
To cash paid teacher on the order of B. B. school commissioner of district No. 15, per account in due form, viz:							
18—, Sep. 30,							
						47 62	
	151	8432	\$	16 00			
To amount of the foregoing orders for tuition only, - -					\$353 35		

[C.]—CONTINUED.

To amount paid for tuition—Brought forward,	-	-	353 35
Do. paid for books, paper, &c. for poor children, as per col. 4,			16 00
Do. p'd for stationery for b'rd and print'g forms teachers' ac'ts,			6 50
Do. paid clerk of court, his allowance for 18—,			3 00
			<hr/>
Do. allowance to superintendent, 4 per cent.			378 85
			15 15
			<hr/>
			394 00
Leaving a balance unexpended of			172 85
			<hr/>
			\$566 85

E. E. A. G. Supt. Schools County.

The foregoing account of A. G. superintendent of schools of \_\_\_\_\_ county, stating a balance in his hands of one hundred and seventy-two dollars and eighty-five cents, was exhibited to the board of school commissioners at their annual meeting held at \_\_\_\_\_ on the \_\_\_\_\_ October 18—; and having been examined and found to be supported by proper and legal vouchers, and correctly stated, was allowed by the board.

A true copy—Teste,

G. R. President.

C. B. Clerk County Court.

FORM OF ABSTRACT OF SCHOOL OPERATIONS,  
 Compiled by the County Superintendent of Schools from Teachers' Accounts, and other Documents and information, for  
 the year ending 30th September 18

1 No. of District.	2 Name of District Commissioner.	3 No. of children in District.		4 Names of the teachers.	5 No. of children entered.		6 No. of children attending.		7 No. of days' attendance.	8 Tuition per diem.	9 Amount of tuition.	10 Orders paid by Superintendent.
		Boys.	Girls.		Boys.	Girls.	Boys.	Girls.				
No. 1,	G. R.	31	33	M. A. M. J. W. M.	5 7	15	4 6	13	1,049 587	4 cents, "	41 96 23 48	41 96 23 48
No. 2,	J. R.	27	23	J. N. (a) E. S. J. W. W.	5 - 16	19	5	17	1,011 * *	5 cents, 4 *	50 55 36 52 *	50 55 36 52 *
No. 13,	S. B.	29	31	C. B. N. W. L.	9 21	16	7	13	1,225 1,134	4 cents, "	49 00 45 36	49 00 45 36
No. 14,	A. G.	39	36	J. L. R. B. S.	13 5	-	8	-	405 754	5 cents, "	20 25 37 70	20 25 37 70
No. 15,	B. B.	21	24	J. O. W. T. (a) W. C. A.	4 - 13	9 8 14	7	13	763 402 1,193	4 cents, 4½ 4	30 52 18 09 47 62	30 52 18 09 47 62
		\$ 500 00	147		98	88	78	78	10,170	-	414 41	353 35 61 06
There are accounts outstanding, as per county superintendents' accounts, amounting to -												
No. of teachers,	53											
No. of children in superintendent's account,	151											
Do. in successive bills,	17											
	Actually sent, 134											

*Elementary books principally used, viz.:*—Comly's and Webster's Spelling Books, United States' Reader, and English Reader and Sequel, American Preceptor, Bible, Testament, Pike's and Park's Arithmetics, Jones's and Walker's Dictionaries, Woodbridge's, Olney's and Parley's Geographies, Murray's English Grammar, Exercises and Key, Grimshaw's Histories of United States, England, Rome and Greece.  
 A majority of the schools continue in operation the whole year. In some districts a few of the schools continue only for three or six months.

A true copy.—Teste,  
 C. B. Clerk Co. Co't.  
 (a) The schools thus marked were established by the district commissioners.



[ E. ]

FORM FOR THE ANNUAL RETURN  
OF SCHOOL COMMISSIONER OF DISTRICT No. —,  
*To the Superintendent of Schools of ——— County.*

A. G. school commissioner in district No. —, reports to the county superintendent that of the 75 indigent children heretofore reported to be in said district, he has entered at school 46 during the past year—subscribing to the four teachers, with whom they were entered, in the aggregate, 2500 days. The entries are as follows, viz :

Names of Teachers.	Names of Children.	No. of days subscribed.
Jane S.        -        -	Clement Gray, Wm. Gray, Martha Call, *	500 days.
John L.        -        -	* * * * *        8 children, *	
R. B. S.        -        -	* * * * *        6 children, *	450 "
W. T.         -        -	* * * * *        10 children, *	750 "
4 teachers,    -        -	-        -        35 children,	2,500 days.

A. G., Commissioner of  
District No. —.

[ This return is to be furnished to the county superintendent by the school commissioner of each district. ]

[F.]

FORM OF TEACHER'S ACCOUNT.

THE SCHOOL COMMISSIONERS OF

COUNTY,

For Tuition of Poor Children entered by

Esq., School Commissioner of District No. , under his subscription of days,

IN ACCOUNT WITH

DR.

For the quarter (half year, or year, as the case may be,) ending \_\_\_\_\_, 18--.

Reference.	Names of Children.	Ages.	Names of Parents or Guardians.	Dates of Entrance.	No. of days actual attendance.	Price of tuition per day.	Amount.	What branches of learning each child is engaged in.	School books used.
A.									
B.									
C.									

(Note.—Each schoolmaster must keep a register.)

[ ] This School is kept in operation the whole year, (or during season, as the case may be.)

- (A.) Attentive.
- (B.) Progressing well.
- (C.) Indicating superior genius.

Reference to the character, progress, &c. of the children.

County, set:

This day came before me, a justice of the peace for the county aforesaid, and made oath that the above account is just and true.

Given under my hand this \_\_\_\_\_ day of \_\_\_\_\_, 18 \_\_\_\_\_, J. P.

To the Superintendent of Schools of \_\_\_\_\_ County.  
 Pay to \_\_\_\_\_, or order, dollars \_\_\_\_\_ cents, for the tuition of poor children entered by me at his school, agreeably to the above account.  
 \_\_\_\_\_, S. C.

[ G. ]

FORM OF SUPERINTENDENT'S BOND,

[ Under Acts of 5th March 1846, &c. amending the Primary School System. ]

Know all men by these presents, that we are held and firmly bound unto the president and directors of the Literary fund, and their successors in office, in the just and full sum sum of \*; to which payment, well and truly to be made to the said president and directors of the Literary fund, and their successors in office, we bind ourselves, our heirs, executors and administrators, jointly and severally, firmly by these presents. Sealed with our seals, and dated this day of 184 .

The condition of the above obligation is such, that whereas the above bound was, on the day of 184 , by the school commissioners in and for the county of , appointed superintendent of schools for said county, for the year ending 31st December 18 . Now if the said shall faithfully apply and account for all moneys which may come to his hands by virtue of his office, and shall do, perform and execute all and every act and thing appertaining to his said office according to law, during his continuance therein, then the above obligation to be void, or else to remain in full force and virtue.

Sealed and delivered in }  
presence of us. }

\_\_\_\_\_, [Seal.]  
\_\_\_\_\_, [Seal.]  
\_\_\_\_\_, [Seal.]

Clerk's office of county court.

This bond being in the form prescribed, and the security thereto being in my opinion good and sufficient, was acknowledged, received, admitted to record and filed in this office according to law.

Given under my hand this day of 184 .

\_\_\_\_\_, C. C.

A copy—teste,

\_\_\_\_\_, C. C.

[ This bond is required by law to be taken by the clerk of the county or corporation court, and a copy thereof and of the certificate annexed, to be forwarded to the superintendent of the Literary fund. ]

\* The penalty of the bond to be in no case less than \$2000. Where the balance on hand and the quota to be drawn together amount to more than \$1000, the penalty of the bond must be double such aggregate sum.

[H.]

## FORM OF REPORT AND REGISTER

OF SCHOOL COMMISSIONER OF DISTRICT No. 14, — COUNTY,

*To the County Superintendent.*

A. G. school commissioner in district No. 14, reports to the county superintendent that he has visited all the indigent families in his district, and made careful enquiry to ascertain the number of poor children therein entitled to the benefit of the literary fund, and finds that there are in his said district 39 boys and 36 girls, in all 75 children, between 5 and 16 years of age, whose parents or guardians, after furnishing them with necessary food and clothing, are unable to pay for their tuition. That there are in said district only four schools suited to the purposes of the Literary fund.

For more particular information he refers the county superintendent to the following

## REGISTER.

Names of Parents or Guardians.	Names of Children.	Ages of Children.
John Gray, -	Ellen Gray, -	14 years.
	Laura Gray, -	10 "
	James Gray, -	12 "
	Clement Gray, -	7 "
	William Gray, -	5 "
William Worth,	Clara Worth, -	8 "
	John Williams, -	14 "
Sally Carter, -	James Wilson, -	12 "
Lucy Call, -	William Call, -	13 "
	Martha Call, -	12 "
	Henry Call, -	10 "
	John Call, -	7 "
* * *	* * *	* * *
	* * *	* * *
	* * *	* * *

Males, - - 39

Females, - - 36

Whole number of children, 75

A. G., *Comm'r*  
District No. 14.County,  
December —, 18—.

[ ] [It is necessary this register should be returned to the county superintendent in December annually, to enable him to apportion the school funds amongst the districts.]

## CHAP. 40.

*An ACT amending the present Primary School System.*

[Passed March 5, 1846.]

1. *Be it enacted by the general assembly*, That it shall be the duty of the several county and corporation courts, at their October terms, respectively, to lay off, according to accurate and well known boundaries, the territory of their counties, and the corporate limits of their towns, cities or boroughs, into any number of districts, having regard to the territorial extent and population of the same; and shall appoint for each district one school commissioner. The said commissioners, when elected, shall respectively constitute for their term of service a board for each county or corporation, to be called the board of school commissioners for such county or corporation. And whenever hereafter a vacancy shall occur from death, resignation or other disability, among the school commissioners of any county, it shall be the duty of the clerk of the board of school commissioners, or of the superintendent hereinafter mentioned, to certify the fact of such vacancy to the next county court, which shall at the term then being held, or at the earliest convenient time after such vacancy is communicated, proceed to fill such vacancy.

2. It shall be the duty of the school commissioners, of whom nine shall constitute a quorum, or if the number of said commissioners in any county shall be less than sixteen, a majority of them shall constitute a quorum, to assemble annually at the several November terms of the county and corporation courts respectively, at their several courthouses, and elect by *viva voce* vote a superintendent of the schools for the county or corporation to which they respectively belong, taking from him bond with sufficient security, payable to the president and directors of the Literary fund, for the performance of the duties imposed upon him by this act; and should the individual appointed superintendent decline to serve, or fail to execute bond for the performance of his duties as aforesaid, the said school commissioners shall at the next county court proceed to another appointment; and in like manner shall fill any vacancy occasioned in the office of superintendent by the death, resignation or removal of the incumbent.

3. The commissioner of each district shall transact any business therein; he shall register and report to the superintendent of the county or corporation, all the children within his district, between the ages of five and sixteen years; he shall enter with any teachers any number of indigent children which the district proportion of his county or corporation quota will pay for at the rate of tuition allowed; and it shall be moreover the duty of the commissioner of said district, having ascertained by computation the number of days instruction which his proportion of the county or corporation quota would pay for, to subscribe such number of days to each teacher as he may think proper; and shall direct such teacher to keep an account of every day's actual attendance of each child entered by him, for which the teacher shall receive the rate per diem prescribed: *Provided*, That his account shall not exceed in the aggregate the number of days subscribed by the district commissioners to his school.

4. It shall be the duty of the county and corporation superintendents to perform the duties heretofore performed by the treasurer and clerk of the school commissioners, subject to the provisions and restrictions hereinafter contained; he shall also prepare and keep a register of all the children entered at school in his said county or corporation, and may from time to time require reports from the several commissioners of his county or corporation; he shall report to the annual meeting the condition of the school system, with such other information as he may deem useful to them; he shall submit to the board of school commissioners his account as treasurer for the preceding year, and they shall certify and report the same to the superintendent of the Literary fund, with such comments as they may deem appropriate; he shall require



majority of said voters shall cast their votes in favour of either of the systems that has been passed into a law as aforesaid, the law so designated and adopted shall be in full force and as binding in all respects on such county, as if said law had been passed in special reference to said county. And the persons who may be required in said law to execute its provisions, shall proceed forthwith to discharge the duties imposed therein, and to put the law in full force and operation in said county.

8. *Be it further enacted*, That so much as has already been paid by the state for claims on account of payments to officers of the revolution, application for the reimbursement of which is now pending in the congress of the United States, shall be paid into the Literary fund, and shall constitute a part of the permanent capital thereof.

9. This act shall be in force from and after the first day of October next.

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## CHAP. 28.

### *An ACT to provide for cases in which the Courts have failed to comply with the Act of the 5th March 1846, amending the present Primary School System, and for other purposes.*

[Passed March 19, 1847.]

1. *Be it enacted by the general assembly*, That the courts of the counties and corporations which have failed to comply fully with the provisions of the act of the fifth of March eighteen hundred and forty-six, "amending the primary school system," shall at some term of their respective courts prior to the June term of the year eighteen hundred and forty-seven, lay off their counties or corporations into districts, and appoint school commissioners as prescribed by the said act: *Provided*, That this direction shall not apply to such counties as shall have continued the primary school system heretofore in operation and acted upon the same, in the manner specified in the sixth section of this act. The school commissioners so appointed shall, at the succeeding term of their county or corporation courts, proceed to choose a superintendent of schools, and shall execute all the duties enjoined upon them by law. And the superintendent elected by them shall be entitled, upon giving the bond and security required by law, to receive all the school moneys due his county or corporation: *Provided*, That the term of service of such school commissioners shall not extend beyond the end of the year for which they would have been appointed, had an appointment been made at the October term of the year eighteen hundred and forty-six.

2. *Be it further enacted*, That it shall be the duty of the courts of those counties and corporations in which the provisions of the amendatory act aforesaid have been carried into execution, at some court after the number of indigent children in each district thereof shall have been ascertained in the manner prescribed by law, and prior to the June term of the present year, proceed to revise the districts laid off by them at their preceding October terms, and enlarge, reduce or alter the boundaries, or increase the number of the same in such manner as will equalize as far as practicable the number of indigent children in the several districts, and adapt said districts for the convenient supervision of the school commissioners assigned to them. And the said county and corporation courts may, at their October terms annually, make similar revision and alterations in the districts previously laid off by them, if necessary to effect the objects herein indicated.

3. *Be it further enacted*, That the districts of each county and corporation shall be numbered by the respective courts from one upwards, and the bounds of the same be particularly described in the orders of said courts, and the commissioner assigned to each shall be a resident therein.

4. *Be it further enacted*, That the bond required by the second section of the act aforesaid to be taken of the superintendent of schools for the county

or corporation by the board of school commissioners, shall be taken by the clerk of the court, in the penalty and for the term, and be filed and recorded in the manner heretofore prescribed for the bonds of the treasurers of school commissioners: *Provided*, That this direction shall not apply to such bonds as shall have been taken and certified before the promulgation of this act, in conformity to law, and the form prescribed by the second auditor.

5. *Be it further enacted*, That the fifth section of the act aforesaid of the fifth of March last, prescribing the form of the draft of the district commissioner in favour of teachers for tuition, and so much of the said act as requires the superintendent of schools, and the school commissioners appointed, or to be appointed under the said act, to report the names, ages, sexes, and number of days instruction of any children within their several counties and corporations other than the indigent children, be and the same are hereby repealed.

6. *Be it further enacted*, That in such of the counties and corporations where school commissioners have been appointed under the primary school system, as it existed previously to the passage of the amendatory act of the fifth of March eighteen hundred and forty-six, and where such school commissioners have proceeded to act under the said system by appointing a treasurer and entering children for tuition, the laws regulating primary schools prior to the said act, shall be revived and remain operative until the first of October next, at which time the said act of fifth of March shall be again in full force and effect, over all such counties and corporations: *Provided*, That no treasurer appointed by said school commissioners shall receive any school money for his county or corporation, until he shall have given a new bond in the form and manner required by said laws.

7. *Be it further enacted*, That nothing contained in this act, or any previous act, is intended to affect the limitation heretofore made of the maximum per diem compensation to teachers, nor to revoke the authority vested in the boards of school commissioners by the act of March thirteenth, eighteen hundred and forty, to pay to the Female orphan asylums at Fredericksburg, Norfolk and Richmond, or other similar institutions now existing, such amount as they were heretofore allowed by law to apply to the education of poor girls within their respective counties and corporations; nor to repeal the first, second and third sections of the act of twenty-fifth February eighteen hundred and twenty-nine, (chapter fourteen,) "amending the several acts concerning the Literary fund," which relate to the establishment of district free schools, upon the principle of joint contributions out of the school quotas of the several counties and corporations and voluntary subscriptions: *Provided*, That the districts of any county or corporation in which such schools shall not be established, shall be allowed their full share of the school quotas of such county or corporation according to the proportion of indigent children of the ages of five to sixteen years, which may be ascertained by the returns of the commissioners to be contained therein, compared with the aggregate number of the whole number.

8. *Be it further enacted*, That it shall be lawful for the boards of school commissioners of the Cities of Richmond and Norfolk, and the town of Petersburg, to apply such portions of their respective annual school quotas to the Lancasterian schools established in the said cities, and to the Anderson seminary and other free schools in the said town, as they may deem proper: *Provided however*, That so much of said quotas shall be reserved by the respective boards of commissioners in the hands of their superintendents as will in their opinion be required to provide for the education of those indigent children who from various causes are unable to attend said Lancasterian or other free schools, but can attend other schools within the limits of the districts in which they reside: *And provided further*, That nothing herein contained shall authorize the courts of the said cities and town to dispense with laying off the same into districts, and appointing a commissioner for each, as provided by the act of fifth March last, and this act; nor the school commissioners of said districts to omit the performance of their necessary local duties.

9. *Be it further enacted*, That whenever it shall appear to the full satisfaction of the board of school commissioners of any county or corporation that the annual funds at their disposal are more than sufficient to provide for the education of the indigent children therein, it shall be lawful for them at each annual meeting to transfer the probable surplus of the following year to any in-



corporated academy or academies established and in operation within the limits of such county or corporation, to be applied to the compensation of the teachers employed in the same, for the education of such indigent youths as may be entered by the board of school commissioners, at a rate of compensation to be fixed by them: *Provided*, That the trustees of such academy or academies make annual reports of the income and condition thereof to the superintendent of the Literary fund, as heretofore required. And the authority granted to school commissioners by the act of twenty-second March eighteen hundred and thirty-six, appropriating the surplus revenue of the Literary fund, to assign the whole or a part of the surplus quotas of their respective counties and corporations to colleges and academies, is hereby repealed.

10. And whereas it is represented, that in several counties the school commissioners in office during the year ending the thirtieth September last, according to their usual practice, entered indigent children at school for various terms expiring between that date (from and after which the amendatory act of fifth March last took effect,) and the first of January following, and that there is no legal authority for the payment of the just claims of teachers for such services: Therefore, *Be it further enacted*, That it shall be lawful for the late treasurers of school commissioners having balances of school funds in their hands, to apply the same to the payment of such legal claims aforesaid as may be presented to them in form heretofore prescribed; and the board of school commissioners of the present year, in any counties wherein such claims exist, are hereby authorized, at their first meetings after the passage of this act, or as soon thereafter as practicable, to examine and correct the accounts of said treasurers for the amount of all claims of the character above described, which shall have been paid by them; and to report and certify said accounts to the clerks of the respective county courts, whose duty it shall be to transmit copies of the same to the second auditor. And in cases where such legal claims may exceed the balances in the late treasurer's hands, the excess of such claims may be paid by the treasurers or county superintendents for the time being, out of any arrears of school quotas which may have or shall come into their hands: *Provided*, That such claims shall have been first examined and approved by the boards of school commissioners, respectively, and certified by them to said treasurers or county superintendents.

11. *Be it further enacted*, That the amount to be annually paid to each district of any county or corporation, out of the school quotas and unexpended balances of such quotas to which such county or corporation may be entitled, shall be regulated by the number of indigent children of five to sixteen years of age in each district, compared with the whole number of such children in said county or corporation.

12. *Be it further enacted*, That the superintendent of schools shall be entitled for his services to a compensation of four per cent. on the amount actually paid out by him as superintendent, instead of the compensation allowed by the said act of fifth March last, provided that such compensation shall not be less in any case than ten dollars.

13. *Be it further enacted*, That all school quotas which shall have remained in the public treasury for the space of one year, on the first day of January, annually, shall be forfeited by the county or corporation to which they shall have been assigned, and shall be constituted a part of the permanent capital of the Literary fund.

14. *Be it further enacted*, That any person who shall be appointed a school commissioner under the existing or any subsequent laws, shall be bound to act under such appointment, unless he shall have already served in that capacity five years.

15. *Be it further enacted*, That if any superintendent appointed under the authority of the said act of the fifth of March eighteen hundred and forty-six, or his executors, administrators or other personal representatives, shall at any time, when duly required thereto, fail to pay any money received by such superintendent by virtue of his office, it shall be lawful for the commissioners of schools, in the name of the president and directors of the Literary fund, or for the said president and directors in their own name, by motion, on ten days previous notice, in any court of record having jurisdiction thereof, to recover a judgment and have execution for such money, with damages thereon, at the

rate of ten per centum per annum, from the time of such failure till payment, together with costs, against said superintendent and his securities, jointly or severally, or against the executors, administrators or other personal representative of such superintendent, or his securities, or any of them; and the money made upon such judgment or execution shall be paid to the order of the board of commissioners, or of such person as they shall have authorized to receive it pursuant to this act, and the said act of the fifth of March eighteen hundred and forty-six.

16. *Be it further enacted*, That the annual and other reports of the boards of school commissioners and superintendents of schools to the second auditor, and the statements accompanying the same, shall be certified by them, respectively, to the clerks of their county and corporation courts, whose duty it shall be to transmit copies of the bonds of the superintendents, and of all orders of court laying off or changing the school districts, and appointing school commissioners to the second auditor, on or before the first day of each annual session of the general assembly; and for such services they shall be allowed a compensation not exceeding three dollars, out of the school funds in the hands of the superintendents of schools.

17. *Be it further enacted*, That it shall be the duty of the second auditor to furnish all the necessary forms for the government of the school commissioners, superintendents and teachers, in the execution of their respective duties and obligations.

18. *Be it further enacted*, That so much as has already been paid by the state for claims on account of payments to officers of the revolution, application for the reimbursement of which is now pending in the congress of the United States, shall be paid into the Literary fund, and shall constitute a part of the permanent capital thereof.

19. *Provided*, That in any counties, cities or boroughs in which the school commissioners may reject this act, and the act of the fifth of March eighteen hundred and forty-six, amending the primary school system, the laws establishing the said system as it existed prior to that time shall continue in full force.

20. This act shall commence and be in force from and after the passing thereof.

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