

Proceedings of School Directors.

March 10 - 1877 -

The petition of A. P. Lempkins and others and the list of children accompanying the same having been examined and being satisfied that said petition is in good faith, the establishment of the school community school is approved and sanctioned and the same is designated as "Lynchburg School Community No 24"; A. P. Lempkins, T. J. Keane and F. K. Sanders are appointed trustees for said school community.

It appearing that said community has a school house, the sum of twenty eight ^{or} four dollars \$28⁰⁰ is apportioned and directed to be credited to said school community.

Proceedings of School Directors.

Feb. 31 - 1874

The Petition of W^m Lilly and others & list of children accompanying being examined the establishment of the School Community is approved and sanctioned and the same is designated and numbered "Karrisberry School Community (Colored) No 205; A. B. Briscoe, O. C. Mulligan and Austin Culbreth are appointed Trustees for said Community.

The sum of One hundred and thirty three $\frac{95}{100}$ Dollars (\$133 $\frac{95}{100}$) is apportioned and directed to be credited to said School Community as its pro rata of the available school fund for this school year.

Proceedings of School Directors.

April 13th, 1877-

The petition of A. Laird and others being examined & list of children accompanying, the establishment of the school community is approved and sanctioned and the same is designated "Laird School Community No 26"; R. Pittman, A. Laird and J. W. Mooney are appointed trustees for said Community.

The sum of thirty seven ⁰⁰/₁₀₀ dollars (\$37⁰⁰/₁₀₀) is appropriated and directed to be credited to said school community as its pro rata of the available school fund for this scholastic year -

Proceedings of School Directors.

April 13-1877

The petition of J. E. McLaughle and others and the list of children accompanying, being Examined, the Establishment of said Community is approved and sanctioned and the same is designated and numbered "Courtney School Community No 27"; Calvin Bards, J. E. McLaughle and J. P. Wilson are appointed Trustees for said School Community -

The sum of \$116⁸⁵ is appropriated and directed to be credited to said School Community as its pro rata of the available school fund for this scholastic year -

Proceedings of School Directors.

April 13. 1877

The petition of E. Backel and others and the list of children accompanying being examined, the Establishment of said school community is approved and sanctioned and the same is designated and numbered "Boys' Bayan School Community No 28"; G. Ramin, H. Kuhlman and E. Backel are appointed Trustees for said School Community and the sum of \$146⁹⁵ is apportioned and directed to be credited to it as its pro rata of the available school fund for this scholastic year -

Proceedings of School Directors.

April 17-1877

The petition of William Ludgate and others and the list of children accompanying being examined, the establishment of the school community is approved and sanctioned and the name is designated and numbered "Websterville School Community No 29"; William Ludgate, Jas. Davis and J. W. Thompson are appointed Trustees for said school community and the sum of \$65.⁵⁵ is apportioned & directed to be credited to said school community as its pro rata of the school fund for this scholastic year.

April 23^d, 1877.

The petition of R. Blalock and others and the list of children accompanying, being examined, the Establishment of the School Community is approved and sanctioned and the same is designated and numbered "White Settlement School Community No 30";

R. Blalock, John Farmer and Fred Jaeger are appointed Trustees for said School Community. and the sum of \$28⁵⁰ is appropriated and directed to be credited to said School Community as its pro rata of the school fund for this scholastic year.

Proceedings of School Directors.

April 25th 1874

The petition of L. M. Montgomery and others at Rockley, and the list of children accompanying being examined, the Establishment of the School Community is approved and sanctioned and the same is designated and numbered "Rockley School Community No 31". L. M. Montgomery, M. E. Davis and Edward Wise are appointed Trustees for said School Community and the sum of \$114.⁰⁰ is apportioned and directed to be expended to said School Community as its pro rata of the available school fund for this scholastic year

Proceedings of School Directors.

April 28th 1877.

The petition of J. B. Stewart and others (Colored) and the list of children accompanying, being examined, the establishment of the school community is approved and sanctioned and the same is designated as "Hines School Community (Colored) No 32"; J. R. McGowan, Rev Godkin and Rev Chas. Southworth are appointed Trustees for said School Community and the sum of \$96.90 is appropriated and directed to be credited to said School Community as its pro rata of the available school fund for this scholastic year.

May 3/77. Anthony Kicks is appointed Trustee vice J. R. McGowan who declines to serve.

2767.00-

Proceedings of School Directors.

April 30. 1877.

The petition of Louis Maerz and others on
 Upper Brays Bayou and the list of children ac-
 companying, being examined, the establishment
 of said School Community is approved and sanc-
 tioned and the same is designated and numbered
 "Upper Brays Bayou School Community No 33";
 Fred Leuchs, Fred Schroeder and Fred Gehring
 are appointed Trustees for said School Com-
 munity and the sum of \$425⁶⁰ is appropri-
 ated and directed to be credited to said School
 Community as its pro rata of the available school
 fund for this scholastic year -

Proceedings of School Directors.

May 5 - 1877 -

The petition of John Curry and others and the list of children accompanying, being examined, the Establishment of said school community is approved and sanctioned and the same is designated "Harrisburg School Community No 34" A. B. Briscoe, O. C. Mulligan and T. G. Bennett are appointed Trustees for said school community and the sum of one hundred and Eighty five ~~200~~ 100 dollars (\$185.00) is apportioned and directed to be credited to said school community as its pro rata of the available school fund for this scholastic year

Proceedings of School Directors.

May 5 - 1877.

The petition of G. S. Keyne and others and the list of children accompanying, being examined, the Establishment of said school Community is approved and sanctioned and the same is designated as "Cypress School Community No 35"; E. Roeder, G. S. Keyne and Thomas Cary are appointed trustees for said school Community and the sum of \$421⁷⁵ is apportioned and directed to be apportioned to said School Community as its pro rata of the available school fund for this scholastic year.

I

Department of Education, STATE OF TEXAS,

Circular No. 1.

AUSTIN, September 1, 1876.

To the County Judge of Harris County:

SIR:— Your county is entitled to 9656 4/8 dollars, the same being the amount apportioned to your county for the support of Public Free Schools for the scholastic year ending August 31, 1877.

A certificate of credit, for this sum, will be forwarded to your county treasurer as soon as you officially notify the Board of Education, that the county treasurer has executed bond, as required by Section 23 of the School Law, approved August 19, 1876, and which, so far as it relates to the bond, reads as follows:

"On receipt of notice from the Board of Education, of the amount of State fund apportioned to a county, the county treasurer shall execute bond for double the amount thus apportioned, with two or more good securities, to be approved by the county judge, conditioned that he will safely keep and faithfully disburse the school fund according to law, and pay such warrants as may be drawn on said fund by competent authority. No certificate, entitling said treasurer to receive said *pro rata* of the school fund, shall be issued by the Board of Education until a certificate has been received by said Board of Education from the county judge, that the bond herein required has been executed according to law, and that it has been filed and approved by the county judge."

The county judge will notify the county treasurer of the amount of school fund apportioned to his county, and require him to execute the necessary bond.

As it will require considerable time to reorganize public schools under the new law, and to prepare and publish all the blank forms that will be needed in the administration of the law, it is earnestly recommended, in order to avoid confusion, that no action be taken by school officers, or school communities,— unless instructed by the Board of Education,—in the organization of Public Free Schools for the incoming scholastic year, until the school law—which is now in press—can be placed in their hands.

For the information of parties interested in claims due teachers for services rendered in the Public Free Schools of this State, prior to the first day of July, 1873, and also for similar services rendered from September 1, 1873, to January 1, 1876, we would state that the 15th Legislature passed laws in reference to these claims.

The law in regard to the claims first named defined how they should be audited, but there was no appropriation made for their payment when audited. X

The Act in reference to the second class of claims authorizes the late Board of School Directors in each county to audit said claims, and to furnish the commissioners' court a statement of the several amounts found to be due. The commissioners' court, on receipt of this statement, is required to provide for the payment of said claims by the levy of a special tax.

The Acts in regard to these claims will be published and distributed with the general school law.

RICHARD COKE, Governor,
STEPH. H. DARDEN, Comptroller, } Board of Education.
A. W. De BERRY, Sec. of State, }

ATTESTED BY

O. N. HOLLINGSWORTH,
Sec. Board of Education.

Printed at the Institution for the Deaf and Dumb.

+ Appropriations to the amount of \$800,000 have been made and exhausted in favor of these claims. It is estimated there is yet an unpaid balance of \$100,000 outstanding. O. N. Hollingsworth

DEPARTMENT OF EDUCATION,

STATE OF TEXAS.

Austin, September 20, 1876.

Circular No. 2.

Upon the ratification of the present State Constitution the office of Superintendent of Public Instruction was abolished and a Board of Education, composed of the Governor, Comptroller and Secretary of State, by authority of the Constitution, succeeded to the functions and duties hitherto exercised and imposed upon the Superintendent of Public Instruction.

The Board of Education did not deem it advisable to organize and assume general control of the Department of Education until the old school law, which, in its main features, had been abolished by the terms of the Constitution, had been substituted by a new law.

On the 19th of August, 1876, the present School Law was enacted, and on the 22d of August, 1876, the Board of Education completed its organization under the new law.

During the period that intervened between the ratification of the Constitution and the re-organization of the Department of Education under the new law, the correspondence with the Department had accumulated to such an extent as to necessitate an aggregate response in the form of a circular letter, as follows:

SCHOOL LAW.

1. The general School Law and the Acts in reference thereto, passed by the Fifteenth Legislature, have been sent to each County Judge in the State, for distribution to teachers and school officers.

APPORTIONMENT, SCHOOL FUND.

2. On the first day of September, 1876, the Board of Education ordered the apportionment of \$500,000 of the available School Fund to the several counties of the State, on the basis of the scholastic census reported to the Department of Education for the year ending August 31, 1876.

3. Each County Judge in the State has been duly notified of the amount of school fund apportioned to his respective county, and through him his County Treasurer has been notified of the amount of said apportionment, and required to execute, in full, such bond as is demanded by the law.

SCHOLASTIC POPULATION.

4. The population in the State, between the ages of eight and fourteen, is about one hundred and seventy-five thousand. Assuming this number as correct—and it is a close approximate to the correct figures—the *pro rata* distribution of the School Fund to each child would give \$2 82½ for the current scholastic year. It should be remembered, in this connection, that the system provided for under the present law is purely gratuitous, there being no special school tax authorized to be levied, except by cities and towns.

COUNTY APPORTIONMENT.

5. Owing to the fact that the new law went into operation just at the beginning of this scholastic year, it is impracticable for the Assessor to furnish the County Judge with the scholastic census of his county in time for an apportionment to be based upon it this year. The County Judge can only make an apportionment to such as organize into school communities and petition the County Judge for official recognition as such. In no event should said apportionment exceed the *pro rata* that might reasonably be estimated as justly belonging to such community.

TEACHER'S CERTIFICATE.

6. Teachers desiring employment in the Public Schools under the new law, must, before they can make a legal contract with School Trustees, obtain a certificate of competency from the County Judge of the county in which he or she desires to teach.

EX BOARD OF SCHOOL DIRECTORS.

7. The term of office of the late School Directors expired on the 18th of April, 1876, except so far as it became necessary for them to exercise the functions of their respective offices under the old law, in order to make a proper and just disbursement of school funds already apportioned to their respective counties; and to this end and to this extent the present law continued them in office until the 31st of August, 1876.

8. No appropriation having been made for payment of the claims of Directors for services rendered since the 31st day of August, 1875, and prior to April 1st, 1873, the Board of Education declines to assume the responsibility without specific authority of law to audit this class of claims. Parties holding such claims must await Legislative action. No valid claims for services as School Director can be made against the State, except:

First—By such as were duly elected and qualified, as required by the School Law approved May 22, 1873.

Second—By such Directors as were legally in office at the time of the approval of the School Law of May 22, 1873, and who afterwards so continued.

Third—By such Directors as were appointed by the County Court to fill vacancies in the Board as organized under the School Laws in force prior to the passage of the School Law approved May 22, 1873. (See Section 13 of said Act.)

9. For services as School Director during the scholastic year beginning Sept. 1, 1874, and ending Aug. 31, 1875, there is an unexpended deficiency appropriation for the Department of Education for said year, which can be applied in payment of claims of School Directors for services rendered during the year above specified, when approved by the Auditorial Board created by an act of the Fourteenth Legislature.

CLAIMS OF TEACHERS.

10. Appropriations to the amount of \$800,000 in favor of teachers for services rendered in the Public Free Schools of the State, prior to July 1, 1873, have been made and exhausted, and, hence, the liquidation of whatever outstanding indebtedness of this character may still exist, constitutes a subject for future legislation.

11. The Legislature, with a view to facilitate the payment of teachers, amended Section 5 of an act entitled "An Act to ascertain the amount due the teachers of the Public Free Schools of this State for services rendered as teachers prior to the first day of July, 1873, and to provide for payment of the same," approved April 27, 1874. It will be observed, however, that the amendment of this section has reference to such teachers only as have failed to secure their pay under the original act, through the neglect or failure of the Treasurer of the old Board of School Directors, or the County Treasurer of their respective counties, to make the statement required by the fourth section of the original act. While this act provides for the manner of establishing the validity of the claims referred to, and for obtaining the Comptroller's warrant thereon, yet no appropriation was made for their payment, and no warrant can issue until there is an appropriation. (The amended act herein referred to is published with the General School Law, and takes effect ninety days after the adjournment of the Legislature.)

12. The Fifteenth Legislature also passed an act entitled "An Act to ascertain amounts due teachers for services rendered in the Public Schools from September 1, 1873, to January 1, 1876, and to provide for the payment of the same," approved August 1, 1876, and takes effect from its passage.

This law constitutes the late Board of School Directors of each county an Auditorial Board "to audit all claims of teachers for services rendered in the Public Free Schools of their respective counties, under the law and within the time specified in the caption of the act." This law is also published with the General School Law, a copy of which has been furnished each ex-County Superintendent of Public Schools.

13. No provision was made by the Legislature for payment of teachers for services rendered in the Public Schools of this State from January 1, 1876, to August 31, 1876.

INDEBTEDNESS PRIOR TO SEPTEMBER 1, 1873.

14. No legislative action was had in reference to any class of indebtedness created under the administration of the Department of Education prior to September 1, 1873, except in regard to claims due teachers.

SCHOOL-HOUSE RENT.

15. Under the School Law approved May 22, 1873, and amendments thereto, there was no authority given to contract for rent of school-houses, and all such contracts are void.

PUPILS ATTENDING SCHOOL OUT OF THEIR DISTRICT.

16. Teachers can not be allowed compensation for pupils that attended their schools, who were not residents of the district in which the school was situated, unless they were regularly transferred by the authority and consent of the County Superintendent. (See Section 17 of the School Law of May 22, 1873.)

PUPILS NOT ENUMERATED IN LAST CENSUS.

17. Pupils not residents of a given county when the last scholastic census was taken, can not be allowed the benefit of the School Fund apportioned to said county on the basis of the census reported for a given year.

DISTRICT SCHOOL FUNDS.

18. School funds in the county treasury to the credit of a given district, for the payment of teachers for the year ending August 31, 1876, may be used, after having satisfied all claims and teachers of the district for services during said year, in paying teachers for services in said district for the previous year.

Should there be any money in the county treasury to the credit of any district, after having satisfied all legal claims under the School Law of May 22, 1873, and amendments thereto, it shall be disposed of as provided for in Section 25 of the School Law now in force.

CITY ORGANIZATION.

19. A strict construction of the School Law would, doubtless, require that such cities and towns as have, under an Act of the Fourteenth Legislature, assumed control of their public schools, should, in the event it was proposed to continue such control, reorganize as required in Section 55 of the School Law; but, since the meaning of the law is not very clear on this point, the authority of cities and towns to take such action in the matter as they may deem best calculated to advance their educational interest, will not be questioned by the Board of Education.

REPORTS OF EX-COUNTY SCHOOL OFFICERS.

20. The late County School officers will make such reports for the year ending August 31, 1876 (and for previous years, if not already made), as required by former law to be made to the State Superintendent of Public Instruction, to the Board of Education. Blanks for this purpose will be furnished on application.

BLANK FORMS AND REPORTS.

21. All necessary blanks will be furnished to each County Judge as soon as they can be prepared and printed.

PEABODY FUND.

22. This Department is in correspondence with the Rev. B. Sears, General Agent of the Peabody Fund, with reference to securing aid for schools in this State under the new administration, and as soon as favored with his decision, notice will be given for the benefit of such counties as may desire to apply for aid.

REGULATIONS AND INSTRUCTIONS.

23. Such Rules, Regulations and Instructions as the Board of Education may determine to adopt or issue with reference to the management of the public schools of the State will be furnished as soon as more urgent duties are discharged. The law is clear and specific, and needs but little interpretation. It is purely representative in its character and should be warmly supported as the people's law. It is true there are defects in the law, but it should be remembered that even serious defects of a law may be remedied by a faithful administration on the part of officers charged with the duty of administering the same, and a cheerful support on the part of the people. For current scholastic year school communities may organize and apply for the benefit of the available Public Free School Fund at any time prior to January 1, 1877.

CERTIFICATE TO COUNTY TREASURER.

24. Although the law authorizes the Comptroller to issue his warrant on the State Treasurer in favor of any County Treasurer presenting his certificate of credit for school funds, it nevertheless contemplates that these certificates will be cashed by Tax Collectors, and as there is no money in the State Treasury to pay these certificates, County Treasurers must look to the Tax Collector of their respective counties for payment.

COUNTY TREASURER.

25. The bond required of the County Treasurer, specified in Section 23 of the School Law, must be made payable to the County Judge, and executed in full without reference to a similar bond given for a like purpose for the last scholastic year.

CITY TREASURER.

26. There being no definite designation in the law as to the proper custodian of city school funds, it has been decided to be in harmony with the spirit and intent of the law for the Mayor of such incorporated city or town, as has assumed control of its public schools, to require the Treasurer of said city or town to execute a bond similar to the school bond required by law to be executed by the County Treasurer, except that said bond shall be made payable to the Mayor of said city or town.

77

Department of Education, STATE OF TEXAS,

AUSTIN, November 2, 1876.

Circular No. 5.

1. For the information of ladies and gentlemen, residents of this State, who may desire to prepare themselves for the teacher's profession, by means of a regular normal school training, the following *liberal* proposition, made by the honorable Trustees of the Peabody Educational Fund, is published:

PEABODY SCHOLARSHIPS.

In view of the want of well established and thoroughly furnished normal schools of a high order in the South, except for colored teachers, and of the fact that few of the States in this section of the country are in a condition to establish one at present within their own borders, the Trustees of the Peabody Educational Fund have contributed part of the amount necessary to convert the Literary Department of the University of Nashville into a State Normal College. They have furthermore determined to establish in this school a limited number of scholarships, of \$200 each, for the encouragement and aid of pupils from adjoining States, whose characters, abilities, and general culture give special promise of usefulness as teachers.

Applicants must have the unqualified recommendation of the State Superintendent of Public Instruction, pass, with an examiner appointed by the undersigned for the purpose, a good examination for a graduate of a first-class high school, be accepted by President Stearns, and promise to teach at least two years, if they have opportunity. If, upon a half year's trial, reasonable expectations are not met, the scholarships will be discontinued. The longest period for which it will be given to any pupil is two years. Application is to be made to the undersigned, or to President Stearns through the State Superintendent.

STAUNTON, VA., October 1, 1876.

B. SEARS, General Agent.

In view of the liberality of the Trustees of the Peabody Educational Fund, and to carry out the design contemplated in the above circular more fully, it has been determined to make no charge for tuition in the case of those holding scholarships, and that tuition shall also be free to all students from Tennessee, ladies or gentlemen, who intend to fit themselves for the teachers' profession. A charge, however, of \$3 per annum will be made in every case for use of books and incidental expenses.

Catalogues and further information may be obtained from
NASHVILLE, October 14, 1876.

EBEN S. STEARNS, President State Normal College.

SECTION "TWO," CIRCULAR NUMBER "FOUR," RESCINDED, AND THE FOLLOWING SECTION SUBSTITUTED.

2. The maximum compensation that may be allowed county judges for their services in the administration of the school affairs of their respective counties is \$100 per annum. The value of said official service will vary in different counties according to scholastic population and the interest manifested in public schools. Therefore, the compensation to be allowed by the Board of Education cannot be made uniform. It will vary according to governing circumstances, as above indicated. In densely populated counties, where the number of schools will be numerous, and the labors of county judges in school affairs will be worth *all*, and even more than the law allows, accounts will be approved for the full amount fixed by law: provided the sum does not exceed \$25 for any one quarter. In counties of comparatively sparse population, accounts will be approved for the full amount authorized by law, or for less, as the circumstances in each case would seem to justify. The accounts when approved will be filed in the office of the Comptroller, who will issue warrant therefor when applied for in person or by attorney.

"ERROR CORRECTED."

3. The words "*April 1st*," which occur in Section "8," circular No. "2," Department of Education, September 20, 1876, should be read "*September 1st*."

"COUNTY TREASURER'S BOOK."

4. There being no book prepared for the use of county treasurers, said officers will please supply themselves with the necessary book and charge the same to the school fund.

"CERTIFICATES OF CREDIT."

5. The attention of county judges of such counties as have not applied for their "certificate of credit" for the amount of school fund due their respective counties, is respectfully called to the necessity of prompt action in reference thereto.

"FORMS."

6. The following designated forms have been distributed, and parties needing them are respectfully requested to apply to their county judge, and not to this department: Form "A"—"Teacher's Voucher and Monthly Report." "B"—"Teacher's Certificate." "C"—"Teacher's Contract." "D"—"Teacher's Term Report," "Teacher's Register," and also a Record Book for county judges. If any of these forms, or books, have not been received, or the supply is not sufficient, county judges will please notify this department, stating what forms, and how many are needed. County judges will please acknowledge receipt of all forms and books mailed to them from this department.

RICHARD COKE, Governor,
STEPH. H. DARDEN, Comptroller, } Board of Education.

ATTEST:

O. N. HOLLINGSWORTH,
Sec. Board of Education.

Printed at the Institution for the Deaf and Dumb.

Such County Treasurers as may have school funds in their hands belonging to any incorporated city or town situated in their respective counties, having control of its public schools, are hereby directed to pay over said school funds to the Treasurer of said city or town, upon the order of the Mayor, accompanied by his official certificate to the effect that the Treasurer has executed the bond herein required. In such cases, upon a proper showing, the County Judge is hereby authorized to take such action as may be necessary to release the County Treasurer from his bonded obligation as Treasurer of the City School Fund.

COUNTY JUDGE.

27. The County Judge of each county, aided by trustees of his own appointment, is charged with the responsible duty of administering the School Law in his respective county, and with him and his trustees, in a great measure, rests the growth and development of our system of popular education.

The Board of Education solicits your earnest co-operation in the administration of the school affairs of the State. Let us endeavor to so administer the new School Law as to remove long-seated prejudices and to inspire confidence for the future.

RICH'D COKE, *Governor*,
STEPH. H. DARDEN, *Comptroller*, } Board of Education.
A. W. DEBERRY, *Secretary of State*, }

Attest: O. N. HOLLINGSWORTH,
Secretary Board of Education.

Office of Board of Education,

Austin, Texas,

September 25, 1876.

Circular.

To County Judges -

You are instructed -

1. Correct Form "D," heretofore issued from the Department of Education, for use under present school law, as follows: - Strike out the word "District," wherever it occurs, and insert "Community." Strike out the words "State Supt. Pub. Inst.," and insert "Board of Education." Strike out "Board of School Directors" and insert "County Judge," and "Trustees." Amend the last three lines so as to agree with the terms of the contract.

2. In Form "A" strike out "History of United States."

3. New forms will be furnished as soon as they can be printed. Until then, manuscript copies must be prepared from the forms sent

D. W. Hollingsworth,

Sec. State Board of Ed.

VII

Department of Education, STATE OF TEXAS,

AUSTIN, September 28, 1876.

Circular No. 3.

It is the spirit and purpose of the present school law to furnish, as far as practicable, free school facilities to every child in the State, within the scholastic age; and the attention of county officers, charged with the administration of the school law, is especially called to the importance of seeing that their school communities are so organized that the object of the law may be fully met, and the educational wants of the people satisfied.

While it is highly important that trustees employ none but competent teachers, it is their duty, as the agents of the State and the people of their respective school communities, to exercise that economy that should characterize the management of their private affairs.

With a view to aid trustees in making contracts with teachers that will best subserve the interest of all parties concerned, the following suggestions are respectfully submitted:—

First. Trustees should agree and contract with the teacher for the amount of salary to be allowed per month for the entire school, both the public and private branches.

Second. Establish the rate of tuition per month to be allowed the teacher for pupils over and under scholastic age.

Third. Contract with the teacher that, at the end of the month, the amount he is charged against parents, whose children are over or under the scholastic age, and the amount of tuition he receives from other sources, not public fund, shall be deducted from the salary agreed upon, and the balance of salary for the month shall be paid from the school *community fund*.

Fourth. In the contract, the compensation agreed to be allowed the teacher cannot, by the terms of the law, exceed \$1.50 per month for each child in school community.

It will be observed that the entire school fund credited to a community can be used for the support of the school when organized, even without reference to the number of children within the scholastic age in actual attendance on said school. After organization of the school community, the fund belonging thereto can be used for the support of the school, even though the children within the scholastic age should cease attendance.

This is a simple plan of organization, and is alike just to the teacher and to the community, and if acted upon will secure free school facilities for the longest period possible for the amount of school fund apportioned.

RICHARD COKE, Governor,
STEPH. H. DARDEN, Comptroller, } Board of Education.
A. W. De BERRY, Sec. of State, }

ATTEST:

O. N. HOLLINGSWORTH,
Sec. Board of Education.

Printed at the Institution for the Deaf and Dumb.

Department of Education, STATE OF TEXAS,

AUSTIN, October 22, 1876.

Circular No. 4.

Attention of school officers and parties interested in school claims is respectfully called to the following instructions, regulations and statements :

1. Section 26 of the school law reads as follows :

Sec. 26. It shall be the duty of the sheriffs or tax collectors of the several counties to pay over to the county treasurer thereof all money collected by virtue of any school tax heretofore levied, and all persons who, while holding the office of sheriff, have collected such money and have not accounted for the same, shall be liable on their official bonds therefor. And all moneys in the hands of the treasurers of the school boards, of the tax collectors, and the county treasurer, that have been, or may hereafter be, collected or paid into the county treasury, are hereby placed under the control of the county commissioners' court, and shall be paid out on warrants drawn by their order, for such purposes as are now, or may hereafter be, provided by law. And the county or district attorney shall institute suit against any and all persons who fail or refuse to comply with the provisions of this section.

This section is construed to include not only taxes levied and collected by virtue of the school law passed May 22, 1873, and amendments thereto, but also the school tax commonly known as the one per cent. school tax. The commissioners' court is hereby directed to rigidly enforce the execution of this section. This section has no reference to the school fund apportioned to the several counties of this State for the support of public schools for the current year. It will be observed that the money referred to in this section is placed under the control of the commissioners' court, to be disbursed by them, under authority and restrictions of law, for such legitimate school purposes as may be deemed proper, and for the best interest of their respective counties.

2. County judges will be allowed compensation for their services in the School Department of the government, three dollars per day for each day so employed, not to exceed twenty-five dollars for any one quarter. The accounts must be itemized and sworn to, and forwarded to the Board of Education for approval. When approved, they will be filed in the office of the Comptroller, who will issue warrant therefor when applied for in person or by attorney.

3. Auditorial boards, created by an act of the Fifteenth Legislature, entitled "An act to ascertain amount due teachers for services rendered in the public schools of this State from September 1, 1873, to January 1, 1876, and provide payment of the same," have no authority to audit the claims of the members of the late Board of School Directors. These claims constitute an indebtedness against the State, and parties interested in their payment must look to future legislation for relief.

4. It is again repeated that no provision was made at the late session of the Legislature for the payment of the claims of teachers for services in the public schools of this State from January 1 to September 1, 1876. In this connection, however, attention is called to Section 25 of the school law. If, after having first paid off all claims due teachers for services from September 1, 1873, to January 1, 1876, it is found that there is yet an unappropriated balance of school funds on hand, against which there exist no special indebtedness, then said balance may be drawn upon by order of commissioners' court in favor of the holder of any legal claim for service rendered as teacher in the public schools of the State from January 1 to September 1, 1876.

5. Assessors will be furnished with blank forms for taking the scholastic census for the scholastic year commencing September 1, 1877, in time for them to perform that part of their duty as they assess the taxes for the fiscal year of the same date.

6. Blanks "B" and "C"—certificates and contracts—and also record books for county judges, have been distributed. The other necessary forms, including teachers' registers and vouchers, will be ready for distribution in a few days. The record books referred to were not prepared for the purpose for which they are now proposed to be used, but as they can, by some few changes, be adapted to present use, it was thought best to use them rather than incur the expense of having new blanks prepared.

7. Care should be given to the preservation of the copies of the school law that have been distributed, as the supply is about exhausted, there being only about 300 copies left to supply future demands. Parties desiring the law should apply to the county judge of their respective counties.

RICHARD COKE, Governor,
STEPH. H. DARDEN, Comptroller, } Board of Education.
A. W. De BERRY, Sec. of State, }

ATTEST:

O. N. HOLLINGSWORTH,
Sec. Board of Education.

X

Department of Education, STATE OF TEXAS.

AUSTIN, December 13, 1876.

Circular No. 6.

Attention of School Officers and members of County Auditorial Boards is respectfully called to the following rulings of the Board of Education:

1. The jurisdiction of the Board of Education is limited to the general school law, and does not embrace the act passed by the Fifteenth Legislature, entitled "An Act to ascertain the amounts due teachers for services rendered in the public schools from September 1, 1873, to January 1, 1876, and to provide for payment of the same."

2. Many parties throughout the State, holding claims that were required by the terms of the aforesaid act to be submitted to the Auditorial Board, having failed for want of notice to present their claims, the Board of Education, in response to numerous appeals for relief, is constrained to give an *extra judicial* opinion in reference to a proper construction of this Act, as follows:

(a) Justice, the object of law, forbids the construction that it is the spirit and intent of the law to bar citizens of their rights by an arbitrary statute of limitation.

(b) While on the other hand public interest demands that there should be some limit to the time for auditing this character of public indebtedness, yet that limit should give parties a reasonable opportunity to present their claims.

(c) The Auditorial Boards, together with the Commissioners' Courts of the respective counties of the State, have sole jurisdiction in the administration of this law; and it is entirely competent for said authorities to take such action in reference to claims that have not been audited as a liberal construction of the spirit and intent of the law would authorize.

(d) If it be necessary, in order that justice be done, that the Auditorial Board should be reconvened, the County Judge should not hesitate to call an extra session of said board—giving, at the same time the call is made, due notice of the time of meeting, as required in Section 3 of the law.

R. B. HUBBARD, Governor,
STEPH. H. DARDEN, Comptroller, } Board of Education.
I. G. SEARCY, Secretary of State, }

ATTEST:

O. N. HOLLINGSWORTH,
Sec. Board of Education.

Printed at the Institution for the Deaf and Dumb.

Department of Education,

STATE OF TEXAS,

AUSTIN, December 21, 1876.

Circular No. 7.

For their information and guidance, the attention of officers charged with the administration of the School Law is respectfully called to the following instructions:—

SCHOOL CENSUS.

1. The new School Law having gone into effect just at the beginning of the present school year, it was impracticable to have the Scholastic Census taken in time to be made available this year; and hence it was provided, that the census returns for last year should be made the basis of apportionment for the current year.

Accordingly the Board of Education informed county school officers, through Circular No. 2, that in making their apportionments they might safely assume the scholastic population as defined by the former law as reduced one-half by the limits fixed by the present law. The Board presumed that County Judges throughout the State had received, from the late County Superintendent of Public Instruction of their respective counties, either the census returns for 1876, or the Annual Report for 1875 of the State Superintendent of Public Instruction, which contains the census returns for the year ending August 31, 1876. It seems, however, from correspondence with this Department, that County Judges as a rule have not received from late County Superintendents of Public Instruction the records above referred to; and hence the necessity for another distribution of the Annual Report for 1875 of the Superintendent of Public Instruction, and further instructions in reference to the apportionment of School Fund, which would have been given at an earlier day had it been known at this Department that the necessity therefor so generally existed.

CENSUS REPORT FOR 1876.

2. Census takers were instructed, in taking the census for 1876, to aggregate the numbers of children of each age respectively. In many instances said instructions were strictly observed, and in all such cases the County Judge, in order to ascertain a close approximation to the correct scholastic population of his county as now fixed by law, need only to refer to the census report for his county as published in State Superintendent's Annual Report, herewith mailed, and add the numbers enumerated in columns 8, 9, 10, 11, 12 and 13, and the result will give sufficiently near for all practical purposes the scholastic population of the county.

In cases where census takers did not observe instructions, and only reported a total scholastic population, the best that the County Judge can do in such cases is to take half the total population, as reported, as an approximation of the scholastic population of his county as now defined by law.

APPORTIONMENT.

3. Having ascertained the scholastic population, the *pro rata* is determined by simply dividing the sum apportioned to the county for the support of public schools for the current year, by the

number of children *approximately* ascertained to be within the scholastic age. It was stated in Circular No. 2 that the *pro rata* would be about \$2.82½. It will vary, however, in different communities; in some it will be found to be more, in others less. The apportionment should not be delayed until a new census can be taken.

CREDITS OF SCHOOL COMMUNITIES.

4. A County Judge having granted a petition of citizens, praying to be officially recognized as a school community, should direct the County Treasurer to enter on his school account-book a credit in favor of said community, "designating name and number," and the amount due said community, as ascertained by multiplying the number of children enumerated in the petition, within the scholastic age, by the declared *pro rata*.

TRUSTEES' CONTRACT.

5. It is the duty of Trustees appointed by the County Judge, to contract with a teacher to take charge of their school upon such stipulated lawful terms as may be deemed best for the educational interest of their respective communities, and the amount entered to the credit of said community is bound for the faithful performance of the contract entered into between the Trustees and teacher.

INDIVIDUAL OBLIGATION OF MEMBERS OF A COMMUNITY.

6. Any citizen who signs a petition with a view to the organization of a school community, thereby voluntarily obligates himself or herself a party to any lawful contract that may be officially made by the Trustees of said community, and his or her *pro rata* is legally bound for the faithful execution of the contract. If petitioner does not send to school when the opportunity is offered, it is his or her fault, and not the fault of the Trustees. Trustees may contract to pay a teacher for actual daily attendance only, but it is entirely competent for them to contract for the maintenance of their school for the longest period possible for the amount of money entered to the credit of their community, without reference to the question of attendance. It is due alike to the teachers in our public schools, and to the cause of popular education, that the efforts of school officers to faithfully execute the law, and to establish a general system of education upon a firm and prosperous basis, should not be defeated by the captiousness of parents.

UNORGANIZED COMMUNITIES.

7. Under the law, unorganized communities have an interest in the school fund that should be guarded. In order to protect this interest, unorganized communities must not be allowed to appropriate the whole fund apportioned to the county. Organized communities are only entitled to their legitimate *pro rata*. Any unexpended balance that may be in the county treasury at the end of the fiscal year should be passed to the credit of the general school fund of the county for the following year: provided, any unexpended balance to the credit of any organized community, that proposes to continue their organization, shall remain to the credit of said community.

COMPENSATION OF TEACHERS.

8. Trustees cannot allow a greater compensation for pupils within the scholastic age, studying such branches only as are prescribed by law, than \$1.50 per month. Trustees cannot bind parents to pay for *each* pupil any extra tuition. There is nothing in the law, however, that inhibits voluntary contributions or payments of extra tuition.

Such

Scholastic Age.

9. The scholastic age embraces such children as were eight years old on or before the first day of September, 1876, and less than fourteen years old on said date

Registered Pupils.

10. Pupils, having been registered as belonging to a given organized community, cannot, during current year, be transferred to, or be re-registered in, another community.

Time for Organization Continued.

11. It would seem to be but just and proper that further time should be given for the organization of school communities, and it is therefore hereby directed that the period for the organization of school communities be extended to the first Monday in May, 1877: provided, that such community or communities as may organize under this extension shall open school on or before the day above referred to.

R. B. HUBBARD, Governor,
STEPH. H. DARDEN, Comptroller, } Board of Education.
I. G. SEARCY, Secretary of State, }

ATTEST:

O. N. HOLLINGSWORTH,
Sec. Board of Education.

Circular No 8 was to Advertiser.

Department of Education,

STATE OF TEXAS.

Circular No. 9.

Austin, May 1, 1877.

1. Attention of County School Officers is respectfully called to the following letter:—

“ GALVESTON, TEXAS, *March 10, 1877.*”

“ O. N. HOLLINGSWORTH, Esq.,

“ *Secretary Board of Education,*

“ *Austin, Texas:*”

“ DEAR SIR:— Your favor of the 8th inst. to hand, and in reply beg to state the only school property in our hands is a quantity of slate blackboards— 57 cases, each case containing *three* slates, about three by four feet square, all in good order. The charges on these amount to \$6 per case; on payment of which we shall take great pleasure in turning the goods over to such county authorities as you may direct, and trust soon to receive such directions.

“ Yours truly,

“ C. W. HURLEY & Co.”

2. County Judges desiring to procure a supply of said boards for use in the public free schools of their county, will, upon application to this department, showing the number of cases they desire, receive an order on the consignees to deliver to applicant the number of cases called for, upon payment of charges.

3. Any unappropriated school funds belonging to the county may be drawn upon for payment of charges on said boards.

4. Orders will be issued on the consignees, upon application, until notice is received from consignees that the cases have all been delivered.

R. B. HUBBARD, Governor

And ex officio Pres't Bd. of Ed.

STEPH. H. DARDEN, Comptroller,

I. G. SEARCY, Secretary of State,

} Bd. of Education.

Attest: O. N. HOLLINGSWORTH,

Sec. Bd. of Education.