

SEC. 4. *And be it further enacted,* That the school tax which shall be levied and collected under this act shall constitute a fund, or be added to any other fund now or hereafter to be constituted by any act of said corporation for the establishment and support of common schools, and for no other purpose, under such regulations as the corporation may prescribe.

School tax disposed of.

SEC. 5. *And be it further enacted,* That it shall be the duty of said corporation to provide or establish at least two election precincts within the limits of the corporation of Georgetown, and to appoint not less than three judges of election for each precinct, and to adopt such other regulations as may be necessary to give full force and effect to this section.

Election precincts and judges of elections.

SEC. 6. *And be it further enacted,* That all acts or parts of acts in conflict with this act be and the same are hereby repealed.

Inconsistent acts repealed.

APPROVED, August 11, 1856.

CHAP. LXXXV.—*An Act to confirm to certain Persons therein named, their Titles to certain Lots in Prairie du Chien, Wisconsin.*

Aug. 11, 1856.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That all those farm and village lots at Prairie du Chien, in the State of Wisconsin, as designated upon the plat of the private land claims at said place, in volume four of the public lands American State Papers, which plat was made in the year of our Lord eighteen hundred and twenty, by Isaac Lee, Esquire, the agent appointed by the commissioners to adjust land titles at Green Bay and Prairie du Chien, which have not heretofore been confirmed and patented to the claimants, are hereby confirmed unto the several persons named upon said plat and the report of said Lee, and to their assigns and legal representatives; and village lots numbers six, ten, and eleven, in the main village, as designated upon said plat, are hereby confirmed to Hercules L. Dousman; and lot number nine, in said village, to Edward W. Pelton; and patents to the lots hereby confirmed, shall issue to such persons as now own, or as shall have the right to the same: *Provided,* That the confirmation hereby made shall not interfere with any heretofore made, and that such confirmation shall only operate as a relinquishment of title on the part of the United States, and shall in no manner interfere with any valid adverse right of any persons, if such exist, to the same land.

Certain farm and village lots at Prairie du Chien confirmed.

This confirmation to be only a relinquishment of title.

APPROVED, August 11, 1856.

CHAP. LXXXVI.—*An Act to provide for the Public Instruction of Youth in Primary Schools throughout the County of Washington, in the District of Columbia, without the Limits of the Cities of Washington and Georgetown.*

Aug. 11, 1856.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the levy court of the county of Washington, in the District of Columbia, at their first meeting after the passage of this act, shall appoint seven intelligent inhabitants of the said county, who shall reside without the limits of the cities of Washington and Georgetown, two of whom shall be residents of that portion of the said county lying and being west of Rock Creek, three between Rock Creek and the Eastern Branch, and two east and south of the Eastern Branch, to be commissioners of primary schools for said county, which said commissioners shall hold their offices until the second Monday in May, in the year one thousand eight hundred and fifty-seven, and until others are appointed in their places; and in case any of the said commissioners thus appointed or to be appointed, as aforesaid, shall refuse to serve, or die, or remove from the county, or become incapable of serving, the vacancy or vacancies shall be filled by the levy court as soon as practicable.

Commissioners of primary schools in Washington County, D. C., to be appointed.

Term of office.

Vacancies, how filled.

Oath to be taken by said commissioners.

SEC. 2. *And be it further enacted*, That each of the said commissioners, before he enters upon the execution of his office, and within fifteen days after notification of his appointment by the said levy court, shall take and subscribe an oath before some justice of the peace of the said county, in the form following, that is to say: I, ———, do solemnly and sincerely promise and swear, (or affirm, as the case may be,) that I will in all things, to the best of my knowledge and ability, well and truly execute the trust reposed in me as commissioner of primary schools for the county, without favor or partiality; and every justice of the peace before whom such oath shall be taken, shall, without fee or reward, certify the same in writing, and, within eight days thereafter, transmit or deliver said certificate to the clerk of the levy court for record.

County to be divided into school districts.

SEC. 3. *And be it further enacted*, That it shall be the duty of the commissioners of primary schools, or a majority of them, to divide the county into seven suitable and convenient school districts, two of which shall be located west of Rock Creek; three between Rock Creek and the Eastern Branch, and two east and south of the Eastern Branch, and to alter and regulate the same as hereinafter provided. And it shall be the further duty of the commissioners of primary schools aforesaid,

May be altered and regulated.

immediately after the formation or alteration of any such school districts in said county, to describe and number the same, and deliver the description and number thereof, in writing, to the clerk of the levy court, who is hereby required to receive and record the same in the records of that court without fee or reward; and *Provided*, That in laying off said school districts, or in altering the same, no tracts, or parts of tracts, of land lying contiguous and forming one farm, shall be divided so that portions of the same property shall be included in two separate districts.

Description and number to be recorded.

Farms not to be divided in constituting said districts.

SEC. 4. *And be it further enacted*, That the said commissioners may alter and change the school districts, with a view to their better arrangement and the more general convenience of the people: *Provided, however*, That unless the trustees of the districts so to be altered or changed shall assent thereto, no such alteration or change shall be made.

Districts may be altered.

Proviso.

County collector to notify officers of their appointment.

SEC. 5. *And be it further enacted*, That it shall be the duty of the county collector to notify the different officers to be appointed, in virtue of the provisions of this act, of their appointments, within ten days after his having received notice of such appointments from the appointing power, whose duty it shall be to give such notice to the county collector aforesaid.

Meetings of commissioners.

SEC. 6. *And be it further enacted*, That the said commissioners shall hold two stated meetings in each year, which meetings shall be held at such place and at such times as shall be determined on by said commissioners, and of which they shall give public notice in each of said school districts, and such other meetings as circumstances may from time to time require; but if less than three members attend any meeting, no business shall be transacted thereat, except that of adjourning to some time and place, to be agreed on by the commissioners present; and at all meetings of said commissioners, the treasurer of the school fund of the county, hereinafter to be appointed, shall attend and lay before them his books and accounts for their inspection and examination.

Treasurer to attend.

Record to be kept.

SEC. 7. *And be it further enacted*, That the said commissioners shall cause to be kept a regular record of all their acts and proceedings in a book to be kept for that purpose, and said record, or a copy thereof, certified to be correct under the hands and seals of a majority of said board of commissioners, shall be considered evidence of their acts and proceedings in all judicial proceedings. And the board of commissioners aforesaid shall have power to appoint a clerk, prescribe his duties, and pay him a salary, and also to allow the treasurer of the school fund, hereinafter to be appointed, an annual compensation for his services out of the general school fund, hereinafter to be provided: *Provided*, That neither

Clerk.

the said clerk nor treasurer shall be paid more than one hundred dollars per annum.

SEC. 8. *And be it further enacted*, That on or about the second Monday in May, in the year eighteen hundred and fifty-seven, and annually thereafter, the said levy court shall appoint one of said board of commissioners from each primary school district; and the said commissioners appointed as aforesaid shall, each acting in his respective district, examine all persons who shall offer themselves as candidates for teaching in such district; and in such examination it shall be the duty of the commissioners aforesaid to inquire, and, so far as he shall be enabled thereto, to ascertain and inform himself as to all the qualifications mentioned and contained in the certificate hereinafter specified and given in form, and if he shall be satisfied as to the sufficiency of such qualifications, he shall certify in writing, under his hand, and deliver such certificate to the person so examined by him as aforesaid, in form and substance following, viz: I, the undersigned, resident commissioner of primary schools of district No. —, do certify that I have examined —, and do believe he (or she, as the case may be) is of a good moral character, and of sufficient learning and ability, and in all other respects well qualified to teach a primary school. Given under my hand the — day of —, in the year of our Lord one thousand eight hundred and —. —, commissioner of primary school district No. —. And dismiss any intemperate, cruel, negligent, or immoral teachers, and cause to be put up in every school-house such general system of rules and regulations as may be adopted by the board of commissioners, which board shall also direct what books shall be used, and what branches shall be taught; and the resident commissioners aforesaid shall visit the schools in each of their respective districts at least twice a year, exercise a general supervision, and endeavor to promote a full, equal, and useful instruction of the youth of said county.

In May, 1857, and afterwards, one commissioner to be appointed from each school district.

Examination of teachers.

Certificate.

Commissioners may dismiss teachers, and make rules and regulations.

SEC. 9. *And be it further enacted*, That whenever any school district shall be formed by the commissioners of primary schools as aforesaid, it shall be the duty of the said commissioners, within twenty days thereafter, to make a notice in writing, describing the metes and bounds of such district, and appoint a time and place for the first district meeting, and notify the taxable inhabitants residing in such district as aforesaid, by public advertisements to be put up at the most public places of the said district, at least six days before the time of such meeting; and in case such notice shall not be given as aforesaid, or the inhabitants of such district, when so notified, shall neglect or refuse to assemble or form a district meeting in pursuance of such notice, or in case any district, having been formed or organized in pursuance of such notice, shall, in the opinion of the commissioners aforesaid, be dissolved by adjournment without day, or from any other cause whatever, it shall and may be lawful for the commissioners aforesaid, or any one of them, at any time thereafter, to renew such notice, and the inhabitants of such district liable to pay taxes as aforesaid shall assemble together in pursuance of such notice, and when so assembled in district meeting it shall and may be lawful for them, or a majority of such of them as shall be present at such district meeting, to adjourn to any other time or place, and at such first or any future legal district meeting it shall and may be lawful for them, or a majority of them as shall be present as aforesaid, to adjourn from time to time as occasion may require, to fix on a time and place for holding their future annual meetings, which annual meetings they are hereby authorized and required to hold; to choose by ballot three trustees to manage the concerns of such school district, and one district collector; also to designate a suitable and central site for a school-house, to vote a tax on the property in such school district sufficient, in addition to the proportion of the school fund (hereinafter to be provided for)

Meetings of the districts.

Trustees.  
Collector.  
Sites for school-houses.  
Taxes.

Other powers. allotted to such school district; to purchase, lease or rent a site for a school-house; to build, lease or rent, and keep in repair said house; to supply fuel, books, stationery, and furniture; to pay the salary of a teacher, and all other necessary expenses: *Provided, however,* That no location of a school-house shall be fixed upon unless the same be approved by a majority of the commissioners, and no change shall be made after such school-house shall have been built but by consent of a majority of said commissioners consenting thereto; all the expenses incurred by making such change shall be defrayed by donation or by levies authorized to be made by a majority of the citizens of such school district upon the assessable property therein.

Assent of commissioners required to fixing or changing site for school-house.

Expenses how to be paid.

Clerk of levy court to make out copies of assessable property.

President and clerk of district meetings.

Taxes to be certified.

Taxes, how assessed.

Levy court to assess a tax outside the cities of Georgetown and Washington.

Treasurer of school fund.

Trustees to purchase a site for, and build and repair school-house.

SEC. 10. *And be it further enacted,* That the clerk of the levy court shall annually, without fee or reward, make out for the trustees of primary school districts, or such of them as shall apply for the same, copies from the assessment books of said county of all the assessable property in said district or districts.

SEC. 11. *And be it further enacted,* That all meetings of the school districts, held for the purpose aforesaid, shall be organized by appointing a president and clerk *pro tempore*, who shall take minutes of the proceedings, specifying particularly the amount of tax voted by said meetings, and deliver the same, certified under their hands and seals, within ten days after such meeting, to the commissioners of primary schools, or any one of them, to be delivered by them or him to the clerk of the commissioners, and by him to be recorded in a book kept for that purpose.

SEC. 12. *And be it further enacted,* That all tax to be voted by the citizens of any and every school district in said county, under and by virtue of this act, shall be levied on all the assessable property in said district, agreeably to the assessments of the last preceding county tax, excepting, nevertheless, the property assessed to and actually owned by free people of color.

SEC. 13. *And be it further enacted,* That it shall be the duty of the levy court of the county aforesaid, at their first meeting after the passage of this act, and in each succeeding year thereafter, when the annual county levy is made, to impose and levy a school tax of one eighth of one per cent. on all the assessable property of said county, without the limits of the cities of Washington and Georgetown, for the support of primary schools hereby authorized in said county, which tax shall be due at the same time, and shall be collected by the county collector in the same manner and under the same regulations and restrictions as are prescribed by law in relation to the collection of other county taxes, and which are hereby made applicable to the collection of the school tax imposed by this act, and when collected shall be paid to the treasurer of the levy court, who is hereby constituted and appointed treasurer of the primary school fund for said county, and who shall qualify by making oath or affirmation that he will well and faithfully discharge the duties required of him by law as treasurer of the school fund for said county, and not use the same to his own use or advantage, and he shall also give bond to the United States, with two good and sufficient sureties, conditioned for the faithful discharge of the duties required of him by this act, which bond, being approved by the commissioners of primary schools aforesaid, shall be filed with the clerk of the circuit court of the District of Columbia, who is hereby required to file the same without fee or reward, and a copy of the said bond, under seal of said court, shall be sufficient evidence of the making thereof.

SEC. 14. *And be it further enacted,* That it shall be the duty of the trustees of each school district, whenever a district meeting shall have voted a sufficient tax for that purpose, to purchase a suitable site for their school-house, and to build, keep in repair, and furnish such school-house

with necessary fuel, books, stationery, and appendages; and it shall be the further duty of the trustees aforesaid to agree with and employ all teachers to be employed in such district: *Provided*, That no teachers shall be employed by them who shall not have received the certificate of approbation from the commissioners of primary schools aforesaid, as hereinbefore provided; and it shall be the further duty of the trustees to pay the salaries of teachers out of the apportionment of the school fund for their respective districts, which shall come into their hands through the commissioners aforesaid, so far as the same shall be sufficient for that purpose.

and employ teachers.

Certified teachers only to be employed.

Salaries, how paid.

SEC. 15. *And be it further enacted*, That before the trustees of any school district shall enter upon the duties of their office, they shall each take an oath or make affirmation before a justice of the peace of said county, or one of the commissioners of primary schools, who is hereby authorized to administer the same, that he will well and truly discharge the duties pertaining to his said office of trustee without prejudice or partiality; and it shall be the duty of the said trustees of each of said school districts, or a majority of them, to furnish, at the expiration of their term of service, to the commissioners aforesaid, a correct statement of all money transactions done by them in virtue of their office as trustees of said primary school district.

Oath of trustees.

To furnish a statement of their money transactions.

SEC. 16. *And be it further enacted*, That it shall be the duty of the commissioners of primary schools aforesaid to apportion all moneys which shall come into the hands of the treasurer of the school fund aforesaid, under and by virtue of the provisions of this act, after paying the salaries of the clerk of the commissioners and the treasurer of the school fund, for the use of primary schools aforesaid, as soon as may be after such moneys shall be received by the said treasurer, equally among the several school districts in said county, which shall have complied with the provisions of this act; and all moneys so to be apportioned by the commissioners, as aforesaid, shall be caused to be paid by them, according to such apportionment, to the trustees of the district to which such moneys shall be apportioned, as aforesaid, whose receipts therefor shall be good and sufficient evidence of such payment, which moneys, so to be received by the trustees, as aforesaid, shall be applied and expended by them, after the apportionment for the first year, in paying the salaries of the teachers to be employed by them, and for no other purpose: *Provided*, That no moneys apportioned, as aforesaid, except the apportionment made for the first year, shall be paid by the commissioners aforesaid, until the white taxable inhabitants, and the trustees of the district to which such moneys shall be apportioned, as aforesaid, shall have substantially complied with the provisions of this act; *And provided further*, That it shall not be lawful for the commissioners aforesaid to draw any moneys from the hands of the treasurer of the school fund aforesaid, after paying the salaries of the clerk of the commissioners and the treasurer of the school fund aforesaid, except by draft, in favor of the trustees of the school district to which such moneys shall be apportioned, as aforesaid; and all moneys which shall be apportioned by the commissioners, as aforesaid, and which shall remain unpaid for the space of two years thereafter, either from the omission or neglect of the trustees of the primary school district entitled to receive the same, to apply therefor, and to make the necessary certificates to entitle them to the same, or from any defect in such certificates, said moneys shall, after the expiration of said term, be added to the moneys next thereafter to be apportioned by the said commissioners, and shall be apportioned and paid together with such moneys, as aforesaid.

Apportionment of school moneys and payment.

Proviso

SEC. 17. *And be it further enacted*, That the trustees of each school district shall hold their office till their successors shall be elected and qualified, and in case of vacancy such vacancy shall be filled by the

Term of office of trustees.

Vacancies.

remaining trustees within one month, and in case the said trustees shall fail to fill such vacancy within that time, then it shall be the duty of the commissioners of primary schools as soon as may be thereafter.

Penalty for false certificates of trustees.

SEC. 18. *And be it further enacted,* That if any trustee of any primary school district shall make a false certificate or report, by means whereof any moneys shall be fraudulently obtained from the commissioners aforesaid, such trustee signing such certificate or report shall forfeit and pay double the amount so fraudulently obtained to the commissioners of primary schools, to be recovered, with costs of suit, by action of debt before any court of justice, or any justice of the peace, having cognizance thereof, in the name of said commissioners; and such sum, exclusive of the cost of suit, shall be applied, when recovered, to the use of the primary school in such district.

Accounts of trustees, how to be kept.

SEC. 19. *And be it further enacted,* That the said trustees shall keep an account of their proceedings in a book kept for that purpose, and shall also keep an account against the district collector for the sums authorized to be collected, and for other sums paid into his hands, and shall give him credit for the sums legally paid by him, also for his legal commissions, and for such taxes as cannot be collected by legal steps and proper diligence; and that said collector shall have the keeping of all moneys collected by him, and other sums paid into his hands, subject to the written order of a majority of the trustees, drawn in favor of such persons having claims against said school, and he shall report to the trustees whenever required the amount of funds in his hands and a full statement of his accounts.

Collector to keep funds, subject to order.

Trustees may require payment from scholars.

SEC. 20. *And be it further enacted,* That the trustees of any primary school district in said county shall be, and they are hereby, authorized in their discretion to require from any child attending school the payment of any sum of money not exceeding one dollar a month, to be applied to the payment of the expenses of said district school, and in the exercise of this power the trustees aforesaid may, from time to time, discontinue the payment thereof altogether, or may graduate the payments according to the ability of the children and the exigencies of the school.

Tax list.

SEC. 21. *And be it further enacted,* That it shall be the duty of the trustees of each school district, whenever a district meeting shall have voted a district tax, as soon as may be, to make a rate bill or tax list, which shall raise the sum voted for, in due proportion on all the taxable property in such district, agreeably to the assessment of the last preceding county tax, and to annex to such tax list or rate bill a warrant, and to deliver the same to the collector of such district, which warrant shall be substantially as followeth:

Warrant to collector.

COUNTY OF WASHINGTON, D. C., ss.  
To ———, collector of the ——— district in the county aforesaid, greeting: You are hereby required and commanded to collect from each of the inhabitants of said district the several sums of money written opposite to the name of each of said inhabitants in the annexed tax list, and within sixty days after receiving this warrant to pay the amount of the moneys by you collected to the order of the trustees of said district, or a majority of them; and if any one or more of said inhabitants shall neglect or refuse to pay the same, you are hereby further commanded to levy on the goods and chattels of each delinquent, and make sale thereof according to law. Given under our hands and seals this ——— day of ———, A. D. ———.

P, )  
Q, ) Trustees.  
R, )

And if the sum or sums payable by any person named in such tax list or rate bill shall not be paid by him or collected by virtue of said war-

rant within the time therein limited, it shall be lawful for the trustees aforesaid to renew such warrant in respect to such delinquent person or persons.

SEC. 22. *And be it further enacted*, That it shall be the duty of the trustees of each district to make a report to the commissioners of primary schools on or before the thirty-first day of December, in each year, in which report shall be stated the sums received from different sources, the amount expended, and in what manner, the number of children taught in said school, and, as far as can be ascertained, the whole number of white children in said district between the ages of five and sixteen years.

Report of trustees to commissioners.

SEC. 23. *And be it further enacted*, That the collector of each school district shall give bond with security, to the satisfaction of the trustees, for the faithful discharge of the duties of his office, and shall have the same power and authority, and have the same fee for collecting, and be subject to the same rules, regulations, and duties, with respect to the collection of the district tax as by law appertain to the office of collector of the county tax; and the said county collector may be eligible as the school district collector.

Bond of collector.

His fees.

SEC. 24. *And be it further enacted*, That each organized school district shall be a corporation by the name of Primary School District No. —, (the blank to be filled with an appropriate number,) with power to take and hold by devise, bequest, and donation, real and personal estate, for the use of the primary school in said district, and may alien and sell the same, when, in the opinion of the trustees and resident commissioner of said district, it will be for the interest and advantage of the primary school in said district, and invest the money arising from the sale in some safe and profitable stock, and the dividends received from the same apply to the use of such primary school, and in their corporate name prosecute and maintain actions for injury done to the grounds, houses, property, school-houses, appurtenances, and furniture, and may sue for and receive all moneys due them, or for real and personal property to which they may be entitled.

Each organized school district to be a corporation.

May receive donations and bequests.

Disposition and care thereof.

SEC. 25. *And be it further enacted*, That when any land in any school district in said county may become charged for the payment of any school tax, and the collector of the tax can find no personal property in said district liable for, or chargeable with, the payment of the same, the said collector shall be, and is hereby, directed and required to return to the trustees of the said district, at such time or times as the said trustees shall direct or require, a list of such lands and the amount of taxes thereon respectively due, and the names of the persons respectively chargeable with the payment of the same, and the said trustees shall thereupon have and exercise, in relation to said lands, all the powers which might or could be exercised by the levy court of said county in like cases, and the collector of said school district shall have the same powers and authority, and be subject to the same rules, regulations, and duties in the premises as by law appertain to the office of the collector of county charges in like cases.

Collection of taxes, where personal property cannot be found out of the land charged.

SEC. 26. *And be it further enacted*, That in case the trustees of any school district should not be able to purchase or lease a suitable site for the erection of their school-house, they shall have power to value and assess a convenient lot, with the improvements thereon, if any, not exceeding one acre of land, for that purpose, and the decision of the said trustees as to the worth of the said land and improvements, if any, shall be final and conclusive, unless an appeal shall be prosecuted as hereinafter provided, and the amount of damage for the land and improvements, if any, so valued and assessed, as aforesaid, being paid or offered to be paid to the person or persons entitled to receive the same, of which payment or offer to pay a certificate, signed by a majority of the said

Land may be taken, by force of law, for a school-house.

Compensation of owner.

After payment, or offer to pay, the title of the land to pass.

trustees, and recorded among the land records of Washington county, or a copy of such record duly certified and sealed shall be sufficient evidence; the said trustees, in their corporate character, shall be thenceforward considered the lawful owners of the said land and improvements, if any, and all right, title, estate, and interest therein, at law or in equity, shall be vested in them for the purpose aforesaid: *Provided, however,* That if the owner or owners of the said land and improvements, if any, his, her, or their guardian or guardians, trustee or trustees, shall conceive him, her, or themselves aggrieved by such valuation and assessment, and shall, within thirty days after the payment of the valuation so offered, as aforesaid, notify to the said trustees the same in writing, it shall and may be lawful, and it shall be the duty of the said trustees, or a majority of them, to issue their warrant to the Marshal of the District of Columbia, commanding him to summon a jury of six freeholders of the school district, not interested in the matter, to appear, on a day by the said trustees to be appointed, on the premises, and any one of the said trustees, or any justice of the peace of the said county, is authorized to administer an oath or affirmation, as the case may be, to each and every person so summoned, as aforesaid, that he will, without favor, affection, partiality, or prejudice, assess the damages sustained by the person or persons at whose request the said inquisition shall be taken, by reason of his, her, or their land and improvements, if any, about to be made, as aforesaid, and the person so summoned and qualified, as aforesaid, shall thereupon proceed to value and assess the damages accordingly: *Provided,* That if such appeal from the assessment and valuation of the said trustees be confirmed by the jury herein directed to be summoned and qualified, as aforesaid, or should the same be reduced to a lower rate of valuation and assessment by the said jury, the party appealing in that case shall pay the whole expense incurred thereby, otherwise, the trustees, in their corporate character as such, shall pay the expense incurred by reason of such appeal.

SEC. 27. *And be it further enacted,* That the said trustees or the said jury, as the case may be, immediately after they shall have completed their valuation and assessment or inquisition, as aforesaid, and done all things required of them, or either of them, as the case may be, under the provisions of this act, shall make out a fair statement of their proceedings, setting forth in the same a full and distinct description of the land or real estate and improvements, if any thereon, as valued by them or either of them, as the case may be, and all matters and things connected with the said valuation and assessment, and the performance of the duties required of them by this act, and to the said copy, fairly to be written out as aforesaid, they shall subscribe their names, and thereunto affix their seals, and they shall deposit the same in the office of the clerk of the circuit court of the District of Columbia, and it shall be the duty of the said clerk to preserve a record of the said proceedings without fee or reward; and a copy of such record, certified by the said clerk under the seal of the said court, shall be evidence of all matters therein stated, in the same manner as certified copies of other records are evidence.

SEC. 28. *And be it further enacted,* That in the event of an appeal and the inquisition of a jury as provided by this act, the amount of damages for the land or real estate and improvements so valued and assessed as aforesaid, being paid or offered to be paid as aforesaid, the said trustees, in their corporate character as aforesaid, shall thenceforward forever thereafter be considered the lawful owner of the said land and improvements as aforesaid, and all right, title, interest, and estate therein, at law or in equity, shall be vested in the said trustees for the purpose aforesaid: *Provided,* that it shall not be lawful to locate the said site within the cultivated fields, orchards, or gardens, nor within three hundred yards of any dwelling of any person or persons whatever, without the assent of

Appeal to  
jury.

Costs on such  
appeal.

When there is  
an appeal and  
payment, the title  
of the land to  
pass.

Proviso as to  
sites.

the proprietor of such field, orchard, garden, or dwelling, as the case may be.

SEC. 29. *And be it further enacted*, That if any treasurer or collector, having any school funds in his hands, or neglecting or refusing to obtain such funds as by law authorized and directed, shall refuse to pay for two weeks any order of the said commissioners or trustees, or a majority of either, drawn in conformity to the requisitions of this act, such treasurer or collector shall be liable, on proof thereof before any court of justice or justice of the peace having cognizance, and without stay of execution, to pay the full amount of said order and interest thereon at the rate of twenty per cent. per annum from the first refusal until the day of payment, by way of damages.

SEC. 30. *And be it further enacted*, That if any collector, appointed or acting under the provisions of this act, shall in any case collect more than is due, the person aggrieved shall have his remedy against such collector by suit or warrant, and if he recover he shall have judgment for double the amount improperly and unjustly extorted from him, and costs.

SEC. 31. *And be it further enacted*, That the levy court of Washington county shall exercise a general supervision over the proceedings of said commissioners, may examine their books and papers, and shall prosecute for any delinquencies or violations of their duty; and the said commissioners shall exercise the same power over the proceedings, books, and papers of the trustees in the several school districts, and shall prosecute for all violations of this act by them committed.

SEC. 32. *And be it further enacted*, That the trustees of the several school districts shall have the power of exercising discipline in their respective schools, by the expulsion of the refractory pupil, or such other punishment as may be necessary to correct the evil, and carry out the great ends of education, moral and intellectual; and they may permit any of the said school-houses to be used for public worship.

SEC. 33. *And be it further enacted*, That any resident in said county shall be privileged to place his or her child or ward at any one of the schools in said county she or he may think proper to select: *Provided*, There shall have been a school established and actually in operation in the district in which such persons so to be privileged shall reside, and that all the provisions of this act shall have been substantially complied with by said district.

SEC. 34. *And be it further enacted*, That it shall not be lawful for a member of the levy court of said county to be a commissioner of primary schools or trustee of any of the school districts, nor for any person to be at the same time commissioner and trustee as aforesaid.

SEC. 35. *And be it further enacted*, That this act be, and the same is hereby declared public and remedial, and shall be construed by all courts of justice according to the equity thereof, and no proceedings of the inhabitants or of the trustees of any school district, or of the commissioners of primary schools, or of any other officer created, under the provisions of this act, shall be set aside or adjudged to be void for defect of form or for any irregularity therein, so as the requisitions of the said act are substantially complied with.

SEC. 36. *And be it further enacted*, That so soon as the commissioners shall have laid out the school districts, as provided for in the third section of this act, they shall make a written report to the levy court, defining the metes and bounds of said districts, and it shall be the duty of said levy court, within two months after the filing of said report, to designate a day and appoint a place, within each of said districts, for the people of that district to assemble and determine by ballot whether they will for themselves accept this act. The court aforesaid shall appoint three taxable inhabitants in each district to superintend the voting, who shall open a poll at nine o'clock, A. M. and keep it open till five, P. M. The quali-

Collection of funds from treasurers or collectors.

Remedy when collector collects more than is due.

Levy court of Washington county to have supervising power over commissioners.

Disciplinary powers of trustees in schools.

School-houses may be used for public worship. Residents may send children to any of the schools. Proviso.

No member of the levy court to be a commissioner or trustee, and no person to hold both those offices.

This act to be construed remedially.

Written report of the metes and bounds of the districts.

Each district to vote on accepting this act.

fied voters shall be those persons residing and paying taxes within the limits of the district in which the poll is opened. Those who are for this act, shall write on their ballots "school," and those opposed, "no school." It shall be the duty of the superintendents of the voting to make immediate return of the votes cast to the levy court, and if it shall appear that a majority have voted "school," the said court shall proceed, with as little delay as possible, to levy and cause to be collected the taxes as is provided for in this act, and this act shall be considered as in force within the limits of that district.

Act not to apply to a district rejecting it. But a second ballot may be had.

SEC. 37. *And be it further enacted*, That if any of the school districts reject this act, by casting a majority of votes against it, the act shall in nowise apply to that district; but if at any time a majority of the taxable inhabitants of said district shall desire to take a second ballot it shall be the duty of the levy court again to submit the question in the manner pointed out in the last preceding section.

APPROVED, August 11, 1856.

Aug. 11, 1856.

CHAP. LXXXVII.—*An Act to provide for carrying into Effect the first Article of the Treaty between the United States and her Majesty the Queen of the United Kingdom of Great Britain and Ireland of the fifteenth day of June, eighteen hundred and forty-six.*

Officers appointed to run the boundary line under treaty with Great Britain of June 15, 1846, vol. ix. p. 869.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That, for the purpose of carrying into effect the first article of the treaty between the United States and her Majesty the Queen of the United Kingdom of Great Britain and Ireland of the fifteenth day of June, one thousand eight hundred and forty-six, there shall be appointed by the President of the United States, by and with the advice and consent of the Senate, a commissioner, and chief astronomer and surveyor, to unite with similar officers to be appointed by her Britannic Majesty's government; and there shall be appointed by the President an assistant astronomer and surveyor.

Secretary and clerk.

SEC. 2. *And be it further enacted*, That the said commissioner shall have power to appoint a secretary; and the said chief astronomer and surveyor shall have power to appoint a clerk.

Appropriation for pay and support of said officers, and for contingencies.

SEC. 3. *And be it further enacted*, That, for the purpose of carrying into effect the said first article of the said treaty, there be appropriated, out of any money in the treasury not otherwise appropriated, the following sums:—

For the salary of the commissioner for one year, three thousand dollars.

For the salary of the secretary, for one year, two thousand dollars.

For the salary of the chief astronomer and surveyor, for one year, three thousand dollars.

For the salary of the assistant astronomer and surveyor, eighteen hundred dollars.

For the salary of the clerk, for one year, twelve hundred dollars.

For provisions, transportation, and contingencies, sixty thousand dollars.

Boundary of Washington territory only to be marked.

SEC. 4. *And be it further enacted*, That until otherwise provided for by law, the proceedings of the said commission shall be limited to the demarcation of that part of the said line of boundary which forms the boundary line between Washington Territory and the British possessions.

Officers, &c., and vessels of coast survey may be employed to assist.

SEC. 5. *And be it further enacted*, That, for the purpose of aiding in the demarcation of the said line, the President be authorized, in his discretion, to direct the employment of such officers, assistants, and vessels attached to the coast survey of the United States as he may deem necessary or useful.

APPROVED, August 11, 1856.