

APPENDIX No. 2.

FORTIFICATIONS ON THE DELAWARE RIVER, IN CHARGE
OF COL. J. N. MACOMB, CORPS OF ENGINEERS.

a. FORT MIFFLIN.

EXTENT OF DAMAGES BY STORM.

UNITED STATES ENGINEER OFFICE,
Philadelphia, Pa., November 13, 1878.

GENERAL: I have the honor to submit herewith a report showing the extent of the damage received at Fort Mifflin by the severe storm on the 23d ultimo, also an estimate of cost for making necessary repairs.

The severity of the storm along the Delaware River was almost without a parallel. At Fort Mifflin the tide attained the unprecedented height of 11 feet 3 inches above low-water, accompanied with wind blowing from E. N. E., veering to E. S. E., and to S., with a velocity of 49 to 72 miles per hour. The water in the Delaware at the above-mentioned height and with its rough surface soon caused large breaks in the dikes, submerging the grounds inside and outside the fort to the depth of several feet. The dike along the Delaware front was breached at three different points, and badly washed at twenty points, distributed along the entire dike. The dike along the south boundary line has two breaches, one 50 and one 130 feet in length.

All the bridges (four in number) were lifted from position and floated away, landing at different points in the inclosure. The flat tin roof covering the main entrance to the fort blew off and landed just inside the works. A small frame building outside the main works, and near the fort-keeper's quarters, was floated from its foundation and landed at the westerly side of the inclosure upon the slope of the dike. An old dilapidated shed in charge of the Quartermaster's Department blew down and is a total wreck; also a frame building in charge of the same department, used for storing hay, was floated away from its foundation and landed a short distance from its original location. The old timber revetment at the approach to the wharf was much broken up and washed away, as also was a portion of the earth parapet and stone wall on the river front of the demilune. Water commenced to flow over the dikes at 9.30 o'clock a. m., and at 10 o'clock had attained its maximum height, where it remained until 12.45 o'clock p. m., when it began to recede.

The floors of the main magazine and torpedo casemate in main work and three small service magazines at the outer work were submerged by water to the depth of several feet.

Fortunately there was no property in them except in one of the smaller ones in the demilune, where a small quantity of ammunition was stored, the property of the State of Pennsylvania.

All the ground floors of the buildings in and outside the main work were submerged also, but as many of them were vacant I am pleased to report little injury to property.

All of the live stock of value at the fort, also four boats (one a small steam-launch of considerable value), were secured and saved from destruction. The greatest depth of water on the parade ground of the fort was 4 feet 9 inches.

* * * * *
Very respectfully, your obedient servant,

J. N. MACOMB,
Colonel of Engineers.

Brig. Gen. A. A. HUMPHREYS,
Chief of Engineers, U. S. A.

b. FORT DELAWARE.

DAMAGES TO FORT AND ADJACENT BATTERIES BY STORM.

UNITED STATES ENGINEER OFFICE,
Philadelphia, Pa., November 6, 1878.

GENERAL: I have had reports prepared of the damage done at Fort Delaware and the adjacent batteries by the severe storm of October 23d ultimo.

The wind blowing from the S. and E., with a velocity approaching and at times exceeding 70 miles per hour, gave rise in Delaware Bay and River to a tide of unexampled height, which submerged nearly all the reclaimed lands bordering on the river.

At Fort Delaware it rose nearly two feet higher than had ever before been observed, surmounted the dikes, and swept the island with the roll of a heavy sea.

The dikes from the S. W. round to the N. E. angles were badly cut and the full tides now flow over them in several places.

Of the 31 buildings exterior to the fort, 12 were destroyed and the remainder much damaged, the lower stories of those near the S. end of the island being completely gutted. The sheds and outbuildings of all were swept away.

One bridge was moved from its position about 100 feet, but is whole; the others were, without exception, destroyed.

The fencing was all carried away and many other minor losses inflicted.

The families living on the island, most of them former (and still occasionally) employes, have been subjected to great loss, and in some cases distress. They are at present quartered within the fort.

At Finn's Point Battery the sea-wall was disturbed to the depth of two or three courses, the filling of the wharf washed out, the boat-house moved 300 or 400 feet, and the dike broken in several places, with other minor damage.

At Delaware Battery the fencing and bridge were carried away and the wharf and roadway injured. A vessel of 80 tons was beached upon the outer slope of the battery.

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Very respectfully, your obedient servant,

J. N. MACOMB,
Colonel of Engineers

Brig. Gen. A. A. HUMPHREYS,
Chief of Engineers, U. S. A.

c. ESTIMATES FOR DIKES FOR PROTECTION FROM OVERFLOW OF SITES.

LETTER OF THE SECRETARY OF WAR.

WAR DEPARTMENT,
Washington City, January 17, 1879.

The Secretary of War has the honor to transmit to the United States Senate a communication from the Chief of Engineers, dated the 11th instant, and copy of letter from Capt. William Ludlow, of the Corps of Engineers, submitting estimates of amount required for the protection from overflow of the sites of fortifications on the Delaware River.

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GEO. W. McCRARY,
Secretary of War.

The PRESIDENT OF THE UNITED STATES SENATE.

LETTER OF THE CHIEF OF ENGINEERS.

OFFICE OF THE CHIEF OF ENGINEERS,
Washington, D. C., January 11, 1879.

SIR: I have the honor to transmit herewith a copy of a letter from Capt. William Ludlow, Corps of Engineers (in charge of the fortifications of Delaware River in the absence of Colonel Macomb, Corps of Engineers, temporarily on duty as a member of a Board of Engineers at the mouth of the Mississippi River), submitting estimates amounting to \$47,000 for increasing the height of the dikes for the protection from overflow of the sites of Fort Delaware, Fort Mifflin, and other batteries on the Delaware River, and for repairs of damage rendered necessary by the destruction caused by the great storm of 23d of October last.

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I have respectfully to suggest that a copy of this communication, with Captain Ludlow's letter, be sent to the Speaker of the House of Representatives and to the President of the Senate.

Very respectfully, your obedient servant,

A. A. HUMPHREYS,
Brigadier-General, Chief of Engineers.

Hon. GEORGE W. McCRARY,
Secretary of War.

LETTER OF CAPT. WILLIAM LUDLOW, CORPS OF ENGINEERS.

UNITED STATES ENGINEER OFFICE,
Philadelphia, Pa., January 2, 1879.

GENERAL: In accordance with the instructions from Col. J. N. Macomb, Corps of Engineers, in the letter, a copy of which is inclosed, I have the honor to submit the following recommendations and estimates for increasing the height of the dikes required for the protection from overflow of the sites of Forts Delaware and Mifflin and the contiguous batteries.

The storm of October 23 ultimo, though fortunately of brief duration, was very severe, and its greatest strength seems to have been devel-

oped in the valley of the Delaware River, where it was accompanied by an unprecedented rise of the water-surface. The tide surmounted all the dikes inclosing the low reclaimed lands bordering on the river, caused immense damage to all owners and occupants of such lands by the destruction of their crops and costly dikes, and exaggerated the disasters to shipping by sweeping inland many of the smaller class to distances from the river ranging from a few yards to one and a half miles.

The reports to the Chief of Engineers by Colonel Macomb, of November 6 and 15, supply many of the details of the damage done to the government property, but the estimates submitted therewith were partial only, and contemplated merely making such repairs as were absolutely necessary. The total public and private losses at the forts and batteries could not be repaired for less than double these estimates.

At Fort Mifflin the tide attained its maximum of 11 feet 3 inches above mean low-water at 10 a. m., and was maintained at this height until 12.45 p. m., when it began to recede.

At Fort Delaware many of the people living on the island barely escaped with their lives, the water rising 5 feet in an hour and a half, and reaching a height of 11 feet 8 inches above mean low-water.

At both forts the outlying buildings most exposed to the storm were either gutted or destroyed, and the magazines, storehouses, and quarters flooded to a depth of from two to four feet. Had they been garrisoned at the time, the destruction to property would have been much greater.

It is manifest that the present dikes can no longer be considered sufficient to protect the sites of these works, and the sole remedy against a tide that pours the river into the magazines and quarters is to raise the dikes to a height sufficient to exclude it. This necessity presents itself at a time when the gradual filling up of the moats and ditches has reached a point that makes it desirable to clean them out. The unwholesome influences generated by the exposure of these moist and foul surfaces to the sun and air have been especially felt during the past season at Fort Delaware, in which connection attention is respectfully invited to the letter of November 6 ultimo from this office with inclosures. At Fort Mifflin fewer persons are living, and the special effects due to this cause are merged in the general unhealthfulness of the locality.

I therefore respectfully make the following recommendations:

I.—AT FORT MIFFLIN.

1. To raise the dikes inclosing the fort, its adjacent batteries, and the area north of the fort, to include the site of the naval magazine, as shown on the accompanying tracings, to a height of 13 feet above mean low-water. No estimate is made for raising the dikes around the remainder of the United States property (hitherto leased to Mr. Black), for the reason that a proposition is pending to re-lease them under conditions favorable to the United States, and because any tide that would inundate this excepted area would cut off communication for miles beyond the United States boundaries.
2. To clean out the moat and draining-ditches within the area occupied by the United States, using the material upon the dikes.
3. To repair and put in good order the main sluice from the moat to the river.
4. To erect in proximity to the fort-keeper's quarters a self-adjusting wind-mill pump, which shall keep the ditches dry independently of the

meeting an average of about fifty teachers present. Many of the ablest and most skilful teachers and lecturers in the State participated actively in the discussions. Wherever the meetings were held the people hospitably entertained the teachers. They also attended and showed an interest in the exercises. There is but one sentiment as to the value of these meetings in arousing the teachers to the importance of their work, in stimulating inquiry and exertion, in enlarging their views, and in awakening their professional zeal and pride.

There being no appropriation to sustain institutes, the balance left of \$600 given by Dr. Sears, agent of the Peabody education fund, in 1876, was used to pay the travelling expenses of lecturers.

The State Teachers' Institute (colored) held about fifteen normal institutes in different parts of the State for the benefit of colored teachers. The professors of Fisk University, of the Central Tennessee College, and of the Nashville Normal Institute assisted Professor Spence, the president, in organizing and instructing these institutes, and upon the recommendation of the State superintendent \$200 were appropriated from the Peabody fund to pay the expenses of the managers and instructors.—(State report for 1876-77.)

DEPARTMENTS OF EDUCATIONAL JOURNALS.

The Tennessee School Journal, which began and ended in 1874, has had no successor devoted to the interests of education in the State. But there have been educational departments, first, in the American Journal of Education, published at St. Louis, and more recently in the Eclectic Teacher, published since July, 1876, at Carlisle, Kentucky.

SECONDARY INSTRUCTION.

HIGH SCHOOLS.

The 171 consolidated schools reported, with the high schools in a few county towns and in the five or six chief cities of the State, represent all that we at present know of secondary instruction under the free school system, as the State report does not indicate either the number of public high schools or of instructors and pupils in them. In the list of schools aided by the Peabody fund 8 high schools appear. Neither printed report nor written return from Knoxville, whose schools were among those aided from that fund, indicates the existence there of any school with such a designation, but the course presented shows that high school studies are prosecuted to a very considerable extent in the grammar grades, reaching to Cicero's Orations in Latin, to Xenophon's Memorabilia in Greek, and including geometry, trigonometry, and Anglo-Saxon, with a fair range of English literature. At Memphis the high school is reported to have 4 rooms with 240 sittings, and to be divided into male and female departments, but the number of teachers and pupils is not given. Nashville reports 1 room for recitation and study and 4 for recitation only, with 5 teachers, 227 scholars, and an average attendance of 188.—(Reports and returns.)

OTHER SECONDARY SCHOOLS.

For statistics of business colleges and private academies, of a preparatory school, and of preparatory departments of colleges and universities, see Tables IV, VI, VII, and IX of the appendix following, and the summaries of these in the Report of the Commissioner preceding.

SUPERIOR INSTRUCTION.

COLLEGES.

For statistics under this head, see Table IX of the appendix, and a summary of this in the Report of the Commissioner preceding.

The following 2 colleges, however, do not send written returns for 1877, and their statistics therefore are not in the table referred to: *Burrill College*, Spencer, and *Mary Sharp College*, Winchester. The printed catalogues for 1876-77 show an attendance of 109 students in the first and 105 in the second.

The departments and courses of instruction in all the colleges, so far as appears, are the same as reported in 1876. In about half of the colleges in the State both sexes are admitted, and in at least 7 cases we find these colleges beginning the preparation of their students with primary departments.

Neophogen College ceased to exist at the close of 1877.

COLLEGES FOR WOMEN.

For statistics under this head, see Table VIII of the appendix, and a summary of it in the Report of the Commissioner preceding.

SCIENTIFIC AND PROFESSIONAL INSTRUCTION.

SCIENTIFIC.

The Tennessee Agricultural College, a department of East Tennessee University, at Knoxville, has courses of instruction in agriculture and in mechanic arts, each of which covers 4 years. During the sophomore and freshman years the two courses are nearly identical, the more special and technical studies being placed in the latter years of the collegiate term. There are 275 State scholarships provided; and, as before mentioned, the president is looking up students to fill them. The whole number attending the university in 1877 was 92. The proportion of these engaged in scientific study does not appear.—(Catalogue and return, 1877.)

Scientific departments are also connected with Vanderbilt University, the University of the South, Greeneville and Tusculum College, and Central Tennessee College.

THEOLOGICAL.

The theological departments of *Cumberland University*, Lebanon (Cumberland Presbyterian), *Central Tennessee College*, Nashville (Methodist Episcopal), *Fisk University*, Nashville (Congregational), and *Vanderbilt University*, Nashville (Methodist Episcopal Church South), report courses of 3 years each, except the first, which has only 2. In this, however, there seems to be a starting from a higher point than in the others, candidates being examined as to the possession of a good English education and some acquaintance with the Greek New Testament. None appears to require a collegiate training or any approach to an equivalent for this, though Vanderbilt has a course designed for classical students as well as one wholly English. That at Central Tennessee College, mainly for colored students, is English throughout; and at Fisk University, which trains the same class, the theological course appears from both catalogue and return to consist of the simple addition of biblical instruction to the other studies for young men who are looking forward to the ministry. In these 4 schools there are reported 138 students in theology under 17 instructors.—(Reports and returns.)

The *University of the South*, Sewanee (Protestant Episcopal), organized in 1877 a school of theology, with 2 professors, but without indication of the length of course or of the precise character of the requirements for entrance on it. The catalogue for the autumn of that year shows 4 students in this school.

LEGAL.

Law schools exist in connection with *Cumberland* and *Vanderbilt Universities*, the course in each covering one year. In neither case is any special literary qualification for entrance or any previous reading of law required. Students in the Cumberland school, 51, under 2 professors; in the Vanderbilt school, 26, under 3 instructors.—(Reports and returns.)

MEDICAL.

In addition to the *Medical Department of the University of Nashville* and the *Medical Department of Vanderbilt University*, mentioned in the report for 1876, there are in the same city now the *Nashville Medical College*, founded in 1877, and also, in union with Central Tennessee College, a *Meharry Medical Department*, which was opened in October, 1876, and graduated 1 student at the close of its first session. A class of 18 entered in October, 1877. The school, established by Messrs. Samuel and Hugh Meharry, of Indiana, has been continued through their liberality, and is designed to educate young colored men for medical practice among the members of their race. As with the others, there is no note of any preliminary examination; 2 years of study, with attendance on 2 courses of lectures, a satisfactory written examination, an acceptable original thesis, and full age form the requisites for graduation. A preliminary year of study is required at Vanderbilt.—(Catalogues and circulars.)

The *Tennessee College of Pharmacy*, at Nashville, reports for 1876-'77 a 2 years' course, 6 instructors, 12 students, of whom 2 had received a degree in letters or science, and 2 graduates.—(Return.)

SPECIAL INSTRUCTION.

EDUCATION OF THE DEAF AND DUMB.

The Tennessee Deaf and Dumb School, at Knoxville, had 100 pupils under instruction in 1877, of whom 52 were males. They are taught the common school branches; also shoemaking, and, to a limited extent, agriculture. Tuition and board are free to those who are unable to pay. The State appropriation for the year was \$24,000, and no income is reported from any other source.—(Return.)

EDUCATION OF THE BLIND.

The Tennessee School for the Blind, at Nashville, reports 10 instructors and 5 employes, with 62 pupils, who were taught the common English branches, music, and Latin, besides broom making, cane seating, sewing, fancy work, and telegraphy. The

institution has a library of 1,006 volumes, and grounds, buildings, and apparatus valued at \$90,000. No receipts are reported for this year except the State appropriation of \$17,000.—(Return.)

EDUCATIONAL CONVENTION.

STATE ASSOCIATION.

The State Teachers' Association held its annual meeting at the close of January, 1877, at Nashville. Several able papers were read and much discussion had with reference to amendments to the school law. A committee appointed by the association submitted a memorial to the general assembly embodying certain amendments, the most important of which was the organization of a central county board of education by the different boards of directors, for the purpose of unifying the work in counties and securing a broader, more responsible, and more intelligent administration of the public schools. The bill accompanying the memorial was favorably reported by the chairman of the committee on education in the house, but it did not reach its third reading in that body.—(State report for 1876-'77.)

OBITUARY RECORD.

PROFESSOR PAUL F. EVE, M. D.

Professor Eve, eminent as a surgical instructor, was born near Augusta, Ga., June 27, 1806. His subsequent history may be almost written in his titles: Bachelor of arts of Franklin College, Georgia, 1826; doctor of medicine of the University of Pennsylvania, 1828; bearer of the Golden Cross of Honor for meritorious services in Poland, 1831; professor of surgery in the Medical College of Georgia, 1832-1849; in the University of Louisville, 1850; in the University of Nashville, 1851-1868; in the Missouri Medical College at St. Louis, 1868-'69; professor of operative and clinical surgery in the medical departments of Nashville and Vanderbilt Universities, 1870-1876; Centennial representative of surgery at the Medical Congress of Nations at Philadelphia, 1876; and finally professor of surgery in the new Nashville Medical College, 1877, on November 3 of which year he died. It may easily be inferred that one who filled so many posts of influence, who was offered others almost as numerous as those he filled, and who crowded every lecture hall he occupied with eager and appreciative students, was a man of much more than common mark. And such he certainly was; his noble presence instantly arrested the attention which his intense enthusiasm, his large stores of knowledge, and great operative skill subsequently kept intently fixed. Studying after his graduation at Philadelphia in the best schools of France and on the battle fields and hospital floors of Europe, he came back so well prepared to teach that even in the then sparse population of the South his classes rose in the first year from 28 to 195. Succeeding at Louisville the great physician Dr. Samuel D. Gross, he so electrified his audiences there as to draw forth from trustees, faculty, and students a unanimous request that he should stay, when regard for his wife's failing health had induced him to turn his face southward again. Entering at Nashville on what seemed a comparatively small field, his class fast grew from 136 to 454, fairly rivalling the great schools of New York and Philadelphia. And so throughout, as speaker, writer, and operative surgeon, he stood ever far ahead of ordinary men, one of the born leaders of his kind, few equalling him and fewer still excelling him in any field on which he entered. His death was like his life, remarkable. Exhausted with labor and suffering probably from heart disease, his sympathies were strongly exercised for a poor laborer crushed by a railway train, and rising early in the morning to see if he could afford relief, he stopped on his way home to see a patient operated on the day before. The exertion proved too great for his weakened system, and at the threshold of the hotel where this latter patient was sojourning, he sank fainting with weakness and quickly died before her eyes.—(Transactions of the Medical Society of Tennessee.)

CHIEF STATE SCHOOL OFFICER.

Hon. LEON. TROUSDALE, *State superintendent of public schools, Nashville.*

[Term, 1877-1879.]

TEXAS.

STATISTICAL SUMMARY.

	1875.	1877.	Increase.	Decrease.
POPULATION AND ATTENDANCE.				
Youth of school age (6-18 in 1875, 8-14 in 1877).....	210,922	127,085	-----	-----
Reported enrolment in free schools	124,567	109,052	-----	15,515
Reported average attendance	84,415	-----	-----	-----
SCHOOLS AND SCHOOL-HOUSES.				
Public schools reported	2,924	3,313	389	-----
Average time of these in days	78	66	-----	12
Monthly cost of each pupil enrolled	\$1 43	\$1 66	\$0 23	-----
Monthly cost of each in attendance	1 95	-----	-----	-----
New school-houses built	158	140	-----	18
Valuation of these	\$43,339	-----	-----	-----
TEACHERS AND THEIR PAY.				
Teachers employed	3,100	-----	-----	-----
Average monthly pay	\$53	-----	-----	-----
EXPENDITURE FOR FREE SCHOOLS.				
Whole reported expenditure	\$726,236	\$496,083	-----	\$230,153

(Reports of Hon. O. N. Hollingsworth, State superintendent of public instruction, for 1875, and from the same, now secretary of the State board of education, for 1877.)

NOTES ON THE STATISTICS.—The counties reporting for 1875 were 97; for 1877 there were 110. The figures for the former year differ much from those given by Governor Coke in his message to the legislature at the beginning of 1875, which were 313,061 for scholastic population, 161,670 for enrolment in public schools, \$1.56 for the monthly cost of each pupil, and \$1,003,821 for total expenditure upon the schools. An estimate for the whole State, covering the school year 1874-'75 (p. 6 of the superintendent's report), gives 184,705 as the enrolment, 125,224 as the average attendance, 3,898 as the number of schools, and 4,030 as the number of teachers.

OFFICERS OF THE STATE SCHOOL SYSTEM.

GENERAL.

A *State board of education*, composed of the governor, comptroller, and secretary of State, since August 19, 1876, has had general charge of the interests of public schools. It distributes the available annual school fund to the counties, on the basis of scholastic population; counsels county school officers from time to time, through circular letters, as to practical details of duty; is to have the school laws printed in form for distribution after each legislative session that has acted on them, and is to make report of the public schools in various specified particulars at each biennial session of the legislature and at each special session authorized by executive proclamation to legislate on matters relating to the schools.

A *secretary of the board*, appointed by it, acts as its executive officer at Austin, and performs such duties as the board may require.

LOCAL.

The *county judge* in each county acts in some slight sense as a superintendent of school affairs for the county, by examining applications for the establishment of school communities¹ within it, sanctioning such as he is satisfied are made in good faith, and appointing for them the legally required school officers.

Three *school trustees*, thus appointed, are to provide school-houses, engage teachers,

¹These school communities are voluntary organizations of parents, guardians, and next friends of children to be educated, associated for the purpose of securing for their neighborhood a share of the distributable State school fund proportioned in amount to the number of the children they may wish to educate. They answer somewhat to districts elsewhere.

and see that the schools for which they act are conducted in accordance with the provisions and limitations of the law.

A *board of examiners* for each county consists of 3 well educated persons, also appointed by the county judge. It is to examine every person proposing to teach in the public free schools, and to report the result to the judge, without a certificate from whom no one may be engaged to teach a public school within the county.—(School law of 1876.)

ELEMENTARY INSTRUCTION.

EXPLANATORY.

Under the school law of 1876 only biennial reports are made by the board of education of this State, and none having been presented in 1877, very little information respecting the public schools can be given. A letter from Hon. O. N. Hollingsworth, secretary of the board of education, expresses regret at his inability to furnish a full statement as to the condition and progress of public free schools. In the absence of a printed report, he kindly forwards such printed matter touching the educational interests of the State as has been furnished the local press. From this some information has been gleaned regarding the system of education in certain of the cities, as well as a few facts relating to the general system, including remarks upon the school law by Secretary Hollingsworth himself.

THE SCHOOL LAW.

Secretary Hollingsworth considers the present school law, passed in 1876, the best the State has ever had. The distinguishing features which he thinks commend it to popular esteem and render it acceptable to sparsely settled neighborhoods are: (1) Community organization, determined, not by geographical limits, but simply by individual membership; no such feature is found in the school laws of the other States. (2) Trustees have the authority to permit the teacher whom they employ to receive pupils not of the scholastic age at such rates of tuition as may be agreed upon between the parties interested, thus happily blending with mutual advantage the two systems, private and public.

Another thing which, in the opinion of the superintendent, renders the school law popular, is that no special school tax, as such, is assessed. School revenues come from interest on the permanent school fund, a poll tax, and one-fourth of the general revenue. In addition to these general or State resources, there are local or county additions, such as fines collected for violation of the local option law, funds collected as dog tax, and interest from the proceeds of the sale of county school lands.

The objection that the efficiency of the system is weakened by the liberty allowed in the organization of school communities holds good, it is acknowledged, in the villages, towns, and densely populated rural districts; but, on the other hand, it is said that if the law established a minimum registration of pupils as a prerequisite to organization, many children would be denied the privileges guaranteed by the school law. Under the law as it is, a few neighbors, representing perhaps not more than two or three pupils of scholastic age and as many more who are not within that age, may, if they see proper, organize a school community; trustees are appointed, a teacher is employed, and the children are taught. This has been done in many cases.

Secretary Hollingsworth defines a public school under the law as follows:

"1. A school that is organized in the manner prescribed by section 29 of the school law.

"2. A school that recognizes the legal authority of public officials.

"3. A school taught by a teacher holding a certificate of competency.

"4. A school taught in compliance with a written contract lawfully made between the teacher and the legally appointed trustees.

"5. A school from which none who desired to participate in its benefits were excluded in its organization.

"6. A school the teacher in charge of which demands no extra tuition from parents or trustees for the instruction of children of scholastic age studying only such branches as are prescribed by law. A public school is absolutely free to all pupils members of the organized community of the scholastic age, when their studies are confined to the branches prescribed by law. A teacher that proposes to merely credit parents of such children with the sum paid by the trustees out of public school fund, and to hold parents responsible on individual accounts for any extra amount, is not a teacher according to the school law, and is not entitled to one dollar of the public school fund. Parents may, as a voluntary act, contribute of their private funds to the support of a teacher in a public school, but no school organization can legally receive the benefit of the public school fund when it is either expressed or privately understood that the teacher is to be paid full private rates of tuition and that it is expected of every one who sends to the school to comply with such terms.

"7. A school wherein the teacher uses the English language as the common medium of imparting instruction.

"8. A school non-sectarian in matters of religion."