

SEC. 269. Any person who, without lawful authority, shall obstruct the free use of any of the public highways, which had been used and recognized as public county-roads for twenty-five years prior to May third, eighteen hundred and sixty-two, and which were thereafter duly surveyed, recorded, and declared public highways according to law, shall be subject to a fine for each offense of not less than one hundred nor more than two hundred and fifty dollars, and be imprisoned till the fine and the costs of suit and collection of the same are paid.

Penalty for obstructing free use of highways.

3 May, 1862, c. 63, s. 2, v. 12, p. 383.

SEC. 270. The fines provided for in the preceding section shall be collected in the name of the United States for the use of that portion of the District outside of the limits of Washington and Georgetown.

Fines, how collected and disposed of.

[See §§ 313-316.]

Ibid.

CHAPTER TWELVE.

PUBLIC SCHOOLS.

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SEC. 271. Every person in the District of Columbia, having under control any 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 the District in which he 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 the District in which he resides a sum not

All children between certain ages to be sent to school; penalty for neglect.

25 June, 1864, c. 156, s. 20, v. 13, p. 192.

When penalty
not to be enforced.

25 June, 1864, c.
156, s. 20, v. 13, p.
192.

Trustees to en-
force attendance.

25 June, 1864, c.
156, s. 21, v. 13, pp.
192, 193.

Children not
vaccinated not
to be admitted.

Ibid.

Construction of
laws.

Ibid., s. 22, p. 193.

exceeding twenty dollars, to be recovered before any justice of the peace of the District. [See § 59.]

SEC. 272. If upon the hearing of any case, provided for in the preceding section, it shall be made to appear to the justice that the party so offending was not able for any cause to send such child to school, or that the child has been attending any other school for a like period of time, or that the child by reason of bodily or mental infirmity was not fit to attend such school, the penalty shall not be enforced.

SEC. 273. The trustees or school-board having charge of public schools in the District may make such arrangements for the purpose of ascertaining whether any children within the ages prescribed by law 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 the two preceding sections.

SEC. 274. No child shall be admitted into the public schools who shall not have been duly vaccinated or otherwise protected against the small-pox.

SEC. 275. The provisions of this chapter are 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 any other officer created under the provisions of this chapter shall be set aside or adjudged to be void for defect of form, or for any irregularity therein, so that the requirements of law are substantially complied with.

PRIMARY SCHOOLS WITHOUT THE LIMITS OF THE CITIES OF WASHINGTON AND GEORGETOWN.

Formation of
school-districts.

20 May, 1862, c.
77, s. 3, v. 12, p.
395.

25 June, 1864, c.
156, s. 1, v. 13, p. 187;

How revised and
altered.

25 June, 1864, c.
156, s. 1, v. 13, p. 187;

Farms not to be
divided.

20 May, 1862, c.
79, s. 3, v. 12, p.
395.

General duties of
school-board.

25 June, 1864, c.
156, s. 9, v. 13, p.
188.

21 Feb., 1871, c.
62, sec. 23, 30, v.
16, pp. 424, 425.

SEC. 276. There shall be in that portion of the District without the limits of the cities of Washington and Georgetown, seven suitable and convenient school-districts, two of which shall be located west of Rock Creek, three between Rock Creek and the Eastern Branch, and two east and south of the Eastern Branch.

SEC. 277. The school-districts provided for by the preceding section shall remain as now laid down according to law, subject to revision and alteration by the legislative assembly.

SEC. 278. In any alteration of school-districts no tracts of land lying contiguous and forming one farm shall be divided so that portions of the same property shall be included in two separate districts.

SEC. 279. The persons who may be appointed or elected by authority of the legislative assembly as a school-board for that portion of the District without the limits of the cities of Washington and Georgetown, 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 such portion of the District.

Second. To regulate the number of children to be taught in each of said schools.

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.

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

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 same, and generally to prescribe rules and regulations for the management, good government, and well ordering of said schools.

Sixth. To report to the legislative assembly, 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 the portion and amount thereof expended for the services of teachers, and also to particularly set forth the number of pupils taught, their average attendance and progress, and such other statistics as the legislative assembly may require.

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

SEC. 280. The cost of such school-houses 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.

SEC. 281. It shall be the duty of the school-board 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 portion of the district.

SEC. 282. Any white resident 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 portion of the district he or she may think proper to select, with the consent of the school-board; and any colored resident shall have the same rights with respect to colored schools.

SEC. 283. The school-board is authorized to receive any donations or contributions that may be made for the benefit of the schools for colored children by persons disposed to aid in the elevation of the colored population in the District, and to apply the same in such manner as in their opinion shall be best calculated to effect the object of the donors; the school-board to account for all funds so received, and to report the same to the legislative assembly.

SEC. 284. The taxes assessed for school purposes in the district without the limits of Washington and Georgetown shall be due at the same time, and be collected in the same manner and under the same regulations and restrictions as prescribed by law in relation to the collection of other taxes, and when collected shall be paid to the treasurer of the school-fund. [See § 312.]

SEC. 285. The school-board shall apportion the school-fund, after deducting such part thereof as the provisions of section two hundred and eighty-one, assign to the education of colored children among the several school districts, giving each one-seventh of the whole amount then remaining, (deducting the necessary expenses of the school-board,) according to the number of children in each district between the ages of six and seventeen years.

SEC. 286. Whenever suitable sites cannot be purchased for the erection of school-houses, the school-board shall have power to condemn and value land suitable for that purpose, not exceeding one acre for 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, married women, and persons non compos, and filing with the secretary of the District for inspection a certificate describing such lands, with

Cost of school-houses.

25 June, 1864, c. 156, s. 11, v. 13, p. 189.

To provide for the education of colored children.

Ibid., s. 17, p. 191.

Where children may be placed in school.

Ibid., s. 16, p. 191.

Donations for colored schools.

Ibid., s. 17, p. 191.

School-taxes, how and when collected, and to whom paid.

Ibid., s. 10, pp. 188, 189.

Apportionment of school-fund.

Ibid., s. 11, p. 189.

Condemnation of land for school-sites; proceedings.

Ibid., s. 12, p. 189.
21 Feb., 1871, c. 62, s. 4, v. 16, p. 420.

the value assessed thereon, which shall be sufficient notice to the proprietors of such land that the board is ready to pay the amount of damages so assessed.

When no appeal is made.

25 June, 1864, c. 156, s. 12, v. 13, pp. 189, 190.

21 Feb., 1871, c. 62, s. 41, v. 16, pp. 428, 429.

In case of appeal and when notice cannot be given; proceedings.

25 June, 1864, c. 156, s. 12, v. 13, p. 190.

Costs; by whom payable.

Ibid.

Verdict of the jury.

Ibid.

Title to pass upon payment or tender of damages assessed.

Ibid.

Option of the school-board.

Ibid.

Where school-houses shall not be located without consent.

Ibid., s. 14.

SEC. 287. If within thirty days from the filing of the certificate, as provided by the preceding section, the proprietors of the land shall not appeal from the decision of the school-board, by written notice left with the secretary of the District, the amount so assessed shall be paid to the proprietors, and the title of such land and premises shall pass to and be vested in the District of Columbia, and said certificate shall be recorded in the land records of the District.

SEC. 288. If the proprietors of such land and premises shall, within thirty days, notify the school-board, in writing, left with the secretary of the District, of their dissent from the valuation of such land so made, or if the land, or any part thereof, be owned by a minor, married woman, or person non compos, or if notice cannot be served, it shall be lawful for the school-board to issue their warrant to the marshal of the District, commanding him to summon a jury of five freeholders, not interested in the matter, to appear, on a day appointed, on the premises, and after having each taken an oath (which the marshal or any one of the school-board is authorized to administer) that he will, without favor or prejudice, assess the damages sustained by the proprietor of the land by reason of the condemnation of said land, the jury so qualified shall proceed to value and assess the damages accordingly.

SEC. 289. If the amount assessed by the jury shall not be greater than the amount previously assessed, the whole costs of the appeal shall be chargeable to the appellant, to be paid by the school-board and deducted from the cost of the land in settlement therefor; otherwise the board shall pay the expenses incurred by reason of such appeal, the marshal's and juror's fees to be computed as provided in chapter eleven of this title. [See § 286.]

SEC. 290. The 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 secretary of the District, and shall be final.

SEC. 291. Upon payment, or offer of payment, to the proprietors of the land of the damages assessed according to the provisions of the three preceding sections, the title to such land shall pass to and be vested in the District of Columbia, and the verdict of the jury shall be recorded in the land records of the District.

SEC. 292. In any of the cases mentioned in the four preceding sections it shall be optional with the school-board to abide by the verdict of the jury and occupy the land or abandon it, without being subject to damages therefor.

SEC. 293. 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 the proprietor by the school-board, notifying him of their intention; and if, within thirty days, no answer is returned by the proprietor, it shall be taken for consent, and the board may proceed to erect their school-house.

COLORED SCHOOLS IN WASHINGTON AND GEORGETOWN.

Board of trustees.

3 March, 1873, c. 308, s. 1, v. 17, p. 619.

SEC. 294. There shall be a board of trustees of schools for colored children in the cities of Washington and Georgetown, which shall consist of nine persons, seven of whom shall be citizens of Washington and two citizens of Georgetown.

SEC. 295. Of the trustees from the city of Washington two shall be appointed for the term of three years, three for the term of two years, and two for the term of one year from the date of their appointments, respectively; and of those from the city of Georgetown one shall be appointed for the term of three years and one for the term of one year from the date of their appointments respectively.

SEC. 296. The board of trustees shall furnish annually, on or before the 1st day of April, a correct report of their transactions to the governor of the District, who shall transmit one copy each to the council and house of delegates of the legislative assembly, with such suggestions as he may think proper relating to said schools; and any additional information that the legislative assembly, or either branch thereof, shall, from time to time, request by resolution shall be transmitted by the board of trustees to the governor, to be by him transmitted to the legislative assembly.

SEC. 297. There shall be a secretary and a treasurer of the board of trustees, who shall be appointed annually.

SEC. 298. The trustees, secretary, and treasurer shall be appointed and may be removed by the governor, and vacancies in the board of trustees shall be filled in the same manner for the unexpired term.

SEC. 299. It shall be the duty of the secretary of the board to keep an accurate account of all proceedings of the board in a journal to be kept for that purpose, and to perform such other duties as appertain to his office or may be required of him by the board, and shall also act as secretary to the superintendent and perform such clerical service as may be required by the superintendent, and for his services shall receive the sum of twelve hundred dollars per annum.

SEC. 300. It shall be the duty of the treasurer to disburse the funds under the control of the board of trustees, in accordance with the provisions of the acts of Congress and the legislative assembly of the District governing the disbursement of moneys appropriated for the support of the public schools of Washington and Georgetown, as he may be directed by a vote of a majority of the board, and to keep accurate and full accounts of all moneys received by the board, present proper vouchers for all expenditures, and prepare annually a full and correct statement of the financial transactions of the board.

SEC. 301. The treasurer's statement, after being approved by the board, shall be transmitted to the governor, whose duty it shall be to forward copies thereof to the council and house of delegates, if requested by resolution.

SEC. 302. The treasurer shall receive five hundred dollars per annum as compensation for his services, and he shall give bond in the sum of twenty thousand dollars, with good and sufficient securities, to be approved by the governor.

SEC. 303. It shall be the duty of the treasurer and the secretary to attend all meetings of the board of trustees, but they shall not be entitled to a vote.

SEC. 304. There shall be a superintendent of schools for colored children, who shall be appointed by the governor and hold office during his pleasure, and who shall receive a salary of two thousand five hundred dollars annually.

SEC. 305. The board of trustees shall not create any additional offices, or change or fix the salaries of the officers connected with the board.

SEC. 306. It shall be the duty of the proper authorities of the District to set apart each year from the whole fund received from all sources by such authorities applicable to purposes of public education in the cities

Term of office.

3 March, 1873, c. 308, s. 2, v. 17, p. 619.

Reports of board.

Ibid.

Secretary and treasurer.

Ibid., s. 3, p. 619.

Appointments and removals by the governor.

Ibid., s. 4, p. 620.

Duty and salary of the secretary.

Ibid., s. 3.

Duties of treasurer.

Ibid., pp. 619, 620.

Treasurer's statement to be transmitted to legislative assembly.

Ibid., p. 620.

Compensation and bond of treasurer.

Ibid.

Secretary and treasurer to attend meetings of the board.

Ibid.

Superintendent, appointment and salary.

Ibid., s. 5, p. 620.

Board of trustees not to create offices or fix salaries.

Ibid.

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

25 June, 1864, c. 156, s. 18, v. 13, p. 191.
 23 July, 1866, c. 217, s. 1, v. 14, p. 216.

of Washington and Georgetown such a proportionate part of all moneys received or expended for school or educational purposes in said cities, including the cost of sites, buildings, improvements, furniture, and books, and all other expenditures on account of schools, as the colored children between the ages of six and seventeen years in the respective cities bear to the whole number of children, white and colored, between the same ages, for the purpose of establishing and sustaining public schools in said cities for the education of colored children; and such proportion shall be ascertained by the last reported census of the population of said cities made prior to such apportionment, and shall be regulated at all times thereby. [See § 115.]

To whom and when paid over, and how payment may be enforced.

21 May, 1862, c. 83, s. 2, v. 12, p. 407.
 25 June, 1864, c. 156, s. 18, vol. 13, pp. 191, 192.
 23 July, 1866, c. 217, s. 1, v. 14, p. 216; 3 March, 1873, c. 308, s. 5, v. 17, p. 620.

SEC. 307. The proportion of school-money provided by the preceding section to be set apart for colored schools, shall be kept as a fund distinct from the general school fund, and shall be paid to the treasurer of the board of trustees of schools for colored children, and shall be considered due and payable to said treasurer on the first day of October of each year, and if not then so paid over, interest at the rate of ten per centum per annum on the amount unpaid may be demanded and collected from the authorities of the District by said trustees. [See §§ 116-118.]

Action of debt may be maintained against the District for non-payment.

23 July, 1866, c. 217, s. 2, v. 14, p. 216.

SEC. 308. The trustees may maintain an action of debt in the supreme court of the District against the District for the non-payment of any sum of money arising under the provisions of the two preceding sections.

Board of trustees to have control of fund.

21 May, 1862, c. 83, s. 2, v. 12, p. 407.

SEC. 309. The board of trustees of schools for colored children shall have sole control of the fund arising under the provisions of section three hundred and three, as well as from contributions by persons disposed to aid in the education of the colored race, or from any other source. [See § 306.]

11 July, 1862, c. 151, s. 1, v. 12, pp. 537, 538; 3 March, 1873, c. 308, s. 1, v. 17, p. 619.

To establish schools.

Ibid.

SEC. 310. It is made the duty of the trustees to provide suitable rooms and teachers for such a number of schools in Washington and Georgetown as, in their opinion, will best accommodate the colored children in the various portions of said cities.

To have the power of trustees of public schools.

21 May, 1862, c. 83, s. 3, v. 12, p. 407.

SEC. 311. The board of trustees of schools for colored children shall possess all the powers, exercise the same functions, and have the same supervision over the schools provided for in this chapter for the education of colored children in Washington and Georgetown, as are exercised over the public schools in said cities, by the trustees thereof, by virtue of the laws and ordinances in force in said cities respectively.

SUPPORT OF PUBLIC SCHOOLS.

Special tax for erection of school-houses and the support of public schools.

20 July, 1868, c. 177, s. 8, v. 15, p. 120.

SEC. 312. The legislative assembly is authorized to levy and collect a special tax on the taxable property in the city of Washington, in the city of Georgetown, and in that portion of the District without the limits of said cities, subject to the provisions of section three hundred and three,* for the erection of school-houses and the support of public schools, not exceeding fifty cents on each one hundred dollars for any one year, to be assessed and collected as other taxes. [See § 306.]

APPLICATION OF MONEYS DERIVED FROM FINES, PENALTIES, AND FORFEITURES.

Moneys derived from fines, penalties, and forfeitures to be applied to the support of schools.

SEC. 313. All moneys derived from fines, penalties, and forfeitures imposed in the District for violations of the laws of the United States within said District, shall constitute funds for the support of public schools in the following proportions, namely:

One-fourth for the primary schools in that portion of the District without the limits of Washington and Georgetown.

One-fourth for the public schools in the city of Georgetown.

Two-fourths for the public schools in the city of Washington.

SEC. 314. The funds obtained for educational purposes in accordance with the preceding section 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 such apportionment.

SEC. 315. The governor of the District is authorized and instructed to pay over every three month such portion of said moneys as by the provisions of the two preceding sections are applicable to the education of colored children in the cities of Washington and Georgetown, to the treasurer of the board of trustees of schools for colored children in said cities, to be used by said trustees for the education of colored children, according to the provisions of law.

SEC. 316. Any officer failing to pay over the moneys as provided by the preceding section, shall be liable to a fine of not less than three hundred nor more than five hundred dollars, to be collected by prosecution in the criminal court of the District.

25 June, 1864, c. 156, s. 19, v. 13, p. 192.

21 Feb., 1871, c. 62, s. 41, v. 16, p. 429.

To be applied equally for the education of white and colored children.

Ibid.

Proportion for colored schools to be paid to treasurer of board of trustees.

25 June, 1864, c. 156, s. 19, v. 13, p. 192.

3 Mar., 1873, c. 308, s. 5, v. 17, p. 620.

Penalty for violation of preceding section.

25 June, 1864, c. 156, s. 19, v. 13, p. 192.

192; 12 July, 1862, c. 158, s. 2, v. 12, p. 542.

PROVISIONS RELATING TO LAND CONVEYED BY THE UNITED STATES FOR SCHOOL PURPOSES.

SEC. 317. The lot of land marked upon the plan of the city of Washington as lot number fourteen, in square number two hundred and sixty-three, which was conveyed to said city by the Commissioner of Public Buildings, under authority of an act of Congress dated June fifth, eighteen hundred and sixty, for the use of the public schools in said city, shall not be sold, assigned, or conveyed or diverted, for any other purpose except as provided in the following section.

Certain land given by the United States for school purposes not to be diverted.

5 June, 1860, c. 77, v. 12, p. 27.

4 June, 1872, c. 290, v. 17, p. 221.

SEC. 318. The proceeds of that portion of lot number fourteen, in square number two hundred and fifty-three, which was authorized to be sold by an act of Congress dated June fourth, eighteen hundred and seventy-two, shall be invested by the authorities of the District in another lot or part of a lot in the city of Washington, and in improvements thereon; and the property so purchased shall be used for the purpose of the public schools, and for no other purpose.

Sale of part of lot authorized; proceeds, how to be invested.

Ibid.

SEC. 319. The lots of land numbered one, two, and eighteen, in square number nine hundred and eighty-five, in the city of Washington, which were designated and set apart by the Secretary of the Interior to be used for colored schools, and conveyed to the trustees of colored schools for the cities of Washington and Georgetown, by the Commissioner of Public Buildings, under authority of an act of Congress dated July twenty-eight, eighteen hundred and sixty-six, for the sole use of schools for colored children in the District of Columbia, shall, if converted to other uses, revert to the United States.

Certain lots granted for colored schools to revert to United States whenever used for any other purpose.

28 July, 1866, c. 308, v. 14, p. 343.

SEC. 320. That parcel of land marked and designated upon the map of the city of Washington as part of lot number eleven, in square number one hundred and forty-one, beginning at the northwest corner of said lot, and running thence due south on the west line of said square, fifty feet; thence due east, thirty feet; thence due north, fifty feet; thence due west on the north line of said square, to the point of beginning, and also that piece of land marked and designated upon said map as a public reservation, located between Eighth and Ninth streets and K street and Virginia avenue southeast, known as the Anacostia engine-

Certain pieces of land in Washington set apart exclusively for school purposes.

4 June, 1872, c. 289, v. 17, p. 221.

house, together with the buildings and improvements thereon, are severally set apart and appropriated for the use of the public schools in the city of Washington, so long as they shall be occupied for that purpose, and no longer.

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| 351. Oath of office. | 399. Information and return of arrests. |
| 352. Members of board, secretary, and major, to have powers of notaries public and justices of the peace. | 400. Penalty for neglect to make arrests. |
| 353. Privileges and exemptions of police. | 401. Detention of witnesses. |
| 354. Restrictions upon appointments. | 402. Authority of search and arrest in certain cases. |
| 355. Removals. | 403. Duty of major to prosecute, &c. |
| 356. Members of police force not to resign without notice. | 404. Supervision of doubtful establishments. |
| 357. Presents, &c., not to be received without consent. | 405. Examination of books and papers. |
| 358. When rewards may be permitted. | 406. Examination of property. |
| 359. Regulations. | 407. Interference punishable as a misdemeanor. |
| 360. Penalty for receiving reward without notice. | 408. Property clerk. |
| 361. Disposal of fines and rewards. | 409. Custody of stolen, lost, or abandoned property. |
| 362. Policeman's fund. | 410. Record to be kept. |
| 363. Board of police to be trustee. | 411. Property clerk to have power of notary public. |
| 364. Who may have benefit of the fund. | 412. Oaths and depositions. |
| 365. Uniforms. | 413. May return certain property to owners; how. |
| 366. Salaries of members of police force. | 414. Property taken from arrested persons; how restored. |
| 367. Further compensation, how payable. | 415. Retention when claimed by other than accused person. |
| 368. District to levy tax for its proportion of expenses of police force. | |