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Acts and Joint Resolutions Passed by the Legislature—Session 1870 and 1871.

[OFFICIAL.]

AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO ESTABLISH AND MAINTAIN A SYSTEM OF FREE COMMON SCHOOLS FOR THE STATE OF SOUTH CAROLINA."

SECTION 1. Be it enacted by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That the State Board of Education shall consist of the several County School Commissioners and the State Superintendent of Education, who shall be ex officio Chairman of the Board, and who shall be entitled to vote on all questions submitted to the Board. The Board may elect one of its members as Secretary.

Sec. 2. That the State Board of Education shall hold its first meeting at the Capital of the State on the second Wednesday after the approval of this Act, and shall thereafter meet on the first Wednesday in October of every year at the Capital of the State, and at such other times and places as the State Superintendent of Education shall direct. The members of the Board shall be entitled to receive a mileage at the rate of twelve cents per mile, going to and returning from the meetings of the Board aforesaid, to be paid by the State Treasurer on presentation of a certificate signed by the Chairman and Secretary of the Board.

Sec. 3. That, for the purpose of procuring a uniform system of text-books, to be used in the common and public schools throughout the State, there shall be a Commission of five appointed, to consist of His Excellency the Governor, who shall be ex officio Chairman, the Chairman of the Committee on Education of the Senate and House of Representatives, and for the purpose of selecting the other two members, the Senate shall, by a majority of votes, appoint one, and the House of Representatives shall, in like manner, select the other: Provided, That the Commission herein appointed, shall not have power to amend or change the list of text-books already in use until the first of January, 1873, unless authority be granted to the Commission by Act of the General Assembly to amend the list aforesaid; And provided, further, That the Commission shall decide upon a list of text-books to be used in the common and public schools throughout the State, and shall furnish the same to the State Board of Education at its first session. The meetings of the State Board of Education shall be held for the purpose of considering such matters as may be deemed necessary, and of taking such action as may advance the cause of common school education in this State.

Sec. 4. That the School Trustees of every School District shall make out and forward to the School Commissioner of the county wherein such School District is situated, a list of all text-books needed by the persons attending school, which list, when properly certified by said Trustees, the School Commissioner shall approve and forward to the State Superintendent of Education. The State Superintendent of Education shall, as soon as practicable after the receipt of such list, forward the books therein required free of charge. And the General Assembly shall, by appropriation, provide for the payment of the books aforesaid.

Sec. 5. That the State Board of Education shall take and hold in trust, for the State, any grant or devise of lands, and any gift or bequest of money, or other personal property, made to it for educational purposes, and shall pay into the State Treasury, for safe-keeping and investment, all moneys and incomes from property so received. The State Treasurer shall, from time to time, invest all such money in the name of the State, and shall pay to the State Board of Education, on the warrant of the Governor, the income or principal thereof, as it shall, from time to time, require: Provided, That no disposition shall be made of any grant, devise, gift or bequest inconsistent with the conditions or terms thereof. For the faithful management of all property so received by the State Treasurer, he shall be responsible, upon his bond, to the State, as for other funds received by him in his official capacity: Provided, however, That the Trustees of any School District of this State may take and hold in trust, for their particular School District, any grant or devise of lands, and any gift or bequest of money, and apply the same in the interest of the schools of their District, in such manner as in their judgment seems most conducive to the welfare of the schools, when not otherwise directed by terms of the said grant,

or devise, gift or bequest: And provided further, That before said Trustees shall assume control of any such grant, devise or bequest, they shall give a bond, to be approved by the School Commissioner of the County in which such grant, devise or bequest is made, said bond to be deposited with Clerk of the Court of said County.

Sec. 6. That the present State Superintendent of Education shall continue in office until the election and qualification of his successor. At the general election in 1872, and every four years thereafter, a State Superintendent of Education shall be elected, in the same manner as other State officers, who shall enter upon the duties of his office on the first day of January succeeding his election.

Sec. 7. That he shall, before entering upon the duties of his office, give bond, for the use of the State of South Carolina, in the penal sum of five thousand (\$5,000) dollars, with good and sufficient securities, to be approved by the Governor, conditioned for the faithful and impartial performance of the duties of his office; and he shall, also, at the time of giving bond, take and subscribe the oath prescribed in Section 30 of Article II of the Constitution of the State, which oath shall be endorsed upon the back of said bond, and the bond shall be filed with, and preserved by, the Secretary of State.

Sec. 8. That the State Superintendent of Education shall receive, as compensation for his services, the sum of two thousand five hundred (\$2,500) dollars per annum, together with his actual cost of transportation when traveling on public business, payable quarterly out of the State Treasury.

Sec. 9. That he shall have general supervision over all the common and public schools of the State, and it shall be his duty, to visit every County in the State, for the purpose of inspecting the schools, awakening an interest favorable to the cause of education, and diffusing as widely as possible, by public addresses and personal communication with school officers, teachers and parents, a knowledge of existing defects, and desirable improvements in the government and instruction of the schools.

Sec. 10. That he shall secure uniformity in the use of text-books throughout the common and public schools of the State, and shall forbid the use of sectarian or partisan books and instruction in schools.

Sec. 11. That he shall prepare and transmit to the several County School Commissioners, school registers, blank certificates, reports, and such other suitable blanks, forms and printed instructions as may be necessary to aid school officers and teachers in making their reports, and carrying into full effect the various provisions of the school laws of this State, and shall cause the laws relating to common schools, with such rules, regulation, forms and instructions as shall be prescribed by the Board of Education, to be printed, together with a suitable index, in pamphlet form, by the person authorized to do the State printing, at the expense of the State; and he shall cause copies of the same to be transmitted to the several County School Commissioners for distribution.

Sec. 12. That it shall be the duty of the State Superintendent of Education to collect in his office such school books, apparatus, maps and charts as can be obtained without expense to the State; and also to purchase, at an expense not exceeding fifty dollars a year, rare and valuable works on education, for the benefit of teachers, authors and others, who may wish to consult them; and the said sum is hereby annually appropriated for this purpose out of any moneys in the State Treasury not otherwise appropriated.

Sec. 13. That copies of all papers filed in the office of the State Superintendent of Education and his official acts may be certified by him, and when so certified, shall be evidence equally and in like manner as the original papers.

Sec. 14. That the State Superintendent of Education shall submit, in his annual report, a statement of his official visits during the past year.

Sec. 15. That he shall make a report, through the Governor, to the General Assembly, at each regular session thereof, showing: 1st. The number of persons between the ages of six (6) and sixteen (16) years, inclusive, residing in the State on the first day of the last preceding October.

with good and sufficient securities, to be approved by the County Commissioners, conditioned for the faithful and impartial discharge of the duties of his office.

Sec. 22. That on the first day of January next succeeding the date of his election, he shall take and subscribe the oath of office prescribed in Section 30, Article II, of the Constitution of this State, which oath he shall file in the office of the Clerk of the Court of the County in which he was elected, and shall immediately enter upon the discharge of his duties; and upon his failure so to do; or if for any other cause there should be a vacancy in the office, the Governor shall appoint a person to fill such vacancy, who shall qualify within fifteen days after his appointment, and shall continue in office until the time prescribed for filling said office by election, as herein provided; and should the person so appointed fail to qualify within the time specified, such failure shall create a vacancy.

Sec. 23. It shall be the duty of each County School Commissioner to visit each of the schools in his jurisdiction, at least three times a term, and to note the course and method of instruction, and the branches taught, and to give such recommendations in the art of teaching and the method thereof in each school as shall be necessary and expedient, so that uniformity in the course of studies and methods of instruction employed shall be secured, as far as practicable, in the schools of the several grades respectively. He shall acquaint himself, as far as practicable, with the character and condition of each school, noting any deficiencies that may exist, either in the government of the school or the classification of the pupils, or the method of instruction employed in the several branches, and shall make such suggestions in private to the teachers as to him shall appear necessary to the good order of the school and the progress of the pupils.

Sec. 24. That it shall be his duty to see that in every school as far as practicable, orthography, reading, writing, arithmetic, geography, English grammar, history of the United States, the principles of the Constitution and Laws of the United States and of this State, and good behavior.

Sec. 25. He shall on or before the first day of October of each year, forward to the State Superintendent of Education an extended report, containing an abstract of the reports made to him by the various school officers and teachers in his county, and showing the condition of the schools under his charge, suggesting such improvements in the school system as he may deem useful, and giving such other information in regard to the practical operation of the common schools and laws relating thereto, as may be deemed of public interest. He shall also include in his report, such other matters as he shall be directed to report by the State Superintendent of Education.

Sec. 26. That should he fail to make the report required in the preceding Section, he shall forfeit to the school fund of his County his last quarter's salary of that year, and shall also be liable for all damages caused by such failure.

Sec. 27. That he shall, at all times, conform to the instructions of the State Superintendent of Education, as to matters within the jurisdiction of said Superintendent. He shall serve as the organ of communication between the said State Superintendent and school authorities. He shall transmit to school officers, or teachers, all blank certificates, and other communications which are to them directed.

Sec. 28. That each County School Commissioner shall receive, as compensation for his services, including expenses of transportation within his County, an annual salary of one thousand dollars, except the County School Commissioner of Charleston who shall receive an annual salary of one thousand two hundred dollars, payable quarterly by the State Treasurer.

Sec. 29. The County Treasurer shall pay over all moneys by him received, which shall have been assessed by virtue of the vote of any district meeting, as hereinafter provided for, in the County in which such district is situated, on the order of the Clerk of the Board of Trustees of said District, countersigned by the County School Commissioner, to be used for the purpose directed by the District meeting so held. Said money shall be assessed and collected at the time, and in the manner that County taxes are assessed and collected; and if the inhabitants of any School District, at their annual District meeting, shall fail to provide for the raising of such tax, then the County School Commissioner of the County in which such district is situated shall be required to withhold from said District that part of the State appropriation derived from the revenue of the State, and to apportion and distribute the same to the other Districts of the County which have complied with the requirements of this Act: Provided, That in School Districts where there less than one hundred children between the ages of six and sixteen the inhabitants may raise such a sum, per child, as will be sufficient to maintain their schools.

Sec. 30. That it shall be the duty of each County School Commissioner, immediately after the passage of this Act, to divide his County into convenient School Districts, for all purposes connected with the general interest of education, and re-district the same, whenever, in his judgment, the general good requires it. And every School District organized in pursuance of this Act shall be a body politic and corporate, by the name and style of School District No. —, (such a number as may be designated by the County School Commissioner,) of — County, (the name of the County in which the District is situated), State of South Carolina, and in that name may sue and be sued, and be capable of contracting and being contracted with, and holding such real and personal estate as it may come into possession of, by will or otherwise, or as is authorized to be purchased by the provisions of this Act, all of which shall be used exclusively for school purposes. Each School District shall be confined to the management and control of the Board of School Trustees herein after provided for, who shall hold their office for two years, and until their successors are appointed and qualified, and the said Trustees shall be exempt from militia and road duty, and payment of poll-tax.

Sec. 31. That there shall be, in each County, a Board of Examiners, composed of the County School Commissioner, who shall be ex officio Chairman, and two qualified members, who shall be appointed by the County School Commissioner, and shall hold office for the term of two years from the time of their appointment; but no person shall be appointed a member of the County Board of Examiners, who is not competent to teach a first grade school. It shall be the duty of the County Board of Examiners to examine all candidates for the profession of teacher, and to give to each person found qualified a certificate, setting forth the branches of learning he or she may be capable of teaching. Such examination to be renewed every year, and no teacher shall be employed in any of the common or public schools, without a certificate from the County Board of Examiners, or the State Superintendent of Education.

Sec. 32. That the Board of County School Examiners shall meet at least twice a year, at such places, and at such times, as the County School Commissioner shall appoint; that the County School Commissioner shall be Chairman and Clerk of the Board, and shall keep a fair record of their proceedings, and a register of the name, age, sex, color, residence, and date of certificate of each person to whom a certificate is issued, and in case a certificate be cancelled, shall make a proper entry of the same.

Sec. 33. It shall be the duty of each County Board of School Commissioners to appoint for each and every School District in their County three School Trustees, who shall hold their office for two years, whose duty shall be as hereinafter prescribed; and they shall have power to fill, from time to time, all vacancies which may occur in their respective School Dis-

tricts in Boards of School Trustees in their County. Sec. 34. That the said Trustees, within 15 days after their appointment shall take an oath of affirmation faithfully and impartially to discharge the duties of their office, which oath shall be given to the members authorized to administer to each other. Sec. 35. That it shall be the duty of the said Trustees, any two of whom shall constitute a quorum, to meet as soon and often as practicable, after having been appointed and qualified, at such place as may be most convenient in the District, and at their first meeting they shall organize by appointing one of their number Clerk of the Board, who shall preside at the official meetings of the Trustees, and shall record their proceedings in a book provided for that purpose. Each member of the Board of Trustees shall be duly notified of the meetings by the Clerk of the Board.

Sec. 36. That it shall be the duty of the Trustees in each School District to take the management and control of the local educational interests of the same, subject to the supervision of the County School Commissioner, and to visit the school at least once in every month during the school term.

Sec. 37. That it shall be the duty of the Trustees in the several School Districts to make, or cause to be made, once in two years, in each School District, by the first day of September, an enumeration of all the children between the ages of six (6) and sixteen (16) years, resident within such School District, distinguishing between male and female, white and colored. And the Clerk of said Board of Trustees shall return to the County School Commissioner a duplicate return of the same; each School Trustee shall receive five cents per capita for each child enumerated by him, the accounts for which shall be audited by the County School Commissioner, and paid according to law by the County Treasurer, out of the School Fund of the School District wherein the enumeration was made. Provided, That in case the enumeration of the scholastic population of any School District is not made, as provided for in this Act, by that time, the County Board of School Examiners is hereby authorized to appoint new Trustees for such School District, unless for good and sufficient cause the Trustees have failed to act.

Sec. 38. It shall be the duty of the Board of Trustees to hold a regular session in their School District at least two weeks before the commencement of any or every school term, for the transaction of any and all business necessary to the prosperity of the school, with power to adjourn from time to time, and to hold special meetings at any time or place. Sec. 39. That the Board of Trustees shall have power to establish and make all arrangements for the common schools of Districts, and to make the same comfortable, paying due regard to any school houses already built or site procured, as well as to all other circumstances proper to be considered, so as to best promote the educational interest of their District. They shall employ teachers from among those having certificates, and discharge the same when good and sufficient reasons for so doing present themselves; but they shall employ no person to teach in any of the schools under their supervision, unless such person shall hold at the time of commencing his or her school, a certificate to teach, granted by the County Board of School Examiners, or by the State Superintendent of Education.

Sec. 40. That should the Board of Trustees be unable otherwise to procure sites for school houses, they are hereby authorized to appoint a jury of view of five legal voters of the county, who shall locate said site as the public interest may require, but, except in a city, town or village, said site shall not be located within two hundred yards of the dwelling of the owner of the land taken for said site without his consent, given in writing. The said jury shall assess the value of the same and report their action to the Board of Trustees, who shall secure the title and pay for the site, as decided by the jury of view, out of any moneys available for that purpose; and upon such payment the title shall immediately vest in the Trustees and their successors in office.

Sec. 41. That if any person or persons shall threaten or in any manner interfere, with the jury of view herein directed to be appointed, while discharging the duties herein proscribed, he or they separately or conjointly, shall be deemed guilty of a misdemeanor, and on conviction in any Court of competent jurisdiction, be fined not more than two hundred dollars, or be imprisoned not more than

ninety days; or shall suffer both fine and imprisonment, at the discretion of the Court, and any moneys accruing from such fines shall be added to the school fund of the school district wherein the guilty party or parties reside.

Sec. 42. That when it shall so happen that persons are so situated as to be better accommodated at the school of any adjoining School District, or whenever it may be desirable to establish a school composed of parts of two or more School Districts, it shall be the duty of the respective Boards of Trustees of the School Districts in which such persons reside, or in which such schools may be situated, or of the School Districts, or of the parts of which the school is to be composed, to transfer such persons for education to the School District in which such school house is or may be located; but the enumeration of scholars shall be taken in each District as if no such transfer had been made; and such school, when so composed, shall be supported from the school funds of the respective School Districts from which the scholars may have been transferred.

Sec. 43. That the school year shall continue for a period of nine months, commencing and ending as in the opinion of the County Board of Examiners will best subserve the educational interests of their County; but the County School Commissioners shall have power to limit the school year according to the school fund appropriated to their County.

Sec. 44. That it shall be the duty of each school teacher to make out and file with the Clerk of the Board of Trustees, at the expiration of each school month, a full and complete report of the whole number of scholars admitted to the school during each month, distinguishing between male and female, the average attendance, the branches taught, the number of pupils engaged in each of said branches, and such other statistics as he or she may be required to make by the County School Commissioner; and until such report shall have been certified and filed by the said teacher, as aforesaid, it shall be the duty of said Board of Trustees to require the same, and forward to the County School Commissioner, before said teacher can draw pay for his or her services. On the filing of the teacher's report, the Clerk of the Board of Trustees shall draw and order in duplicate on the County Treasurer for the amount due each teacher, which order shall be countersigned by the County School Commissioner, who shall file the duplicate in his office.

Sec. 45. That the State Superintendent of Education, or any County School Commissioner, or any School District Board of Trustees, may receive, in behalf of the State Board of Education, any gift, grant, donation or devise of any school house, or site for a school house, or library for the use of any school or schools, or other school purposes within the State, and are hereby invested with the care and custody of all school houses, sites, or other property belonging to the State Board of Education within the limits of their jurisdiction, with full powers to control the same in such manner as they may think will best subserve the interests of common schools and the cause of education, subject to the control of the State Board of Education.

Sec. 46. That it shall be the duty of the School Commissioner of each County to organize, in all School Districts outside of the city of Charleston, formerly known as Parishes, a suitable number of schools, as soon as practicable after the passage of this Act. He shall visit said schools not less than three times during each year, and shall perform such other duties as are prescribed for County School Commissioners in this Act. Upon failure or neglect to discharge the duties imposed upon him by this Section, when reported to the State Superintendent of Education, the said State Superintendent is hereby empowered, in his judgment, may be necessary to enforce the faithful performance of duty on the part of said school Commissioner.

Sec. 47. The School Commissioner of the County of Charleston shall have jurisdiction only over the schools, and all educational interest outside of the corporate limits of the city of Charleston. Sec. 48. That at the next regular municipal election in the city of Charleston, and at every regular municipal election held hereafter, one School Commissioner shall be elected by the legal votes of each ward, who shall continue in office until his successor is elected and qualified. The School Commissioners so elected shall constitute a School Board, and they may assemble at any time and elect a Chairman

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and Clerk, and Superintendent of said City Schools, whose term of office and duties and compensation shall be prescribed by said Board, but his term of office shall not exceed that of the Board electing him. The duties of the Board aforesaid shall be the same as those of the Board of School Trustees, for the several School Districts, in addition to which, they shall, on or before the first day of October, forward to the State Superintendent of Education an annexed report of all matters connected with the school interests of the city of Charleston, as are required of each County School Commissioner. They shall also have power to levy and cause to be collected, as other taxes are, a sum not to exceed one and one-half mills on the dollar on all taxable property in said city of Charleston, and the money so collected shall be placed in the City Treasury, subject to the order of said City Board of School Commissioners.

Sec. 49. An annual meeting of each School District shall be held on the last Thursday in June, of each year, at 12 o'clock M., notice of the time and place being given by the Clerk of the Board of Trustees, by posting written or printed notices in three public places of the District, at least ten days before the meeting. Special meetings may be called by the Board of Trustees, or by a majority of the legal voters of the district; but notice of such special meetings, stating the purposes for which it is called, shall be posted in at least three public places within the District, ten days previous to the time of such meeting. And no business shall be acted upon at any special meeting not specified in said notice.

Sec. 50. The following persons shall be entitled to vote at any District meeting viz: All persons possessing the qualification of electors, as defined by the Constitution of this State, and who shall be residents of the District at the time of offering to vote at said meeting.

Sec. 51. The inhabitants qualified to vote at a school meeting, lawfully assembled shall have power: 1st. To appoint a Chairman to preside over said meeting.

2d. To adjourn from time to time.

3d. To choose a Clerk, who shall possess the qualification of a voter.

4th. To raise by tax in addition to the amount apportioned by the State to their use, such further sums of money as they may deem proper for the support of public schools, said sum not to be more than three dollars for every child in the District between the ages of six and sixteen, as ascertained by the last enumeration; said sum to be collected by the County Treasurer, and to be held by him subject to the order of the Trustees, countersigned by the County School Commissioner; such sums of money to be used as shall be agreed upon at the meeting, either for the pay of teacher's salary, or to purchase or lease sites for school houses; to build, hire or purchase such school houses; to keep them in repair, and furnish the same with necessary fuel and appendages; or to furnish blackboards, outline maps and apparatus for illustrating the principles of science, or to discharge any debts or liabilities lawfully incurred.

5th. To give such direction and make such provisions as may be deemed necessary, in relation to the prosecution or defence of any suit or proceeding in which the District may be a party.

6th. To authorize the Board of Trustees to build school houses, or rent the same; to sell any school house site, or other property belonging to the District, when the same shall no longer be needed for the use of District.

7th. To alter or repeal their proceedings, from time to time, as occasion may require, and to do any other business contemplated in this Act.

Sec. 52. That an Act entitled "An Act to establish and maintain a system of Free Common Schools for the State of South Carolina," approved February 18th, 1870, be and the same is hereby repealed.

Sec. 53. That this Act shall take effect from its passage. Approved the 6th of March, A. D. 1871.

"Where's your filial gratitude, you naughty boy? What would you have been without your kind father and mother?" "I'st post I'd have been an orphan, sir."

A kind thought is influential, a kind word is encouraging, and a kind deed is at all times a blessing.

There is only one good substitute for the endearments of a sister, and that is the endearments of some other fellow's sister.