

imprisonment not exceeding six months, or both. Such penalty shall be in addition to the penalty imposed by section three of this act.

Section 7. All fines collected under this act shall be paid to the State Treasurer, and by him credited and paid as provided in section two hereof.

Disposition of fines.

Section 8. The provisions of this act are severable, and, if any of its provisions shall be held unconstitutional, the decision of the court shall not affect or impair any of the remaining provisions of the act. It is hereby declared as a legislative intent that this act would have been adopted had such unconstitutional provisions not been included therein.

Construction.

Section 9. This act shall take effect on the first day of September, one thousand nine hundred and twenty-one.

When effective.

APPROVED—The 20th day of May, A. D. 1921.

WM. C. SPROUL.

No. 369.

AN ACT

To amend sections one hundred one, one hundred sixteen as amended, one hundred seventeen, two hundred twelve as amended, and three hundred one as amended, of an act, approved the eighteenth day of May, one thousand nine hundred and eleven (Pamphlet Laws, three hundred and nine), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special, or local, or any parts thereof, that are or may be inconsistent therewith"; and providing for the creation of union school districts and the government thereof, by adding to article one, sections one hundred twenty-seven, one hundred twenty-eight, one hundred twenty-nine, and one hundred thirty.

School districts.

Section 1. Be it enacted, &c., That section one hundred one of an act, approved the eighteenth day of May, one thousand nine hundred and eleven (Pamphlet Laws, three hundred and nine), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special, or local, or any parts thereof, that are or may be inconsistent therewith," which reads as follows:—

Act of May 18, 1911 (P. L. 309), amended.

"Section 101. Each city, incorporated town, borough, or township in this Commonwealth, now existing or hereafter created, shall constitute a separate school district, to be designated and known as the 'School District of,' and the several school districts

Section 101, cited for amendment.

thus established shall be, and hereby are, divided into four classes as follows," is hereby amended to read as follows:—

Municipalities to be separate districts.

Except where it would be fourth class district.

Union school districts.

Classification of districts.

Section 101. Each city, incorporated town, borough, or township in this Commonwealth, now existing or hereafter created, shall constitute a separate school district, to be designated and known as the "School District of.....," *except that where such city, incorporated town, borough, or township, or a part of the school district remaining after its separation, would constitute a fourth class school district, in which case it shall remain a part of the school district to which it formerly belonged, unless the change to a new school district is approved by the State Board of Education. In determining whether or not such approval shall be given, the State Board of Education shall investigate the necessity therefor, and take into consideration the welfare of the pupils and taxpayers of such proposed new school district, as well as the effect upon the existing school districts. Any two or more school districts, as herein constituted, may, by a majority vote of the electors of each of said districts affected and in the manner hereinafter provided, be formed into a union school district.* The several school districts thus established and formed shall be, and hereby are, divided into four classes as follows:

Section 2. Section one hundred sixteen of said act, as amended by an act, approved the twenty-eighth day of May, one thousand nine hundred fifteen (Pamphlet Laws, six hundred and twenty-seven), entitled "An act to amend an act, approved the eighteenth day of May, one thousand nine hundred eleven, entitled 'An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special, or local, or any other parts thereof, that are or may be inconsistent therewith,'" which reads as follows:—

Section 116, as amended by act of May 28, 1915 (P. L. 627), cited for amendment.

"Section 116. Whenever a new school district is created by the creation of a new city, borough, township, or independent school district, or by the annexation to a city or borough or township of territory comprising a separate school district, the clerk of the courts, or other proper officer, shall, within ten days thereafter, make a certified copy of the decree or order creating such new city, borough, township, or independent school district, or of the decree of the court or vote of the electors effecting such annexation, and mail the same to the Superintendent of Public Instruction " is hereby further amended to read as follows:—

Creation of new districts.

Section 116. Whenever a new school district is created by the creation of a new city, borough, township,

or independent school district, or by the annexation to a city or borough or township of territory comprising a separate school district, *or by the consolidation of two or more districts as a union district*, the clerk of the courts or other proper officer shall, within ten days thereafter, make a certified copy of the decree or order creating such new city, borough, township, or independent school district, or of the decree of the court or vote of the electors effecting such annexation, and mail the same to the Superintendent of Public Instruction.

Section 3. Section one hundred seventeen of said act, which reads as follows:—

“Section 117. After the approval of this act, a majority of the taxable inhabitants of any contiguous territory in any school district or school districts, as herein established, may present their petition to the court of common pleas of the county in which *such* contiguous territory, or a greater part in area thereof, is situated, asking that such territory shall be established as an independent school district which petition shall set forth a proper description of the boundaries of the territory to be included in such proposed independent school district, and the desire of the petitioners for better school facilities than are or would be provided and maintained by the district or districts of which such proposed independent school district is a part; whereupon said court, after a hearing, of which hearing the school district or districts out of whose territory such proposed independent school district is to be taken shall have ten (10) days' notice, after taking into consideration the welfare of the pupils and taxpayers of such school district or school districts, as well as of such proposed independent school district, may make a decree establishing an independent school district, and fix the boundaries thereof, which may be more or less than those set forth in such petition. Where the territory described in any such petition is to be taken from two or more school districts, such petition shall be signed by a majority of all the taxable inhabitants of the part of each school district which is to be included in such independent district. The said court shall also determine the amount, if any, of the indebtedness of the school district, from whose territory such independent district is taken, that it shall assume and pay: Provided, That in case any such independent district so created shall include territory of any former independent school district abolished by this act, having any indebtedness, such indebtedness shall be assumed and paid by such newly created independent school district. Any independent district thus created shall belong to the class of school districts herein provided to which it is entitled to belong by its population, as determined by the last United States census.

Section 117, cited
for amendment.

"In all cases where such proceedings result in the creation, by decree of the court, of a new school district, the cost and office fees shall be paid by said new district, but, if otherwise, said costs and office fees shall be paid by the petitioners themselves," is hereby amended to read as follows:—

Establishment of independent districts.

Petition.

Hearing.

Decree.

Signatures to petition.

Indebtedness.

Approval of Superintendent of Public Instruction.

Indebtedness.

Classification.

Section 117. After the approval of this act, a majority of the taxable inhabitants of any contiguous territory in any school district or school districts, as herein established, may present their petition to the court of common pleas of the county in which *each* contiguous territory, or a greater part in area thereof, is situated, asking that such territory shall be established as an independent school district, which petition shall set forth a proper description of the boundaries of the territory to be included in such proposed independent school district, and the desire of the petitioners for better school facilities than are or would be provided and maintained by the district or districts of which such proposed independent school district is a part; whereupon said court, after a hearing, of which hearing the school district or districts out of whose territory such proposed independent school district is to be taken shall have ten (10) days' notice, after taking into consideration the welfare of the pupils and taxpayers of such school district or school districts, as well as of such proposed independent school district, may make a decree establishing an independent school district, and fix the boundaries thereof, which may be more or less than those set forth in such petition. Where the territory described in any such petition is to be taken from two or more school districts, such petition shall be signed by a majority of all the taxable inhabitants of the part of each school district which is to be included in such independent district. The said court shall also determine the amount, if any, of the indebtedness of the school district from whose territory such independent district is taken that it shall assume and pay. *In all cases where such school districts, if created, or the remaining part of the original district, would constitute a fourth class school district, the merits of the petition for its creation, from an educational standpoint, shall be passed upon by the Superintendent of Public Instruction, and it shall not be granted unless approved by him:* Provided, That in case any such independent district so created shall include the territory of any former independent school district abolished by this act having any indebtedness, such indebtedness shall be assumed and paid by such newly created independent school district. Any independent district thus created shall belong to the class of school districts herein provided to which it is entitled to belong by its population as determined by the last

United States census.

In all cases where such proceedings result in the creation, by decree of the court, of a new school district, the cost and office fees shall be paid by said new district, but, if otherwise, said costs and office fees shall be paid by the petitioners themselves.

Section 4. Article one of said act is further amended by adding the following new sections:—

Section 127. Any two or more school districts may form a union school district in the following manner: Each of said districts desiring to form a union school district shall present a petition to the county commissioners of the county where such district is located, signed by at least one-fourth of the whole number of taxable residents in such districts. The county commissioners shall take no action upon such petitions until they have been approved in writing by the Superintendent of Public Instruction. After such petitions have been approved and filed, it shall be the duty of the county commissioners to submit, to the electors of the respective districts desiring to form a union school district, at the next general election, a question whether or not such school districts shall be united into a union school district. Such question shall be submitted in the form and manner provided by the general election laws of this Commonwealth for the submission of similar questions.

Section 128. If a majority of the voters of each school district voting at said election shall be in favor of establishing a union district, as shown by the returns of said election, a certificate of the return shall be filed with the Superintendent of Public Instruction and with the clerk of the court of quarter sessions of the county.

Section 129. Whenever any union district shall be formed as herein provided, such district shall become a union school district on the first Monday in July after it has been formed.

Section 130. Whenever any two or more school districts shall be consolidated into a union school district as herein provided, all the debts and liabilities of the several districts shall become the debts of the union school district, unless otherwise provided by an agreement in writing approved by a majority vote of each board of school directors. All rights of creditors against any of the said districts shall be preserved against the union school district. All property heretofore vested in the several districts shall become vested in the union district, and all debts and taxes owing to the districts, uncollected in the several districts, and all moneys in the treasuries of the several districts, shall be paid to the treasurer of the new district.

New sections added.

Union school districts.

Petition for establishment.

Approval of Superintendent of Public Instruction.

Submission to electors.

Certificate of return.

When effective.

Debts and liabilities.

Property.

Debts, taxes and moneys.

Section 5. Section two hundred twelve of said act, as amended by an act, approved the twenty-eighth day of May, one thousand nine hundred fifteen (Pamphlet Laws, six hundred and twenty-seven), entitled "An act to amend an act, approved the eighteenth day of May, one thousand nine hundred eleven, entitled 'An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special, or local, or any parts thereof, that are or may be inconsistent therewith,' " which reads as follows:—

Section 212, as amended by the act of May 28, 1915 (P. L. 627), cited for amendment.

"Section 212. When any school district in this Commonwealth hereafter, for any cause, becomes a school district of another class, as herein provided, a new board of school directors shall be appointed or elected therein, in the same manner as the school directors of districts of the same class are elected or appointed when new districts are created: Provided, That such school directors shall be so elected that the number and terms of those whose places are to be filled at each succeeding municipal election shall be the same as the number and terms of those whose places are filled at the corresponding elections in other school districts of the same class.

"When territory comprising a separate school district is annexed to a city or borough or township, the school directors then in office in both districts shall hold office during the respective terms for which they were elected. No election for school director in the district shall be held unless, on the first Monday of January next following a municipal election, there would be a less number of directors than is provided for the district *by this act*.

"At each subsequent municipal election, only so many school directors shall be elected as will, on the first Monday of January then next following, bring the number of school directors to the proper number for the district," is hereby further amended to read as follows:—

Directors when district enters a new class.

Section 212. When any school district in this Commonwealth hereafter, for any cause, becomes a school district of another class, as herein provided, a new board of school directors shall be appointed or elected therein, in the same manner as the school directors of districts of the same class are elected or appointed when new districts are created: Provided, That such school directors shall be so elected that the number and terms of those whose places are to be filled at each succeeding municipal election shall be the same as the number and terms of those whose places are filled at the correspond-

Proviso.

ing elections in other school districts of the same class.

When territory comprising a separate school district is annexed to a city or borough or township, or when *two or more school districts are consolidated as a union school district*, the school directors then in office in both or all of the districts shall hold office during the respective terms for which they were elected. No election for school director in the district shall be held unless, on the first Monday of January next following a municipal election, there would be a less number of directors than is provided by law for the district of the same class.

Union
districts.

At each subsequent municipal election, only so many school directors shall be elected as will, on the first Monday of January then next following, bring the number of school directors to the proper number for the district.

Section 6. Section three hundred one of said act, as amended by an act, approved the twenty-eighth day of May, one thousand nine hundred fifteen (Pamphlet Laws, six hundred and twenty-seven), entitled "An act to amend an act, approved the eighteenth day of May, one thousand nine hundred eleven, entitled 'An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special, of local, or any parts thereof, that are or may be inconsistent therewith,' " which reads as follows:—

"Section 301. In all school districts of the first class the school year shall begin on the first day of January each year, and in all other school districts in this Commonwealth the school year shall begin on the first Monday of July each year. In school districts of the first class the school directors appointed as herein provided shall meet and organize annually on the second Monday of November, and in school districts of the second, third, and fourth class the school directors regularly elected or appointed shall meet and organize annually on the first Monday of December each year. When a new school district is created, or when the offices of all the school directors of a district become vacant, the school directors appointed by the court in any such case shall meet and organize within ten days after their appointment.

Section 301, as amended by act of May 28, 1915 (P. L. 627), cited for amendment.

"When two school districts are consolidated, the school directors of such consolidated districts shall organize on the first Monday of July following such consolidation, by electing a president and vice-president who shall hold their respective offices until the first Monday of December following their election," is hereby further amended to read as follows:—

Beginning of
school year.

Organization of
directors.

Section 301. In all school districts of the first class the school year shall begin on the first day of January each year; and in all other school districts in this Commonwealth, the school year shall begin on the first Monday of July each year. In school districts of the first class, the school directors appointed as herein provided shall meet and organize annually on the second Monday of November; and in school districts of the second, third, and fourth class, the school directors regularly elected or appointed shall meet and organize annually on the first Monday of December each year. When a new school district is created, or when the offices of all the school directors of a district become vacant, the school directors appointed by the court in any such case shall meet and organize within ten days after their appointment.

Consolidated
districts.

When two or more school districts are consolidated, the school directors of such consolidated districts shall organize, on the first Monday of July following such consolidation, by electing a president and vice-president, who shall hold their respective offices until the first Monday of December following their election.

APPROVED—The 20th day of May, A. D. 1921.

WM. C. SPROUL.

No. 370.

AN ACT

To provide for the care, training, and maintenance of certain children by the several counties; authorizing the county commissioners to establish and maintain separate or joint county industrial homes for such purposes; requiring poor authorities to place children of certain ages with families or in institutions; providing for the care and maintenance of certain children in such homes at the expense of the parents; and prohibiting the receiving and detaining of children in almshouses and poorhouses; and validating similar acts heretofore performed by the commissioners of the several counties.

Industrial
homes for
children.
Establishment
by county
commissioners.

Section 1. Be it enacted, &c., That it shall be lawful for the county commissioners of any county, or for the county commissioners of two or more counties acting together, to establish and maintain an industrial home for the care and training of children. Such institution or home shall be remote from any almshouse or poorhouse and entirely disconnected from the same, and shall be under the management of the county commissioners.

Certain children
must not be placed
in poorhouses.

Section 2. It shall be unlawful for the overseers or guardians or directors of the poor, in the several counties, cities, boroughs, and townships of this Commonwealth, to receive into, or retain in, any almshouse or poorhouse, any child between two and sixteen years of age, for a longer period than sixty days, unless such child shall be an unteachable idiot, an