

CHAP. CLVI. — *An Act to provide for the Public Instruction of Youth in the County of Washington, District of Columbia, and for other Purposes.* June 25, 1864.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the school districts in the County of Washington, District of Columbia, without the limits of the cities of Washington and Georgetown, shall be and remain as now laid down according to law, subject to revision and alteration by the levy court of said county, and that the school commissioners now in office shall be and remain so until others are appointed. School districts in Washington County, D. C.

SEC. 2. *And be it further enacted,* That the levy court shall annually, on the first Monday in May, appoint one person from each school district as a commissioner of primary schools, of which appointment the clerk of the levy court shall immediately notify the person so appointed; and whenever a vacancy shall occur in the board of said commissioners, the levy court, as soon as may be thereafter, shall fill the same, and all appointments made by, or resolutions of said court concerning, said commissioners shall be forthwith communicated by the clerk of said court to the clerk of the said board of commissioners, and each of said commissioners shall hold the office until a successor is appointed. Commissioners of primary schools;

SEC. 3. *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 notice of his appointment, shall take and subscribe, before some justice of the peace of said county, the following oath: "I, ———, do solemnly 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 of Washington, District of Columbia, without prejudice and according to law;" and every justice of the peace, before whom such oath shall be taken, shall certify the same in writing, and within eight days thereafter transmit or deliver said certificate to the clerk of the levy court for record. their oath;

SEC. 4. *And be it further enacted,* That the said commissioners and their successors shall be a corporation, under the name and style of "The Board of Commissioners of Primary Schools of Washington County, District of Columbia," with power to sue and be sued, and to take and hold, in fee-simple, or otherwise, any estate, real or personal, not prohibited by law, which may be given to, or purchased by, the said board for primary-school purposes, and may alien and sell the same when, in the opinion of the levy court, it will be for the advantage of the said primary schools so to do; and all money in hand, after defraying the whole expenses of the several school districts at the end of each school year, shall be invested in some safe stock in the name of said corporation, and in their corporate name said board may prosecute and maintain actions for injuries done to the grounds, houses, furniture, or other property in their possession. to be a corporation; name and powers.

SEC. 5. *And be it further enacted,* That the said board of commissioners shall make and keep a record of all its official acts, and a strict and particular account of all moneys received or paid out by its order, a statement of which, with the vouchers relating thereto, as well as the record of the board, shall be subject at all times to the inspection of the levy court of said county, and to any tax-payer; and said record, or a copy thereof, certified to be correct by any one of said commissioners, attested by the signature of the clerk of said board, shall be prima facie evidence of their acts in all proceedings, judicial or otherwise; and the said board shall appoint a capable person as their clerk, (who may be one of their own members, or otherwise,) prescribe his duties, and allow him a reasonable compensation for his services. Commissioners to keep records, &c.; to appoint clerk;

SEC. 6. *And be it further enacted,* That the said board of commissioners shall hold stated meetings in January, April, July, and October, of each and every year, at such times and places as they may appoint, to hold stated meetings.

Quorum.

and such other meetings as circumstances may require; but if less than four members are present at any one meeting no business shall be done, except to adjourn to a future day; and at the stated meetings in April and October the treasurer of the school funds and the collector of taxes shall render in writing a full statement of their accounts respectively for the next preceding half year.

Clerk of levy court to give lists of property owners, &c.

SEC. 7. *And be it further enacted,* That the clerk of the levy court of said county shall annually, on or before the first Monday in April, furnish to the said board of commissioners alphabetical lists of the owners of property in each school district, according to the last county assessment, and a statement of the total amount of property assessed to each owner, exhibiting the school-tax thereon according to the last levy made by the levy court for school purposes.

Commissioners may appoint trustees of school districts.

SEC. 8. *And be it further enacted,* That the said board of commissioners shall have power annually (or as a vacancy may occur) to appoint two persons in each school district as trustees of that district, who, with the commissioner of such district, shall have charge of the local concerns of the schools therein, and act in concert with the board of commissioners in carrying out all the rules and regulations ordained by the said board, and together may permit the school-house or houses in their district to be used for public worship, or for other purposes of general benefit to the residents of the district.

Power and duties of commissioners. School funds.

SEC. 9. *And be it further enacted,* That the said board of commissioners shall have power, and it shall be their duty—

First. To receive and disburse any fund which may be provided for the purchase of sites and the erection and support of primary schools in said county and district.

Scholars.

Second. To regulate the number of children to be taught in each of said schools, and the price of their tuition.

Teachers.

Third. To select, upon a thorough examination, such teachers as are competent, giving to each a certificate of qualifications, without which no teacher shall be entitled to receive pay; and to fix their salaries and terms of service.

Expulsion of pupils.

Fourth. To suspend or expel from any school, with the advice of the commissioner and trustees of the school district, any pupil who will not submit to the reasonable and ordinary rules of order and discipline therein.

Course of study and text-books.

Fifth. To prescribe the course of study and the text-books to be used in the schools, to regulate and control the purchase and distribution of books, maps, globes, stationery, and other things necessary for the use of the same, and generally to prescribe rules and regulations for the management, good government, and well ordering of said schools.

Expenditures, &c.

Sixth. To report to the levy court, at the close of each school year, the amount of all expenditures on account of schools in the several districts during the previous school year, and the manner in which the same shall have been expended, specifying what portion and amount thereof has been expended for the services of teachers, and also shall particularly set forth the number of pupils taught, and their average attendance and progress, and such other statistics as the levy court may require.

Attendance on schools, &c.

School-houses, books, &c.

Seventh. To select, purchase, or otherwise procure, suitable sites for school-houses in each district; to adopt plans, and cause to be built, kept in repair, and furnished, such school-houses; to supply the same with necessary fuel, books, stationery, and appendages, and to defray the necessary expenses of the board: *Provided,* That the pay of teachers shall always have preference.

Levy court to impose school-tax.

SEC. 10. *And be it further enacted,* That, for the purpose of supporting said schools, and providing suitable sites, houses, and equipments therefor, the levy court shall, annually, on the first Monday in March, impose and levy a school-tax not exceeding one fourth of one per centum on all the assessed property of said county without the limits of Washington

and Georgetown, which tax shall be due at the same time, and 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 the 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 school fund; and the treasurer of the levy court is hereby constituted treasurer of the school fund; and the said treasurer and collector shall be qualified by making oath or affirmation faithfully to discharge the duties required of them; and they shall give bonds respectively to the said board of commissioners, in a sum to be fixed by the levy court, with two sufficient sureties, conditioned for the faithful discharge of the duties required of them by this act, which bonds, being approved by the said board of commissioners, shall be filed with the clerk of the supreme court of the District of Columbia, who is hereby required to file the same, and a copy of either of said bonds, under seal of said court, shall be sufficient evidence of the making thereof; and the said treasurer shall be paid such compensation for his services as the said board of commissioners may allow, and the said collector the same fees as are allowed by the said levy court for collecting the county tax.

Treasurer of school fund.

SEC. 11. *And be it further enacted*, That the whole amount standing to the credit of the school fund, when the aforesaid levy is to be made, shall be taken into the account in determining the amount of tax necessary to meet the current expenses of the school year, which amount shall be levied as aforesaid, and no more; and the said board of commissioners shall apportion the school fund, after deducting such part thereof as the provisions of this act assign to the education of colored children, among the several school districts, giving to each one seventh of the whole amount of school taxes collected and then in hand, after deducting the necessary expenses of the board, and one seventh of all other funds paid in, after deducting as hereinbefore provided for the education of colored children, until an amount shall have accumulated sufficient to purchase a site and erect and furnish a school-house in each district, the cost of which shall not exceed fifteen hundred dollars, (unless by private subscription,) except where the number of scholars is sufficiently large to require two schools, in which case the sum may reach three thousand dollars; after that it shall be apportioned according to the number of children in each district between the ages of six and seventeen years: *Provided*, That not more than the actual expenses of each district shall be paid: *And provided, further*, That more than one school-house may be established in any one district if the funds are procured.

Amount of tax; how determined.

Apportionment of school fund.

Provisions.

SEC. 12. *And be it further enacted*, That in case the said commissioners should not be able to purchase suitable sites for the erection of school-houses, they shall have power to condemn and value a suitable site or sites for that purpose, not exceeding one acre of land in each site, by giving ten days' notice in writing to the proprietors thereof, except in cases where notice cannot be served, and in cases of minors, femme covert, and persons non compos mentis, and filing with the clerk of the levy court of the County of Washington, District of Columbia, for inspection, a certificate describing such lands, with the value assessed thereon, signed by the president and clerk of said board of commissioners, which shall be sufficient notice to the proprietors of such land that the said board of commissioners are ready to pay the amount of damages so assessed; and if within thirty days from the filing of said certificate the proprietors of such land shall not appeal from the decision of said commissioners, by written notice left with the said clerk of the levy court, the amount so assessed shall be paid to the proprietors, and the title to such land and premises shall pass to, and be vested in, the board of commissioners of primary schools of Washington County, District of Columbia, and the said certificate shall be recorded in the land records of Washington County,

Sites for school-houses, how may be procured.

Proceedings.

Sites for school-houses.

District of Columbia, and shall be final; but if the proprietors of such land and premises shall, within the said thirty days, notify the said commissioners, in writing, left with the clerk of the levy court, of their dissent from the valuation of such land as made by the said commissioners, or if the land or any part thereof be owned by a minor, femme covert, or person non compos mentis, or if a notice cannot be served, it shall be lawful for the said commissioners, and it is made their duty, by their president and clerk, to issue their warrant to the marshal of the District of Columbia, commanding him to summon a jury of five freeholders, not interested in the matter, to appear on a day to be appointed by the said commissioners, on the premises, and after having each taken an oath (which the marshal or any one of said commissioners is authorized to administer) that he will, without favor or prejudice, assess the damages sustained by the proprietor of said land by reason of the condemnation of said land by the said commissioners, the jury so qualified shall proceed to value and assess the damages accordingly; and if the amount assessed by the said jury shall not be greater than the amount assessed by the said commissioners, the whole costs of the said appeal shall be chargeable to the appellant, to be paid by the said commissioners, and deducted from the cost of the land in settlement therefor; otherwise the said board of commissioners shall pay the expenses incurred by reason of such appeal, the marshal's and jurors' fees to be computed according to the act of congress approved March three, eighteen hundred and sixty-three, defining the powers and duties of the levy court.

Jury to assess damages.

1863, ch. 106.
Vol. xii. p. 799.

Verdict of jury.

SEC. 13. *And be it further enacted*, That the said jury, immediately after they shall have completed their inquest and assessed the damages, shall make out a written verdict, setting forth a full and distinct description of the land and premises and the valuation or damages assessed therefor, which shall be signed by them, or a majority of them, and having been attested by the marshal, shall be immediately returned to the clerk of the levy court of the County of Washington, District of Columbia, and shall be final; and the said damages having been paid, or offered to be paid, to the said proprietors, the title to such land shall pass to, and be vested in, "The Board of Commissioners of Primary Schools of Washington County, District of Columbia," and the verdict of the jury shall be recorded in the land records of Washington County, District of Columbia: *Provided*, That it shall be optional with the said commissioners to abide by said verdict, and occupy the said land, or abandon it without being subject to damages therefor.

Proviso.

Sites for school-houses not to be located in certain places.

SEC. 14. *And be it further enacted*, That it shall not be lawful to locate any site for a school-house in any orchard or garden, nor within three hundred yards of any dwelling-house, without the consent of the proprietor of such dwelling-house, and in order to obtain such consent or refusal, thirty days' notice shall be given to said proprietor by the said commissioners, notifying such proprietor of their intention; and if, within thirty days, no answer is returned to said commissioners by said proprietor, it shall be taken for consent, and the said commissioners may proceed to erect their school-house without let or hindrance.

Treasurer neglecting to pay orders, to be liable, &c.;

collecting more than is due.

SEC. 15. *And be it further enacted*, That if the 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 drawn in conformity with the requisitions of this act, such treasurer or collector shall be liable, on proof 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 centum per annum, from the first refusal until the day of payment, by way of damages. 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. 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. 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.

Levy court to supervise doings of commissioners; member of, not to be commissioner.

SEC. 16. *And be it further enacted,* That any white resident of said county shall be privileged to place his or her child or ward at any one of the schools provided for the education of white children in said county he or she may think proper to select, with the consent of the trustees of both districts; and any colored resident shall have the same rights with respect to colored schools.

Who may place children in schools.

SEC. 17. *And be it further enacted,* That it shall be the duty of the said commissioners to provide suitable and convenient houses or rooms for holding schools for colored children, to employ and examine teachers therefor, and to appropriate a proportion of the school funds, to be determined by the numbers of white and colored children between the ages of six and seventeen years, to the payment of teachers' wages, to the building or renting of school-rooms, and other necessary expenses pertaining to said schools, to exercise a general supervision over them, to establish proper discipline, and to endeavor to promote a thorough, equitable, and practical education of colored children in said county. It shall be lawful for such commissioners to impose a tax of not more than fifty cents per month for each child on the parents or guardians of children attending said schools, to be applied to the payment of expenses of the school of which said child shall be an attendant; and in the exercise of this power the commissioner may, from time to time, discontinue the payment altogether, or may graduate the tax according to the ability of the said taxpayers and the wants of the school: *Provided,* That no child shall be excluded from such school on account of the inability of the parent or guardian to pay said tax. And said commissioners are authorized to receive any donations or contributions that may be made for the benefit of said schools by persons disposed to aid in the elevation of the colored population in the District of Columbia, and to apply the same in such manner as in their opinion shall be best calculated to effect the object of the donors, said commissioners being required to account for all funds received by them, and to report to the levy court in accordance with the provisions of section nine of this act.

Schools for colored children.

SEC. 18. *And be it further enacted,* That the first section of the act of congress entitled "An act providing for the education of colored children in the cities of Washington and Georgetown, District of Columbia, and for other purposes," be, and the same is hereby, repealed; and that from and after the passage of this act it shall be the duty of the municipal authorities of the cities of Washington and Georgetown, in the District of Columbia, to set apart each year, from the whole fund, received from all sources, by such authorities, applicable, under existing provisions of law, to purposes of public education, such a proportionate part thereof as the number of colored children, between the ages of six and seventeen years, in the respective cities bear to the whole number of children thereof, for the purpose of establishing and sustaining public schools in said cities for the education of colored children; that the said proportion shall be ascertained by the last reported census of the population of said cities made prior to said apportionment, and shall be regulated at all times thereby; and that the said fund shall be paid to the trustees appointed under the act of congress approved July eleven, eighteen hundred and sixty-two, entitled "An act relating to schools for the education of colored

Repeal of § 1 of act of 1863, ch. 83. Vol. xii. p. 407.

Proportionate part of school fund to be set apart for schools for colored children.

1862, ch. 151. Vol. xii. p. 537.

children in the cities of Washington and Georgetown, in the District of Columbia," to be disbursed by them in accordance with the provisions of the said act.

Portion of moneys received from fines, &c., to go to school-fund.

SEC. 19. *And be it further enacted*, That one fourth part of all the moneys now in the hands of the marshal of the District of Columbia, or of any other officer of said district, which have accrued from fines, penalties, and forfeitures imposed for the violations of the laws of the United States within said district, shall be by such officer or officers paid to the "Board of Commissioners of Primary Schools of Washington County, District of Columbia," one fourth part to the mayor of the city of Georgetown, and the remaining two fourths thereof to the mayor of the city of Washington, the said sums so paid to the said commissioners and the said mayors to constitute in their hands funds for the support of primary schools within the said county and public schools in said cities in the proportions aforesaid. And it shall be the duty of said marshal and other officers to pay over, every three months, from and after the passage of this act, all money coming into their hands in the manner aforesaid, to the said board of commissioners of primary schools and to the said mayors, in the proportions aforesaid, for the use of the said primary and public schools, any law to the contrary notwithstanding: *Provided*, That the funds thus obtained for educational purposes shall be applied to the education of both white and colored children, in the proportion of the numbers of each between the ages of six and seventeen years as determined by the latest census report that shall have been made prior to said apportionment; and the mayors of the aforementioned cities of Georgetown and Washington are hereby authorized and instructed to pay over such part thereof as may be applicable under the provisions of this section and the proviso thereto to the education of colored children in the aforementioned cities, to the trustees appointed under the act of July eleventh, eighteen hundred and sixty-two, entitled "An act relating to schools for the education of colored children in the cities of Washington and Georgetown, in the District of Columbia," to be used for the education of colored children according to the provisions of law, and the aforementioned officers failing to pay over the moneys as aforesaid shall be liable to the penalty imposed by the second section of the act of congress approved July twelfth, eighteen hundred and sixty-two, entitled "An act to provide for the payment of fines and penalties collected by and paid the justices of the peace in the District of Columbia, under the acts of congress approved the third and fifth of August, eighteen hundred and sixty-one, and for other purposes."

1862, ch. 151. Vol. xii. p. 537.

1862, ch. 158, § 2. Vol. xii. p. 542.

Children between eight and fourteen years of age to be sent to school, &c.

Penalty.

Proviso.

SEC. 20. *And be it further enacted*, That every person in the said District of Columbia, having under his or her control a child between the ages of eight and fourteen years, shall annually, during the continuance of such control, send such child to some public school in that part of said district in which he or she shall at the time reside, at least twelve weeks, six of which shall be consecutive, and for every neglect of such duty the party offending shall forfeit to the use of the school of that portion of said district in which he or she shall reside a sum not exceeding twenty dollars, to be recovered before any justice of the peace of the said district: *Provided*, That if it be made to appear to said justice that the party so offending was not able for any cause to send such child to school, or that such child has been attending any other school for a like period of time, or that such child by reason of bodily or mental infirmity was not fit to attend such school, such penalty shall not be enforced.

Children not vaccinated not to be admitted.

SEC. 21. *And be it further enacted*, That the trustees or commissioners having charge of public schools in the said district shall not admit into such schools any child who shall not have been duly vaccinated or otherwise protected against the small-pox; and may make such arrangements for the purpose of ascertaining whether any children within the ages pre-

scribed in the preceding section are not attending the public schools, as they shall deem best for the purpose of enforcing the attendance of such children upon said schools, under the provisions of such section and for enforcing the penalty therein prescribed.

Trustees, &c., to enforce attendance.

SEC. 22. *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 that the requisitions of the said act are substantially complied with.

This act a public act, &c.

Proceedings of trustees, &c., not to be void for defects in form.

SEC. 23. *And be it further enacted*, That the act of congress entitled "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 Washington, and Georgetown," except the first and third sections, approved May twenty, eighteen hundred and sixty-two be, and the same is hereby, repealed.

Act of 1862, ch. 77, except, &c., repealed. Vol. xii. p. 394.

APPROVED, June 25, 1864.

CHAP. CLVII. — *An Act to amend an Act entitled "An Act to define the Powers and Duties of the Levy Court of the County of Washington, District of Columbia."*

June 25, 1864.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first clause of the third section of the act of congress entitled "An act to define the powers and duties of the levy court of the County of Washington, District of Columbia, in regard to roads and for other purposes," be, and the same is hereby, amended so as to read as follows: "That the said court shall have the care and charge of, and the exclusive jurisdiction over, all the public roads and bridges in said county, except such roads and bridges as belong to and are under the care of the United States, and except such roads and bridges as shall have been or may hereafter be specially provided for by congress. And the said court shall have power and it shall be their duty."

1863, ch. 106. Vol. xii. p. 799.

Levy court to have care of public roads and bridges, except, &c.

SEC. 2. *And be it further enacted*, That the tenth section of the said act be, and the same is hereby, amended by striking out the words "thirty-first," and inserting the word "thirtieth."

1862, ch. 157, § 10, amended. Vol. xii. p. 803.

SEC. 3. *And be it further enacted*, That all cemeteries in the District of Columbia, outside of the cities of Washington and Georgetown, the owners of which sell lots or burial-rights therein indiscriminately to those applying therefor, shall be assessed and taxed as other property in the same parts of the said district: *Provided, however*, That all lots in said cemeteries, when actually sold for burial purposes, and any cemetery held and owned by a religious society, having a regular and known place of worship, shall be exempt from taxation.

Certain cemeteries to be taxed.

Proviso.

SEC. 4. *And be it further enacted*, That hereafter the said court shall have power, and it shall be their duty, to appoint the county surveyor of said County of Washington, to define his duties, from time to time, to fix his compensation, and to remove him whenever they shall deem it proper so to do.

Levy court to appoint county surveyor.

SEC. 5. *And be it further enacted*, That it shall be the duty of the collector of taxes for said county, whenever the owner or keeper of any dog or dogs shall neglect or refuse to pay the tax thereon, to kill, or cause to be killed, every and all such dogs.

Dogs to be killed if tax not paid.

SEC. 6. *And be it further enacted*, That the time specified by the act of February twenty-one, eighteen hundred and sixty-three, within which certain roads in said county shall be surveyed, platted, and recorded, is

Time of construction of certain roads extended.