

**A TREATISE ON THE  
LAW OF  
PUBLIC SCHOOLS**

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A Treatise on the Law of Public Schools by Finley Burke

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**FINLEY BURKE**

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A TREATISE  
ON THE  
LAW OF PUBLIC SCHOOLS

BY FINLEY BURKE

COUNSELLOR AT LAW  
COUNCIL BLUFFS, IOWA

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(CORNER OF JOHN STREET)  
1880

## P R E F A C E .

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ALMOST every court in the land has to do with questions growing out of our public-school system. Our educational interests are becoming of greater magnitude and importance each year.

Questions respecting school taxation, contracts, employment of teachers, authority of teachers, rules and regulations, rights of pupils, powers of officers, liabilities of teachers and directors, use of school property, etc., arise constantly.

Normal schools, teachers, and school officers—who are annually called upon to assume duties new to them—have all felt the need of a work which should embody in small compass what may be called the common law of public schools, and which would be a companion book to the statutory school laws as published in the several States by State authority.

The statutory school law is easy of access, but the judicial decisions are scattered through a large number of reports, and are out of the reach of teachers and officers.

It has been the object of the writer to make a book useful to the busy law practitioner and also to teachers and officers.

An acquaintance with the law of this subject would tend in no small degree to avert much unseemly litigation, which in the infancy of our public-school system was caused more by the unsettled state of the law than by a fondness for contention.

Teachers, especially, are often called upon to act with vigor and promptness in matters requiring not only tact and judgment, but also a knowledge of what has actually been decided by the courts of law, and this knowledge is often demanded when there is neither time nor opportunity to take professional advice.

The writer has limited himself to the treatment of what has actually been decided, and what is believed to be the law.

If any are disappointed in not finding mentioned in these pages subjects and cases which have been ably discussed in teachers' meetings, institutes, and conventions, and by State Superintendents, the writer has only this to say to them, that such discussions, though valuable and interesting, are outside of the design of this book, and he has purposely avoided them in order to present this as a distinct work on the actual

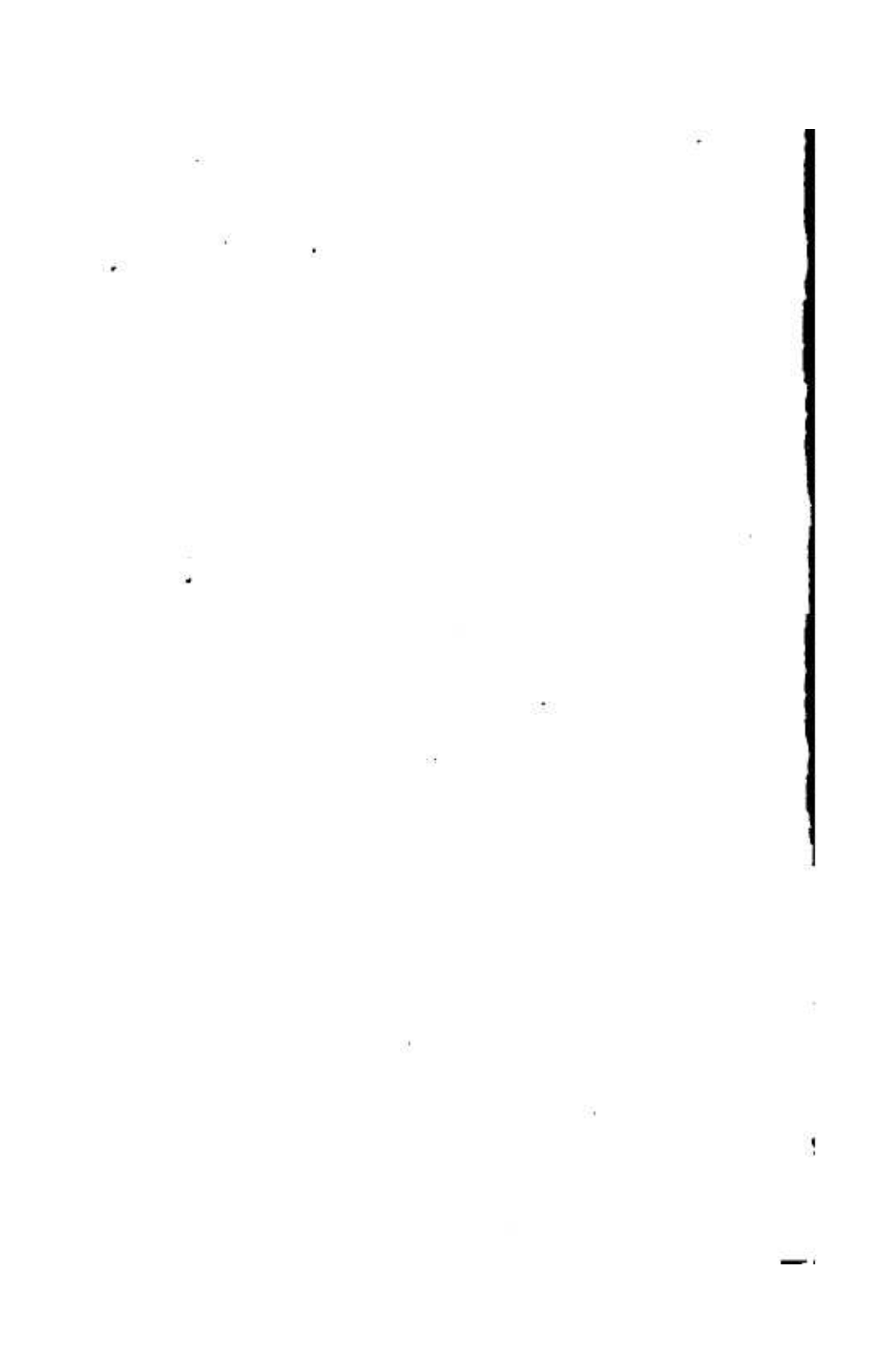
law of the subject, based upon decisions of courts which are precedents in those and other legal tribunals.

It often becomes important to teachers and officers to know how their interests would fare if an action should be instituted in a court of law.

The questions treated of are of a general character, and are as likely to arise in one State as in another. Those that are of a purely local character have been avoided as far as possible.

JULY, 1880.





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