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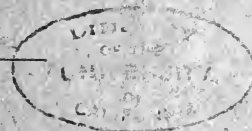
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# Public School Laws OF LOUISIANA



Sanitary Regulations of the State Board  
of Health

AND THE

Important Decisions of the Supreme Court  
of Louisiana, Relative to Schools

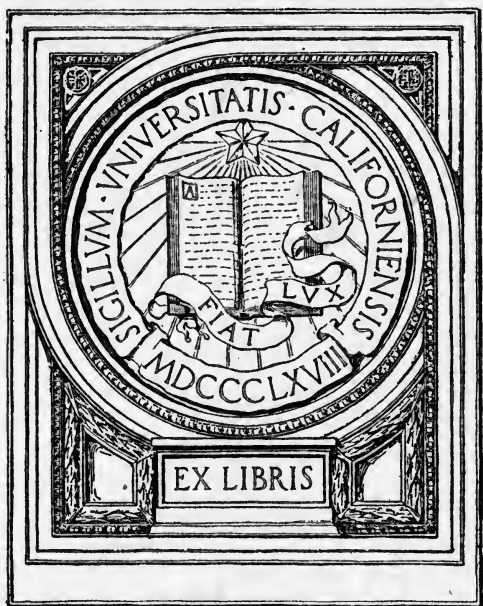
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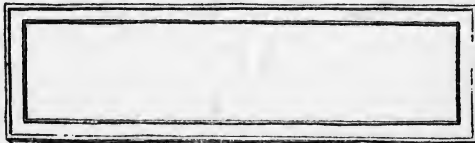
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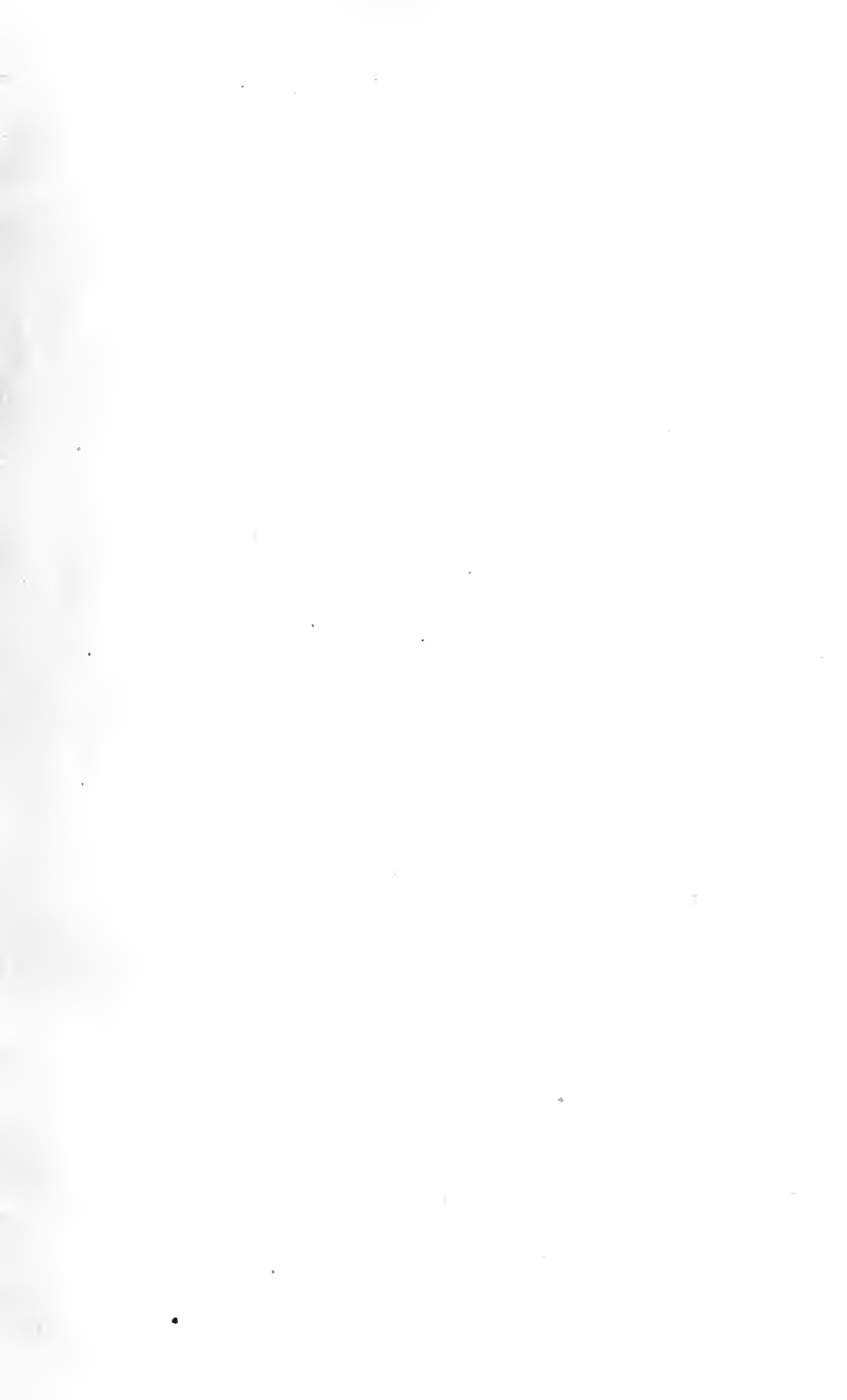
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# Public School Laws OF LOUISIANA

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AND THE

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T. H. HARRIS, STATE SUPERINTENDENT.

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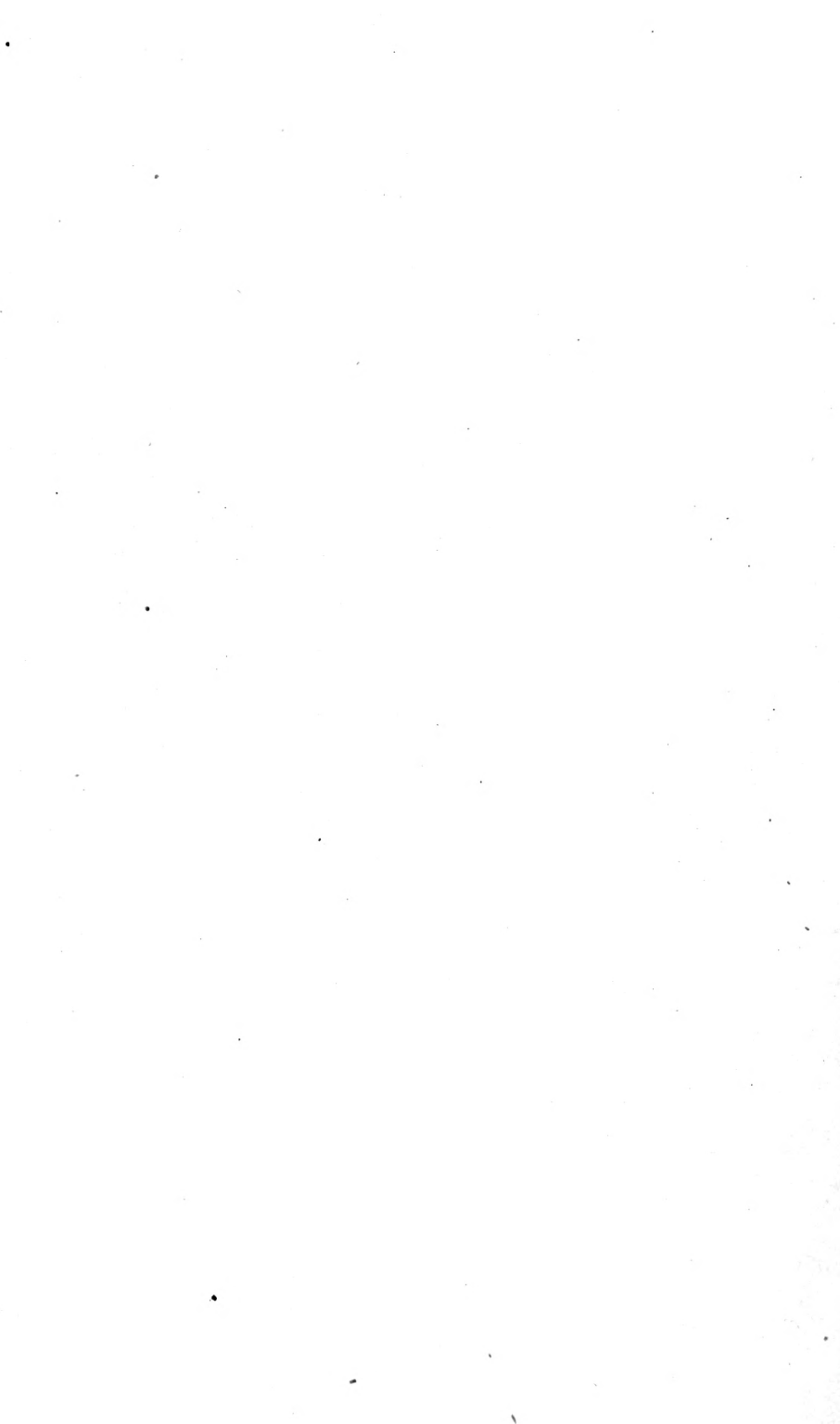
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## STATE BOARD OF EDUCATION

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| GOVERNOR LUTHER E. HALL . . . . . | Baton Rouge     |
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# Articles of the Constitution Having Reference to Public Education.

## (Art. 53. Limitation of Legislative Powers.)

No money shall ever be taken from the public treasury, directly or indirectly, in aid of any church, sect or denomination of religion, or in aid of any priest, preacher, minister or teacher thereof, as such; and no preference shall ever be given to, nor any discrimination made against, any church, sect or creed of religion, or any form of religious faith or worship; nor shall any appropriation be made for private, charitable or benevolent purposes to any person or community; provided, this shall not apply to the State Asylum for the Insane and State Institution for the Deaf and Dumb and State Institution for the Instruction of the Blind, and the charity hospitals and public charitable institutions conducted under State authority.

## (Art. 230. Educational Institutions Exempt from Taxation.)

The following shall be exempt from taxation, and no other, viz: All public property, places of religious worship, or burial, all charitable institutions, all buildings and property used exclusively for public monuments or historical collections, colleges and other school purposes, the real and personal estate of any library, and that of any other library association used by or connected with such library, all books and philosophical apparatus, and all paintings and statuary of any company or association kept in a public hall; provided, the property so exempted be not leased for purposes of private or corporate profit and income. \* \* \* \* \*

## (Art. 231. Poll Tax of One Dollar.)

The General Assembly shall levy an annual poll tax of one dollar upon every male inhabitant in the State between the ages of twenty-one and sixty years, for the maintenance of the public schools in the parishes where collected.

## (Art. 232. School Tax on a Vote of Property Taxpayers.)

The State tax on property for all purposes whatever, including expenses of government, schools, levees and interest, shall not exceed in any one year, six mills on the dollar of its assessed

valuation, and, except as otherwise provided in this Constitution, no parish, municipal or public board tax for all purposes whatsoever, shall exceed in any one year ten mills on the dollar of valuation; provided, that for giving additional support to public schools, and for the purpose of erecting and constructing public buildings, public schoolhouses, bridges, wharves, levees, sewerage work and other works of permanent public improvement, the title to which shall be in the public, any parish, municipal corporation, ward or school district may levy a special tax in excess of said limitation, whenever the rate of such increase and the number of years it is to be levied and the purposes for which the tax is intended, shall have been submitted to a vote of the property taxpayers of each parish, ward or school district entitled to vote under the election laws of the State, and a majority of the same in numbers and in value voting at such election shall have voted therefor.

**(Art. 248. Free Schools; for Whom; Apportionment of Funds.)**

There shall be free public schools for the white and colored races, separately established by the General Assembly, throughout the State, for the education of all the children of the State between the ages of six and eighteen years; provided, that where kindergarten schools exist, children between the ages of four and six may be admitted into said schools. All funds raised by the State for the support of public schools, except the poll tax, shall be distributed to each parish in proportion to the number of children therein between the ages of six and eighteen years. The General Assembly, at its next session, shall provide for the enumeration of educable children.

**(Art. 249, as amended by Act 28 of 1908. State Superintendent.)**

There shall be elected by the qualified electors of the State a Superintendent of Public Education, who shall hold his office for the term of four years, and until his successor is qualified. His duties shall be prescribed by law, and he shall receive an annual salary of five thousand dollars.

**(Art. 250. State Board of Education; Parish Boards and Officers.)**

The General Assembly shall provide for the creation of a State Board and Parish Boards of Public Education. The Parish,

Boards shall elect a Parish Superintendent of Public Education for their respective parishes, whose qualifications shall be fixed by the Legislature, and who shall be ex-officio secretary of the Parish Board. The salary of the Parish Superintendent shall be provided for by the General Assembly, to be paid out of the public school funds accruing to the respective parishes.

**(Art. 251. French May Be Taught.)**

The general exercises in the public schools shall be conducted in the English language; provided, that the French language may be taught in those parishes or localities where the French language predominates, if no additional expense is incurred thereby.

**(Art. 252. Application of the Poll Tax.)**

The funds derived from the collection of the poll tax shall be applied exclusively to the maintenance of the public schools as organized under this Constitution, and shall be applied exclusively to the support of the public schools in the parish in which the same shall be collected, and shall be accounted for and paid by the collecting officer directly to the treasurer of the local school board.

**(Art. 253. Private and Sectarian Schools Cannot Receive Public School Funds.)**

No funds raised for the support of the public schools of the State shall be appropriated to or used for the support of any private or sectarian schools.

**(Art. 254. School Funds—Of What They Shall Consist.)**

The school funds of the State shall consist of: 1st. Not less than one and one-quarter mills of the six mills tax levied and collected by the State. 2d. The proceeds of taxation for school purposes as provided by this Constitution. 3d. The interest on the proceeds of all public lands heretofore granted or to be granted by the United States for the support of the public schools, and the revenues derived from such lands as may remain unsold. 4th. All funds and property, other than unimproved lands, bequeathed or granted to the State, not designated for any other purpose. 5th. The proceeds of vacant estates falling under the law to the State of Louisiana. 6th. The legislature may appropriate to the same fund the proceeds of public lands

not designated or set apart for any other purpose, and shall provide that every parish may levy a tax for the public schools therein, which shall not exceed the entire State tax; provided, that with such a tax the whole amount of parish taxes shall not exceed the limits of parish taxation fixed by this Constitution. The City of New Orleans shall make such appropriations for the support, maintenance and repair of the public schools of said city as it may deem proper, but not less than eight-tenths of one mill for one year; and said schools shall continue to receive from the Board of Liquidation of the City Debt, the amounts to which they are now entitled under the Constitutional amendment, adopted in the year 1892.

**(Art. 255. Louisiana State University and A. & M. College.)**

The Louisiana State University and Agricultural and Mechanical College, founded upon land grants of the United States to endow a seminary of learning and a college for the benefit of agriculture and mechanic arts, now established and located in the City of Baton Rouge, is hereby recognized; and all revenues derived and to be derived from the seminary fund, the Agricultural and Mechanical College fund, and other funds or lands donated to or to be donated by the United States to the State of Louisiana for the use of a seminary of learning or of a college for the benefit of agriculture or the mechanic arts, shall be appropriated exclusively to the maintenance and support of the said Louisiana State University and Agricultural and Mechanical College; and the General Assembly shall make such additional appropriations as may be necessary for its maintenance, support, and improvement, and for the establishment, in connection with said institution, of such additional scientific or literary departments as the public necessities and the wellbeing of the people of Louisiana may require.

The Tulane University of Louisiana, located in New Orleans, is hereby recognized as created, and to be developed in accordance with the provisions of the legislative act No. 43, approved July 5th, 1884, and by approval of the electors, made part of the Constitution of the State.

**(Art. 256. Other State Schools.)**

The Louisiana State Normal School, established and located at Natchitoches; the Industrial Institute and College of Louisiana, whose name is hereby changed to the Louisiana Industrial Institute, established and located at Ruston; and the Southern University, now established in the City of New Orleans, for the education of persons of color, are hereby recognized; and the General Assembly is directed to make such appropriations from time to time as may be necessary for the maintenance, support and improvement of these institutions; provided, that the appropriation for the maintenance and support of the Southern University shall not exceed ten thousand dollars per annum.

**(Art. 257. Interest Due the Townships.)**

The debt due by the State to the free school fund is hereby declared to be the sum of one million, one hundred and thirty thousand, eight hundred and sixty-seven dollars and fifty-one cents in principal, and shall be kept on the books of the Auditor and Treasurer to the credit of the several townships entitled to the same; the said principal being the proceeds of the sales of lands heretofore granted by the United States for the use and support of free public schools which amount shall be held by the State as a loan, and shall be and remain a perpetual fund, on which the State shall pay an annual interest of four per cent, and said interest shall be paid to the several townships of the State entitled to the same, in accordance with the Act of Congress, No. 68, approved February 15th, 1843.

**(Art. 258. Debt Due Seminary Fund.)**

The debt due by the State to the Seminary fund is hereby declared to be one hundred and thirty-six thousand dollars, being the proceeds of the sale of lands heretofore granted by the United States to this State for the use of a seminary of learning, and said amount shall be kept to the credit of said fund on the books of the Auditor and Treasurer of the State as a perpetual loan, and the State shall pay an annual interest of four per cent on said amount.

**(Art. 259. Debt Due A. and M. College.)**

The debt due by the State to the Agricultural and Mechanical College fund is hereby declared to be the sum of one hun-

drend and eighty-two thousand three hundred and thirteen dollars and three cents, being the proceeds of the sale of lands and land scrip heretofore granted by the United States to this State for the use of a college for the benefit of agricultural and mechanical arts; the said amount shall be kept to the credit of said fund on the books of the Auditor and Treasurer of the State as a perpetual loan, and the State shall pay an annual interest of five per cent on said amount.

**(Art. 260. How Interest Shall Be Paid.)**

The interest due on the free school fund, the seminary fund and the Agricultural and Mechanical College fund, shall be paid out of any tax that may be levied and collected for the payment of the interest on the State debt.

**Art. 261. School Books for Indigent Pupils.)**

All pupils in the primary grades in the public schools throughout the Parish of Orleans, unable to provide themselves with the requisite books, an affidavit to that effect having been made by one of the parents of such pupils, or if such parents be dead, shall be furnished with the necessary books free of expense, to be paid out of the school fund of said parish; and the School Board of the Parish of Orleans is hereby directed to appropriate annually not less than two thousand dollars for the purpose named, provided such amount be needed.

**(Art. 60. Establishment of Additional Educational or Charitable Institutions.)**

No educational or charitable institution, other than the State institutions now existing, or expressly provided for in this Constitution, shall be established by the State except upon a vote of two-thirds of the members elected to each House of the General Assembly.

**(Art. 210. Eligibility to Office.)**

No person shall be eligible to any office, State, judicial, parochial, municipal or ward, who is not a citizen of this State, and a duly qualified elector of the State, judicial district, parish, municipality or ward, wherein the functions of said office are to be performed. And whenever any officer, State, judicial,

parochial, municipal or ward, may change his residence from this State, or from the district, the same shall thereby be vacated, any declaration of retention of domicile to the contrary notwithstanding.

**(Art. 232. Limitation of State Tax; Of Other Taxing Bodies; When and How Special Taxes May Be Levied.)**

The State tax on property for all purposes whatever, including expenses of government, schools, levees and interest, shall not exceed, in any one year, six mills on the dollar of its assessed valuation, and except as otherwise provided in this Constitution, no parish, municipal or public board tax for all purposes whatsoever, shall exceed in any one year ten mills on the dollar of valuation; provided, that for giving additional support to public schools, and for the purpose of erecting and constructing public buildings, public schoolhouses, bridges, wharves, levees, sewerage work and other works of permanent public improvement, the title to which shall be in the public, any parish, municipal corporation, ward or school district may levy a special tax in excess of said limitation, whenever the rate of such increase and the number of years it is to be levied and the purpose or purposes for which the tax is intended, shall have been submitted to a vote of the property taxpayers of such parish, municipality, ward or school district entitled to vote under the election laws of the State, and a majority of the same in numbers, and in value voting at such election shall have voted therefor.

**(Art. 235. Inheritance Tax for Public Schools.)**

The Legislature shall have power to levy, solely for the support of the public schools, a tax upon all inheritances, legacies and donations; provided, no direct inheritance, or donation, to any ascendant or descendant, below ten thousand dollars in amount or value shall be so taxed; provided, further, that no such tax shall exceed three per cent for direct inheritances and donations to ascendants or descendants, and ten per cent for collateral inheritances, and donations to collaterals or strangers; provided, bequests to educational, religious or charitable institutions shall be exempt from this tax.

(Art. 236.)

The tax provided for in the preceding article shall not be enforced when the property donated or inherited shall have borne its just proportion of taxes prior to the time of such donation or inheritance.

(Art. 281, as amended by Act 197 of 1910. School Bonds and Special Taxes.)

Municipal Corporations, parishes or school, drainage, sub-drainage, road, navigation, or sewerage districts, the City of New Orleans excepted, hereinafter referred to as subdivisions, when authorized to do so, by a vote of a majority in number and amount of the property taxpayers, qualified to vote under the Constitution and laws of this State, who vote at an election held for that purpose, after due notice of said election has been published for thirty (30) days in the official journal of the municipal corporation or parishes, and where there is no official journal, in a newspaper published therein, may "through their respective governing authorities" incur debt and issue negotiable bonds therefor, and each year while any bonds issued to evidence said indebtedness are outstanding, the governing authorities of such subdivision shall levy and collect annually, in excess of all other taxes, a tax sufficient to pay the interest, annually or semi-annually, and the principal falling due each year, or such amount as may be required for any sinking fund provided for the payment of said bonds at maturity; provided, that such special taxes, for all purposes, shall not in any year exceed ten (10) mills on the dollar of the assessed valuation of the property in such subdivisions.

No bonds shall be issued for any other purpose than that stated in the submission of the proposition to the taxpayer, and published for thirty (30) days as aforesaid, or for a greater amount than therein mentioned; nor shall such bonds be issued for any other purpose than for constructing, improving and maintaining public roads and highways, paving and improving streets, roads and alleys, purchasing or constructing systems of waterworks, sewerage, drainage, navigation, lights, public parks and buildings, together with all necessary equipments and furnishing, bridges and other works of public improvement, the



title to which shall rest in the subdivision creating the debt, as the case may be; nor shall such bonds run for a longer period than forty years (40) from their date or bear a greater rate of interest than five per cent (5) per annum, or be sold for less than par. The total issue of bonds by any subdivision for all purposes shall never exceed ten per centum (10) of the assessed valuation of the property in such subdivisions.

Municipal councils shall have authority to create within their respective limits one or more sewerage districts; and nothing herein contained shall prevent drainage districts from being established under the laws of this State shall, in addition to the powers hereinabove granted, have the further power and authority to levy and assess annual contributions or acreage taxes on all lands situated in such districts, for the purpose of providing and maintaining drainage systems, not exceeding fifty (50) cents per acre for a period not exceeding forty (40) years, when authorized to do so by a majority in number and amount of the property taxpayers of said district, qualified to vote under the Constitution and laws of this State, who vote at an election held for that purpose and in the manner provided in the first part of this Article, and said drainage districts, through the Boards of Commissioners thereof, when authorized as hereinabove provided, "may incur debt and issue negotiable bonds therefor, payable in principal and interest out of and not to exceed in principal and interest, the aggregate amount to be raised by said annual contributions or acreage taxes during the period for which the same are levied. No such drainage bonds shall be issued for any other purpose than that for which said contributions or acreage taxes were voted or run for a longer period than forty (40) years from their date or bear a greater rate of interest than five (5) per cent per annum or be sold for less than par.

When the character of any land is such that it must be levied and pumped in order to be drained and reclaimed, the Board of Drainage Commissioners of the district in which the land is situated, shall, upon petition of not less than a majority in acreage of the property taxpayers, resident and non-resident, in the area to be affected, ascertain the cost of drain-

age and reclaiming said land and incur debt against said land for an amount sufficient to drain and reclaim it, and issue for said debt negotiable bonds running not longer than forty (40) years from their date and bearing interest at a rate not exceeding five (5) per centum per annum, payable annually or semi-annually, which bonds shall not be sold for less than par; and said Board of Drainage Commissioners shall levy annually upon said land forced contributions or acreage taxes in an amount sufficient to maintain the drainage of said land and to pay the interest, annually or semi-annually, and the principal falling due each year, or such amount as may be required for any sinking fund provided for the payment of said bonds at maturity; provided, that such forced contribution or acreage taxes, for all purposes shall never exceed Three Dollars and Fifty Cents (\$3.50) per acre per annum.

The police juries of the various parishes throughout the State, for the purpose of constructing highways and public buildings for the parish, and the governing authorities of municipal corporations, for the purpose of paving or improving streets or alleys, or for other municipal improvements, after making provision for the payments of all statutory and ordinary charges, may fund into bonds running for a period not exceeding ten (10) years, and bearing interest at a rate not exceeding five (5) per centum per annum, which bonds shall not be sold for less than par, the avails of the residue of the ten (10) mill tax authorized by Article 232 of the Constitution of Louisiana.”

**(Three-Mill Tax for Support of Schools. Act 257 of 1910.)**

The police juries of the several parishes and boards of trustees and municipal councils of incorporated cities and towns (the Parish of Orleans excepted) shall levy, collect and turn over to the parish school boards of their respective parishes for the support of the public schools of their respective parishes, cities or towns, the proceeds of at least three mills of the annual tax which they are empowered to levy on each dollar of the assessed valuation of the property thereof; provided that cities and towns that are not exempted by the terms of their charters from the payment of parish taxes and which are subjected to

the similar burdens of taxation as are the parishes shall not pay this tax, as same is included in the taxes imposed by the parish in which the town is situated, "unless the parish boards of school directors of that parish certify that the needs of the schools can be met by a smaller levy of such taxes."

### ACT No. 214 OF 1912

Section 1. The Governor, Superintendent of Public Education and the Attorney General, together with as many citizens appointed by the Governor as there are Congressional Districts, being one from each congressional district of the State, shall be a body politic, and corporate by the name and style of the Board of Education for the State of Louisiana, with authority to sue and defend suits in all matters relating to the public schools. The above specified citizens shall receive as compensation for their services in attending the meetings of the board, their actual traveling expenses and per diem for the number of days that the board is in session, the same as members of the State Legislature, payable on their warrants, approved by the president and secretary of the board, out of the current school fund.

Section 2. The Governor shall be ex-officio president, and the State Superintendent, secretary of said Board. The State Superintendent shall be authorized to appoint an assistant secretary for this office. The Board shall meet on or before the first Monday in December of each year, and at other times when called by the Governor. The acts of the Board shall be attested by the signature of the president and secretary of the Board. All papers, documents, and records appertaining to the Board shall be filed by the Secretary in the office of the State Superintendent of Public Education. The Board may direct the proceedings of the State Board of Education to be published in the official journal of the State or in an official pamphlet.

Section 3. The State Board of Education shall prepare rules, by-laws and regulations for the government of the public schools of the State, which shall be enforced by the Parish Superintendent and the several School boards, and shall give such directions as it may deem proper as to the branches of study which shall be taught. The State Board of Education shall strictly enforce

a uniformity of text-books in all of the public schools of the State, and shall adopt a list thereof which shall remain unchanged for six years after such adoption. Not more than three subjects or parts of subjects of the elementary grades and not more than two of the following high school subjects can be changed at any one adoption, to-wit: Algebra, English Grammar, Composition and Rhetoric, Botany, Zoology, Chemistry, Geometry, American History, Ancient History, Mediaeval and Modern History, and of the remaining high school subjects not more than five can be changed at any adoption, provided that any text book used in the schools of this State may be changed at any time upon the written application of forty parish school boards, as per resolution of said boards duly certified to the State Board of Education; and all contracts for the adoption of text-books for use in the public schools shall cover a period of six years. The adoption of elementary text-books and high school books shall be made in periods of three years apart, and, for the purpose of carrying out this provision the first adoption of high school text-books shall be made in the year 1913 and the first adoption of elementary text-books shall be made in the year 1916.

The mode or procedure for the announcement of bids, awarding of contracts, location of depositories for the distribution of school text-books shall be left to the State Board of Education.

Section 4. The State Board of Education may require reports to be made by the parish superintendent whenever the interest of the common schools indicate the necessity of other reports than are now required.

Section 5. There shall be elected by the qualified voters of each police jury ward of the several parishes of the State a member of the Board of Directors of the Public Schools of such parish for each police juror in said ward. The first election above provided for shall take place the same time as the congressional election in 1912. As soon as the Boards as above provided for have qualified, each Board shall by resolution divide the membership by wards into three divisions as nearly equal as possible. the members of the first group shall hold office for two years, the members of the second group for four years, and the members of the third group for six years. The successors of the members

in the several groups shall be elected for terms of six years. That the compensation of said members of the school board is hereby fixed at three dollars for each day that he may be required to attend the meetings of the board, and five cents a mile he may travel to and from the meetings of said board. The Board of Directors as now constituted shall hold their office until their successors shall have been elected as provided for in this Act. The qualifications of a person to be a member of a school board shall be that he be a qualified elector in the ward from which he is elected, able to read and write, who does not hold any office or position of honor, trust or emolument, city, parish or State; or hold any permanent employment in any capacity by any board, department or officer, city, parish or State; notaries public, and justices of the peace being excepted; provided, that should the Constitution of this State be so amended so as to permit women to be members of Boards of Public Schools then and in that event they shall be eligible to membership on the various Boards of Directors provided for in this Act.

Should any vacancy occur in any School Board by deaths, resignation or otherwise, the same shall be filled by appointment by the Governor for the unexpired term; provided, that the unexpired term shall not be for a longer period than 12 months; otherwise to be filled by special election.

A majority of the membership of such board shall constitute a quorum thereof for the transaction of business.

Section 6. The several school boards are constituted bodies corporate, with power to sue and be sued under the name and style of the "Board of Directors of the Public Schools of the Parish ....." as the case may be. Citation shall be served on the president of the Board, and in his absence on the vice-president.

Section 7. The Boards of Directors of the several parishes shall elect from among their number a president and a vice-president. They shall also elect or appoint a Parish Superintendent having the qualifications hereinafter required, for a period of four years, the first superintendents under this Act to take office July 1st, 1913; provided, that, if at any time a parish superintendent should be found incompetent, inefficient, or un-

worthy, he shall be for such cause removable by a vote of two-thirds of the full membership of the Parish School Board. The Board of Directors shall report to the State Board of Education all deficiencies in the schools or neglect of duty on the part of the teachers, superintendents, or other officers. The members of the Board of Directors shall visit and examine the schools in the several school districts of the parish from time to time, and they shall meet and advise with the trustees when occasion requires.

The board shall determine the number of schools to be opened, the location of the schoolhouses, the number of teachers to be employed, select such teachers from nominations made by the Parish Superintendents, provided that two-thirds of the full membership of the board may elect teachers without the endorsement of the superintendent. The board shall fix the salaries of the teachers. And the Board of Directors is entrusted with seeing that the provisions of the State School laws are complied with. Each Board of Directors shall make such rules and by laws for its own government, not inconsistent with law, as it deems proper. The regular meeting of each board shall be held on the first Saturday of January, April, July and October, and it may hold such special or adjourned meetings as the board may determine or as occasion may require. Each Board of Directors shall exercise proper vigilance in securing for the schools of the parish all funds destined for the support of the schools, including the State funds apportioned thereto, the poll tax, collectible, and all other funds. The Secretary shall keep a record of all transactions and proceedings of the board.

The board of Directors may receive land by purchase or donation for the purpose of erecting schoolhouses, provided for and secure the erection of same, construct such out buildings and enclosures as shall be conducive to the protection of property and make repairs and provide the necessary furniture equipment and apparatus. All contracts for improvements shall be to the lowest bidder, the board reserving the right to reject any and all bids. They shall have the power to recover for any damage that may be done to the property in their charge; they may, by a two-thirds vote of the whole board after due notice

change the location of the schoolhouse, sell or dispose of the old site, and use the proceeds thereof toward procuring a new one.

Section 8. The District Attorney of the district shall act as counsel for the Board of Directors, except in and for the Parish of Orleans, where the City Attorney of the City of New Orleans shall act as counsel for the board of School Directors of said Parish, but neither the District Attorney nor the said City Attorney shall receive any extra fee, compensation, or allowance for such service.

Section 9. The Board of Directors, the Parish of Orleans excepted, shall have authority to establish graded schools, and to adopt such a system in that connection as may be necessary to secure their success. Central or high schools may be established when necessary, but no such school shall be established without the sanction of the State Board of Education and unless the amount be donated for the site, and suitable buildings are provided for without any expense out of the school fund. The Board of Directors shall have the authority to assess and collect fifty cents per annum from the parent or guardian of each child enrolled in the public schools of a parish or district, to be collected in such manner as the said board shall determine; provided that no parent or guardian be required to pay more than one dollar and fifty cents. The amount thus collected shall be used in providing the necessary fuel and other comforts of the school.

Section 10. The free right of passage or conveyance over all public ferries, bridges and roads which are rented out by the State, Parish, or municipality, or over which the State or Parish, or municipality, exercises any control, or for which license is paid or toll exacted, be and is hereby granted to all children attending the public schools; and no tolls or fees shall be demanded or exacted from said children by the keepers or attendants of said ferries, bridges or roads in their passage to and from school between the hours of 7 o'clock A. M. and 9 o'clock A. M. and 4 o'clock P. M. and 6 o'clock P. M.; provided, that on Sundays and holidays no children shall have the right to cross said such ferries, bridges, or roads on terms different from those of any ordinary passenger. The provision of the foregoing section shall apply to the parish of Orleans as well as other parts of the State.

Section 11. No school of less than ten pupils shall be opened or maintained in any locality.

Section 12. The boards of directors of the public schools of the several parishes of this State are prohibited from entering into any contract, agreement, understanding or combination, tacitly, or expressly, directly or indirectly, with any church, monastic or other religious order or association of any religious sect or denomination whatsoever, or with the representatives thereof, for the purpose of running any public school or schools of this State, together or in connection or in combination with any private or parochial school, or other institution of learning which may be under the control, authority, supervision, administration or management of any church, monastic or other religious order or association of any religious sect or denomination whatsoever.

Section 13. It shall be the duty of the parish board with the parish superintendent to divide the parish into school districts of such proper and convenient area and shape as will best accommodate the children of the Parish. The Parish Board of Directors shall as soon as practicable proceed to the work imposed upon them and upon the completion of the work they shall make a report to the parish superintendent, which report shall contain the boundary and description of said district, designated by number. The parish superintendent shall record the same in a well bound book kept by him for that purpose, which book shall be held by the parish superintendent and be at all times open to inspection. Parish Boards, if they deem it to be for the best interest of the schools, may divide the parish into districts without reference to the wards in the parish.

Section 14. The Parish Board of Directors of two adjoining parishes, where the division line intersects a neighborhood whose convenience requires it, may lay off a district composed of parts of both parishes. Such districts shall be reported by the Superintendent, together with a census of the school children only as belonging to the parish in which the schoolhouse may be situated, and reports shall be made by the assessor and parish superintendent as though the district lay entirely in such district.

Section 15. Where two school districts adjoin, it shall be lawful for the children in either of said districts to be taught in



and at such schoolhouse as shall be most convenient to them; provided, that the tuition fee shall be paid to the district in which they are taught, and that no charge be made without the consent of the school boards of the respective parishes.

Section 16. The branches of orthography, reading, writing, drawing, arithmetic, geography, grammar, United States History, the laws of Health, including the evil effects of alcohol and narcotics, shall be taught in every district. In addition to these, such other branches shall be taught as the State Board of Education and the Parish School Boards may require; provided, that these elementary branches may also be taught in the French language in those localities where the French language is spoken; but no additional expense shall be incurred for this cause. No public school in the State shall open later than 9 A. M. or close earlier than 3 P. M.; provided, this shall not be construed so as to prevent half day sessions where the school accommodations are insufficient for all the pupils of the district in a whole day session. Nor shall it interfere with any arrangements made for the conduct of the Kindergarten schools; provided that, in the parish of Orleans the Board of School Directors may fix the hours of session of the public schools. A school week shall consist of five days.

Section 17. The President of the Board of Directors shall preside at all meetings of the Board, call meetings when necessary, advise with and assist the parish superintendent and directors in promoting the success of the schools and generally to do and perform all other acts and duties pertaining to his office as president of the board. All deeds and contracts for the schools shall be signed by him; the contracts with teachers shall be signed by the parish superintendent.

Section 18. There shall be selected by the patrons of each local school district in the manner to be provided by the Board of School Directors of the parish in which the school district is located, the parish of Orleans excepted, three auxiliary visiting trustees who shall have the same qualification as members of the Parish Board of Directors. The said trustees shall visit the schools of their respective districts and shall make quarterly reports to the Parish Board of Directors of the actual condition of the schools and shall make needful suggestions in all matters relating to the schools of which they are trustees.

## STATE SUPERINTENDENT.

Section 19. A suitable office shall be provided for the State Superintendent of Public Education at the seat of government, in which he shall file, each year separately, all papers, reports and public documents transmitted to him by the Board and officers whose duty it is to report to him, and hold the same in readiness to be examined by the Governor, whenever he sees proper, and by any committee appointed by the General Assembly; and he shall cause to be kept a record of all matters appertaining to his office. In case of vacancy in the office of Superintendent of Public Education, the Governor shall fill the vacancy and submit the name of the appointee to the Senate for its confirmation at the first session held after the appointment.

Section 20. The salary of the State Superintendent of Public Education shall be five thousand dollars per annum, besides which he shall be entitled to office fixtures, stationery, books, fuel, and light and everything needed to carry on the work of his office. He shall have authority to appoint a clerk and a porter and prescribe the duties of each; provided that the entire expenses of his office including salaries, postage and incidentals, shall not exceed the specified appropriation therefor, payable in monthly installments, out of the current school fund, by the Treasurer of the State, upon warrants of the State Superintendent:

Section 21. The State Superintendent of Public Education shall have general supervision of all school boards in the parishes, of all common, high and normal schools of the State, and shall see that the school system of the State is carried properly into effect. He shall be ex-officio a member of the board of supervisors of the State University and Agricultural and Mechanical College, the State Normal School, the State Industrial School at Ruston, the State Industrial School at Lafayette, the State Institute for the Deaf and Dumb, the State Institute for the Blind, the Southern University, and of all other institutions of learning under the control of the State or aided in whole or in part by the State. He shall visit all the parishes of the State as often as practicable, and shall give due notice of the time of his visit to the parish superintendent whose duty it shall be to meet and confer with the

State Superintendent on all matters connected with the interest of the public schools of the parish. His expenses incurred in the discharge of his duty shall be paid out of the current school fund, but shall not exceed the amount appropriated per annum for the purpose. He shall keep an account of all orders drawn or countersigned by him on the Auditor and of all returns of settlements; when ever required any part of this account shall be furnished by the Auditor.

Section 22. He shall biennially on or before the meetings of the General Assembly, make a report of the condition and progress made and possible improvements to be made in the public schools. The amount and condition of the school funds; how its revenues during the two previous years have been distributed; the amount collected and disbursed for public school purposes from local taxation, or from any other source of revenue, and how the same was expended. This report shall contain an abstract of the parish and city superintendents reports. He shall communicate all facts, statistics and information as are of interest to the public schools. He shall cause to be printed a sufficient number of copies for the distribution among the members of the General Assembly, the State officials, parish school boards, libraries, and superintendents of other States and Territories, and to meet all exchanges of educational reports.

Section 23. The superintendent in his report shall set forth the objects, and make suggestions which may be of interest and promote the success, of all institutions of learning under his supervision. The superintendent of these institutions shall annually, by the first of March, furnish the State Superintendent of Public Education such statements of their respective institutions as may be necessary to enable him to make a full and satisfactory report.

Section 24. Certified copies of records and papers in his office shall in all cases be received and admitted in lieu of the originals. He is authorized to make copies, when requested by any person so to do, of any papers deposited or filed in his office, and of any act or decision made by him, and certify the same, and he may demand therefor payment at the rate fo twenty-five cents per one hundred words.

Section 25. It is made the duty of the State Superintendent of Public Education to report to the State Board of Education all

neglect of duty on part of any school director, superintendent, or teacher, or any improper use of school funds whenever it may come to his knowledge. He shall hold annually conventions in the several institute districts, selecting the most convenient and accessible points, for the purpose of consultation, advice and instruction with Parish Superintendents in regard to supervision and management of parish schools.

Section 26. The Attorney General when called upon by the State Superintendent of Public Education, the State Board of Education, any Board of Directors, or any Parish Superintendent, shall give his opinion in regard to any controversy or dispute, affecting any such officers or boards, or relating to their respective rights or duties or affecting the schools under their charge, or any of them. The State Superintendent of Public Education shall whenever required, give advice, explanations, constructions or information to the district officers and superintendents and to the citizens relative to the public school law, the duties of the public school officers, the rights and duties of parents, guardians, pupils, and all officers, the management of the schools, and all other questions calculated to promote the cause of education. He shall perform all other duties imposed upon him by law.

#### PARISH SUPERINTENDENT.

Section 27. The Board of Directors of the public schools throughout the State shall elect or appoint a superintendent of public schools who shall hold office for a period of four years. He shall not be otherwise employed except, in a parish having fewer than thirty white teachers the parish superintendent may act as principal of a public school, shall be a person of high moral character, of recognized executive ability, and a practical educator who holds at least, a first grade certificate and who has had at least three years teaching experience within the five years next preceding his election, or who has served as a parish superintendent during at least one year of the three years next preceding his election. Outstanding certificates that are valid making their holders eligible to the office of parish superintendent shall not be affected by the provisions of this Act. This shall apply to all superintendents and assistant superintendents

now in office, Orleans parish included, and all persons who have secured eligibility certificates by examination but who are not at this time holding the office of Parish Superintendent.

The Parish Superintendent shall be ex-officio secretary of the Board of Directors in each parish of the State, the parish of Orleans excepted, his salary shall be fixed by the Board of Directors provided, that in no case shall it be less than six hundred dollars (\$600.00) per annum.

Section 28. He shall during the year visit once, at least, each school district in the parish, and he shall exert his best endeavors in promoting the cause of common school education. To this end he shall faithfully carry out the requirements of the State School Law and the rules and regulations made for the schools by the State Board of Education.

Section 29. It shall be the duty of each parish superintendent on or before the tenth day of July each year, to cause to be placed in the hands of the Superintendent of Public Education the official report of his parish schools for the previous years, the districts in which the schools are taught, and the length of time taught, the number of children at school, the cost of tuition of each child, per month and for the session, the number of private schools, colleges and academies taught in the parish and the length of the session of the same; the number of teachers employed, male, female, white and colored, the average wages of male teachers, female teachers, the amount of money raised for school purposes in the parish by local taxation or otherwise, and for what purpose it was disbursed, the number and kind of schoolhouses, the actual or approximate value of each, the number of school libraries and the number of volumes in each and the increase during the session and the amount received and expended for them. In case of neglect or failure to make this report in the time required he shall forfeit and pay the sum of ten dollars per week, or fraction of a week thereof, for the full time of his delinquency said amount to be collected by the Parish Board for the benefit of the institute fund of the State.

Section 30. Each parish superintendent shall keep a record of all business transacted by him as parish superintendent, the names, numbers and description of school districts, the tabulation of reports of school principals made monthly to him by the

principals of the schools of his parish and all other papers, books and documents of value connected with his office; and they shall be at all times subject to inspection and examination by the State Superintendent of Public Education, or by any school officer or citizen. In addition to his annual report to the State Superintendent of Public Education hereinbefore provided for, which shall be made in accordance with instructions of the State Superintendent, he shall furnish to the Department of Education such narrative, and such information as the State Superintendent or the State Board of Education may from time to time require of him.

Section 31. The parish superintendent may administer the oath required of any of the officials of the common schools or of any person required to make oath in any manner relating thereto, except to qualify directors.

Section 32. He shall maintain his office at the parish seat and shall keep the same open during the usual office hours to receive the reports of teachers and others and to transact the business required of him except during the time he is visiting schools or attending to his duties elsewhere.

Section 33. The parish superintendents shall make quarterly reports to the parish board of directors upon the condition of the schools under his supervision. The secretary shall keep full minutes of all proceedings of the Board in a book provided for that purpose, and shall do and perform all other acts and duties legally pertaining to the office of the Secretary of the Board.

### TEACHERS INSTITUTES.

Section 34. There shall be established and maintained by the State Institute Fund, in conjunction with the Peabody Institute Fund, Summer Normal Schools in this State, with sessions of not less than four weeks.

Section 35. Other institutes may be held when ordered by the State Board of Education or under special laws ordering such institutes to be held. Every teacher of a common school must attend the sessions upon penalty for nonattendance if satisfactory excuse has not been rendered to the parish superintendent, of forfeiting two days' pay. There shall be a vaca-

tion of the common schools of the parishes to give opportunities to the teachers to attend; and no reduction of the teacher's salary shall be made during said vacation, provided he or she was in attendance the full time of the session of the institute. These institutes, held under this section, shall, as far as possible, be held in some town centrally located and teachers from as many parishes as can conveniently attend shall be notified to attend. This notice they shall obey, under the penalty before mentioned.

Section 36. The State Board of Education shall act as a Board of State Institute Managers and in their discretion shall select an experienced institute conductor who shall have general charge of the summer normal work, and whose services shall be paid for out of the institute funds in such manner as shall be agreed upon by the Board named in this Act. The institute conductor shall be secretary of the Board.

Section 37. The managers of the summer normal schools shall issue certificates of attendance to each teacher present during the whole of their sessions, and the parish boards of school directors shall give preference, other things being equal, to the holders of said certificates in the selection of teachers for the public schools.

Section 38. The conductors of the State (one week) Institutes shall make a full report of their work, giving the names of the teachers in attendance with a detailed account of all institute funds received and disbursed, to the State Superintendent of Public Education for publication in his biennial report to the General Assembly and to the Board of the Peabody Education Fund.

Section 39. It shall be the duty of every parish superintendent, the parish of Orleans excepted, to conduct a teachers' institute or association, one Saturday of every month, or in his discretion, on a Friday and Saturday of every alternate month during the time the public schools are in session in his parish, in each institute district.

Section 40. The parish superintendent shall notify all teachers of the time and place of the monthly or bi-monthly institute meetings, and it shall be the duty of all teachers in the parish to attend these meetings and to take such part in the exercises as the superintendent may indicate. Such teachers as fail to

be present, or, being present, refuse to perform the part assigned to them on the program by the superintendent at such institute meetings, shall forfeit one day's salary for each absence or one day's salary for each failure to perform the part assigned them on the program by the superintendent. The amount so forfeited shall be deducted from such teacher's next monthly warrant by the superintendent and by him credited to the institute fund of the parish to be set aside and used exclusively for institute work in the said parish.

Section 41. Boards of Directors are hereby authorized and empowered and shall pay to each teacher attending an institute or association meeting, two dollars per day for each monthly meeting or bi-monthly meeting and three cents per mile each way to and from said meetings, actually and necessarily traveled, provided, that when the institute is held on regular school days teachers shall only receive their regular pay as teachers for such attendance.

Section 42. It shall be the duty of the State Institute Conductor to formulate the programs for teachers' institutes or association meetings and it shall be the duty of the State Board of Education to formulate the State Reading Course, for teachers yearly, and it shall be the duty of the parish Superintendent to consult the State Institute Conductor relative to conducting teachers institutes and when conducting teachers institutes or associations to follow the programs and the State Reading Course for teachers so prepared as aforesaid. The parish superintendent shall forfeit five dollars for each institute or association he fails to cause to be held, or fails to conduct, as required by this Act, unless physically unable to attend or for other valid reasons appearing to the satisfaction of the school board; the said fines shall be collected by the school board and credited to the institute fund, as provided in this Act. The daily session of the teachers institute or association shall not be less than five hours per day actual work.

Section 43. The Parish Superintendent, at the opening of the institute meeting, shall cause a roll of teachers to be prepared, which roll shall be called at least twice during each daily session of the institute. He shall ascertain the number of teachers in attendance and the length of time each attends, and he shall carefully note the names of all absentees, and to this end he shall



keep a record and at the end of the school session he shall make an annual report to the State Institute Conductor of the institute work in his parish for the year upon blanks furnished him by the State Institute Conductor for said purpose.

Section 44. The Parish Superintendents shall, before the beginning of regular public school term, appoint a competent teachers of his parish as institute manager for each district, if there be more than one institute district in his parish; and such institute manager shall be paid three dollars per day as compensation for actual services in holding such institutes, or for assisting the superintendent while holding said teachers institutes; provided, that when the teachers institute is held on a regular school day, the compensation of the institute managers shall be their regular salary and no more.

Section 45. The provisions of this Act relating to teachers institutes shall not be compulsory in the Parish of Orleans, but the school board of said Parish at its election may conduct such teachers' institutes provided for herein in the same manner and with the same power and authority as herein set forth.

Section 46. If at any time a teacher becomes incompetent, inefficient or unworthy of the endorsement given him or her, the parish superintendent shall have the power to suspend such teacher and immediately shall report such fact to the board of directors of the public schools of his parish and the said board shall take such action as the nature of the case warrants. The services of any teacher may be dispensed with at any time by the board of directors. Any teacher dismissed under the above provisions shall receive payment for his services for the current month.

Section 47. The State Board of Education shall take entire charge of the examination of public school teachers. The Board shall appoint an examining committee of as many members as may be required and fix the salaries of the members of the committee.

Section 48. The following grades of certificates shall be issued by the examining committee: Special High School Certificates, valid for five years; First Grade Certificates, valid for five years; Second Grade Certificates, valid for three years; Third Grade Certificates, valid for one year. The State Board of Edu-

ation shall determine the subjects which shall be used in the examination for any of the grades of certificates.

Section 49. The State Board of Education shall have authority to exempt from examination graduates of standard colleges and State Normal Schools located in other States, provided that in all cases the examining committee shall have authority to examine such graduates in such subject or subjects as the committee may think necessary.

Section 50. All questions to be used in the examination of teachers shall be prepared by the examining committee, and when they have been approved by the State Superintendent of Public Education they shall be sent to the Parish Superintendent of the various parishes, who shall conduct the examinations, collect the fees hereinafter provided for, and send fees and answer papers to the State Superintendent of Public Education. The Examining Committee shall grade all papers, and issue certificates to those who shall make the average pass mark fixed by the State Board of Education. Certificates shall be signed by the Chairman of the examining committee and the State Superintendent of Public Education, they shall be valid for the periods named above in all of the points of the State.

Section 51. Applicants for the approval of their diplomas or for teachers' certificates shall pay the following fees: Graduates of Colleges and State Normal Schools located in other States shall pay a fee of five dollars for approval of their diplomas; applicants for special high school certificates and first grade certificates shall pay a fee of two dollars; applicants for second grade certificates shall pay a fee of one dollar and fifty cents; and applicants for third grade certificates shall pay a fee of one dollar.

Section 52. The State Superintendent shall deposit all fees in an account entitled "Examination Fees" and he shall check upon this account for the salaries and office expenses of the examiners, keeping receipted vouchers for all moneys so drawn, and no other funds shall be used for salaries and expenses of the examining committee.

Section 53. The State Board of Education shall arrange for as many examinations annually as may be necessary.

Section 54. The examining committee shall have authority to issue provisional certificates, upon application by the parish superintendents, to teachers whose services are needed before their papers can be graded. Teachers holding such provisional certificates and failing to pass the examinations shall immediately vacate their positions upon notice of failure to pass the examination.

Section 55. The State Board of Education shall have authority to renew first grade teachers' certificates when satisfactory evidence is produced attesting the worthiness and competency of the holders asking for an extension of their certificates. Teachers having their certificates renewed shall pay a fee of two dollars.

Section 56. Teachers' certificates now valid and in force shall not be affected by this Act. The Parish of Orleans is excepted from the provisions of this Act.

Section 57. No person shall be appointed to teach without a written contract for the scholastic year in which the school is to be taught, and who shall not hold a certificate of a grade sufficiently high to meet the requirements of the school; unless he or she holds a certificate or diploma provided for by this Act, which exempts him or her from examination.

Section 58. Teachers now in position and holding certificates shall not be affected by the provisions of this act, it being the intention hereof to have regard to certificates to be issued in the future rather than those issued in the past and held by teachers now employed and giving satisfaction to their Boards; but all certificates are revocable.

Section 59. Each teacher of any school in this State supported wholly or in part from public money shall, before receiving any remuneration for services rendered in said capacity, file a certificate with the person by whom such payments are authorized to be made to the effect that such teacher has faithfully complied with all provisions of this Act during the entire period for which such payment is sought and in the manner specified in this Act; and no money shall be paid to any teacher who has not filed such a certificate.

Section 60. Graduates of all institutions of learning authorized to confer diplomas under the laws of this State shall be credited with having passed a satisfactory examination for said teach-

ers' certificate in such of the required subjects as, by the president of said institution, may be certified to as having been completed in the course of study of the applicant, excepting theory and art of teaching, history of education, psychology, and school administration.

Section 61. Teachers now holding certificates which are in force and which were heretofore issued, as the result of an examination held under the authority of law shall not be required to undergo an examination under the provisions of this Act, but such certificates are continued in force for their respective grades and for the time provided for in the law under which they were granted. After the promulgation of this Act no person shall be appointed as a teacher in the public schools unless he or she holds a certificate referred to in this Act, or a diploma recognized herein.

Section 62. The diplomas conferred by the Peabody Normal School located at Nashville, Tenn., upon graduates of that institution, as also diplomas conferred by the State Normal School at Natchitochés, La.; as also diplomas conferred upon the graduates of the City Normal School of New Orleans, La., as also diplomas conferred upon the graduates of the Department of Philosophy and Education of the Louisiana State University and Agricultural and Mechanical College, as also diplomas conferred upon the graduates of the Teachers' College of Tulane University, as also graduates completing the course in the Teachers' Training Department of all schools, or institutions of learning now authorized by special Acts of the General Assembly to confer diplomas under the laws of this State that will establish a teachers' training department following a curriculum to be established by the State Board of Education shall entitle the holders thereof to a first grade certificate, valid in any town or parish in this State, the parish of Orleans excepted, for five years from the date of graduation, at the expiration of which time the certificates awarded to the graduates of the Peabody Normal School may be renewed by the State Superintendent of Public Education, upon satisfactory evidence of the ability, progress and moral character of applicants asking for such renewal; certificates awarded to the graduates of the State Normal School may in like manner, be renewed at the expira-

tion of five years by the Board of Administrations of the said Normal School; certificates awarded to the graduates of the Department of Philosophy and Education of the Louisiana State University and Agricultural and Mechanical College may, in like manner, be renewed at the expiration of five years by the Board of Administrators of said institution; certificates awarded to graduates of the City Normal School of New Orleans in like manner, may be renewed at the expiration of five years by the Board of Directors by whom they were originally issued; and certificates awarded to graduates of all other institutions having complied with the curriculum and having established a teachers' training department as provided in this section, may be renewed at the expiration of five years by the authority of said institution having originally issued said diploma.

Section 63. It shall be the duty of parish superintendents and teachers of the public schools of the State to keep such school records as shall be prescribed by the State Superintendent of Public Education, prior to receiving his or her monthly salary at the end of each month. Each principal of a school shall make to the parish superintendent a report of the entire number of pupils enrolled, the number of pupils in attendance during the month, the book used, the branches taught, and such other information as the parish superintendent may deem important. If any principal wilfully neglects or fails to do this, the parish superintendent shall withhold two dollars of the salary due.

Section 64. The teacher shall faithfully enforce the school course of study and the regulations prescribed in pursuance of law; and if any teacher shall wilfully refuse or neglect to comply with such requirements, the parish superintendent shall report the same to the parish school board. Every teacher shall have the power and authority to hold every pupil to a strict accountability in school for any disorderly conduct on the play grounds of the school or during intermission or recess, and to suspend from school any pupils for good cause; provided, that such suspension shall be reported in writing as soon as practicable to the parish superintendent, whose decision shall be final; and provided further, that in the Parish of Orleans the principals of the schools shall suspend and report the same to the superintendent for approval or further action.

## SCHOOL TREASURER.

Section 65. The superintendent of the public schools in every parish (Parish of Orleans excepted) shall be and is hereby constituted the treasurer of all school funds appropriated by the State to such parish, or raised, collected, or donated therein for the support of the free public school; he shall receipt for all such funds to the Treasurer of the State and to the collector of parish taxes.

That the parish superintendents of schools made treasurers of school funds under the provisions of this section, shall give bond in such sums as may be required by the school board of the parish; provided that said bond shall not be less than the greatest amount in the hands of the treasurer during the previous years at any one time, and the school board for the several parishes shall pay the premium of said bond.

That the superintendent of public schools shall receive no compensation whatever for his services as school treasurer.

The said treasurer shall deposit the school funds in such bank or banks as may be designated by the parish school board under the provisions of Act No. 23, of the special session of the General Assembly of 1907.

Section 66. Said treasurer immediately upon the acceptance of his bond, shall demand of his predecessor in the office of treasurer of the school funds custody of all books and papers and of all balances of school moneys in his hands as custodian of the school funds of the parish.

Section 67. The treasurer shall pay out the school funds entrusted to his charge only on warrants drawn by the president and countersigned by the secretary of the parish school board, and shall state against what school district it is drawn, which warrant shall be drawn by these officers only in virtue of appropriations regularly made by the parish board; the parish board shall make annually an estimate of the amount of revenue for the year, appropriating the same as above required, and no warrant beyond the amount estimated shall be drawn for any year.

These warrants shall be numbered and shall specify on their face to whom and for what they are given, and the date of

the appropriation made by the school board; the treasurer shall pay these warrants only to the extent of the amount to the credit on his books and in the order in which they are presented, of school districts in behalf of which the warrants shall have been drawn and said warrants shall be filed in his office as vouchers, the account kept by him as treasurer of the school fund, shall always be subject to examination by any one who chooses to examine them.

Section 68. It shall be the duty of the various School Boards throughout the State, during the month of July of each year to adopt a budget of revenues to accrue to said school board during the ensuing year; said budget not to include probable revenues arising from a doubtful or contingent source.

(a) Within ten days after the adoption of the budget of revenues, the school boards throughout the State, shall adopt a budget of expenditures, not to exceed (100 per cent), one hundred per cent of the budget of revenues; in the parish of Orleans the budget of expenditures shall not exceed (95 per cent) ninety-five per cent of said budget of revenues; said budget of expenditures shall detail the said expenditures and no item of indebtedness not included in said detailed estimate, shall be paid by the treasurer or ex-officio Treasurer of the School Board, under pain, he and his surety, of being personally liable for any item so paid, and not included in said budget of expenditures, if during the course of the succeeding year, revenues from any unexpected or contingent source should have been realized, and amended budget of revenues may be adopted and an amended budget appropriating said revenues in the same proportion as above, may also be adopted. The adoption of said budget of expenditures shall be considered as the appropriation of the revenues without any other formal appropriation.

(b) In the Parish of Orleans at the end of the year after payment of all the indebtedness budgeted, the school board shall apply said surplus of (5 per cent) five per cent to any indebtedness of previous years reduced to final judgments liquidating and fixing the amount of indebtedness, whether the judgments be absolute or limited to the revenues of any year.

(c) The duties of said School Board above provided for, may be enforced before any court of Justice by any taxpayer, re-

siding in the parish or by any party in interest by such appropriate remedies as the law provides.

Section 69. The Parish School Board of all parishes of the State, the Parish of Orleans included, shall make an enumeration of all educable children in their respective parishes before July 1st, 1915, and every four years thereafter; provided that the respective school board shall not pay in excess of three cents for each child so enumerated.

### SCHOOLS IN THE PARISH OF ORLEANS.

Section 70. All the public schools of the Parish of Orleans and the management, property appurtenances thereof, and the course of study and grading thereof, including the text books to be used therein, shall be under the direction and control of the board of directors of the public schools of said parish. Said board shall consist of five members.

The first board shall be elected at the regular congressional election in the year 1912, and shall hold office for a term of four years or until their successors are elected and qualify. All vacancies occurring on said board for an unexpired term of one year or less shall be filled by appointment by the Governor, and all other vacancies shall be filled at a special election called by the Governor. The members of said Board of Directors shall be elected from the City at large under the general election laws of the State and in the same manner as are the members of the several Parish Boards of Directors throughout the State.

Section 71. Said board is hereby constituted a body corporate in law with power to sue and be sued under the name and style of the Board of Directors of the Public Schools—Parish of Orleans, legal processes shall be served on the President and in his absence or inability to act on the Vice-President. The said board shall have the right to make such rules and by-laws for the government not inconsistent with this act as it may deem proper. Three members shall constitute a quorum for the transaction of business.

The said board shall meet as soon as elected, or as soon thereafter as practicable, and organize by electing a president and vice-president from among their own members, and a secretary



who shall not be a member of the board. The said board shall at its first meeting, or as soon thereafter as practicable, elect a competent and experienced educator to be designated as superintendent whose duty shall be hereinafter described, he shall hold office for a term of four years, commencing July 13th, 1913, at the close of the term of the present superintendent subject to removal by the board for incompetence, neglect of duty or malfeasance of which after an impartial hearing by the board he shall have been deemed guilty. The said board shall also elect as many assistant superintendents, who shall have the same qualifications as the superintendent, as said board may deem necessary to properly conduct the public schools of said parish, which number of assistant superintendents may be increased or diminished at the pleasure of the Board. The Board may give to the assistant superintendents such title or designation as it may deem wise or advisable.

The said board shall also elect an attendance officer, and employ such other officers, clerks and assistants as may be necessary to properly conduct the public schools of the parish. In addition to the duties of his office, which may be fully prescribed by the board, the secretary shall make a quarterly report to the State Superintendent of Education of the cost of maintaining the City schools, and shall keep the accounts of said board in such manner as to be in strict accordance with such budget as it may adopt, certifying to said board at each monthly meeting the expenses of said board for each current month. Said board shall have control of all buildings, records, papers, furniture and property of any kind pertaining to the administration of the schools, and shall have management of all the public schools within the limits of the Parish of Orleans. The said Board shall also have power to pledge its revenues for the year then current, whether received from the State, Parish, Board of Liquidation of City Debt, or otherwise, for the purpose of promptly paying its obligations or for such other purposes as to said board may seem proper.

Section 72. All the provisions of this Act shall be and are applicable to the Parish of Orleans, to the schools situated therein, and to the board of directors of said parish unless the said Parish of Orleans is especially excepted from the application of

such provisions, and unless such provisions are in conflict, or are incompatible with, or are contrary to the provisions of this Act beginning with Section 70 hereof. In addition to the powers, duties and rights hereinbefore granted to and imposed upon parish boards, the powers, duties and rights of said Board of Directors of the Public Schools of the Parish of Orleans shall be as follows:

First—it shall adjust and fix equitably the salaries of teachers and janitors; also of the superintendent, secretary, attendance officer, employees, and of such assistant superintendents as it may deem necessary for the efficient supervision and conduct of the schools.

Second—It shall limit the annual expenses of maintaining the schools to the annual revenue; the expense of any one month shall not exceed the one-ninth part of the whole amount provided for the schools for the then current year.

Third—It shall prescribe rules for subjecting teachers or candidates for teacherships in the grades of the elementary schools to a careful competitive examination on all branches they are expected to teach, and no such person shall be elected to a position as teacher without a favorable report on his moral or mental qualifications by an organized committee of examiners appointed by the board.

Nothing in this Act shall be so construed as to vacate the office of any teacher for which he or she shall have been appointed under existing laws, now as requiring persons now teaching in the public schools of the Parish of Orleans, to qualify in accordance with this Act.

All teachers now employed in said public schools shall be regarded as permanent employees of said Board of Directors of the Public Schools of the Parish of Orleans, and said teachings shall not be removed from office, except on written charges of immorality, neglect of duty, incompetency, malfeasance or nonfeasance of which he has been found guilty by the Board after such investigation and report as may be ordered or provided for by rules and regulations to be adopted by the said board, provided, that the marriage of a female teacher at any time shall *ipso facto* vacate her position.

All teachers hereafter appointed in said schools shall be appointed annually for the first three years, after which time the appointment shall be permanent upon a favorable recommendation by the Superintendent.

Fourth—It shall elect all teachers for the grades in elementary schools from among the candidates holding certificates in the order of their merit as shown by the averages attained at the regular competitive examinations, provided for under paragraphs three and nine of this section.

Fifth—All certificates shall be good for five years and shall be graded by the said committee of examiners hereinabove provided for, provided, teachers in service shall not be required to stand future examinations.

Sixth—It shall hold regular monthly meetings on a day to be fixed by it.

Seventh—It shall declare vacant the position of any of its members who shall have failed to perform the duties assigned to him, or who shall have absented himself from two successive monthly meetings of the board without leave, or shall have been guilty of any breach of decorum or of any other act inconsistent with the dignity of a school director; and it shall report each vacancy to the Governor.

Eighth—It may maintain evening or night schools for the instruction of such persons as are prevented by their daily vocation from receiving instruction during the day.

Ninth—It may maintain one or more normal schools for professional training and improvement of candidates for teacher-ships including the course of instruction and training, lectures in the natural sciences, and on the method of teaching and disciplining children, and the practical exercises of nonteaching students in model classes organized for that purpose by the faculty of the institution. To graduates of these normal schools, also to proficient students in the city high schools, the board may, in its discretion, award diplomas showing the grade attained. Graduates of these normal schools may be deemed preferred candidates for vacant positions in the parish public schools. Diplomas awarded to graduates of these normal schools shall be deemed equivalent to teaching certificates of the highest grade for public

schools; provided that the rank of said graduate of these normal schools in the list of candidates eligible for teacherships in the grades of the elementary schools shall be based on the average of all the grades in the various subjects in their course of study in said normal schools.

Tenth—The board of directors shall appropriate annually not less than the sum of two thousand dollars, or as much thereof as may be needed for the purchase of school books to be used by pupils in the public schools of the parish of Orleans, which said books shall be distributed as the said board of directors may provide and shall be used by children to whom distributed under such conditions, restrictions, rules and regulations as the board may prescribe.

Eleventh—The said board of directors shall make an enumeration of all educable children in the Parish of Orleans before July 1st, 1915, and every four years thereafter.

Section 73. No school director of the Parish of Orleans shall receive any compensation for his services as such director.

Section 74. The Parish Superintendent of Public Schools of the Parish of Orleans shall aid the directors in organizing the schools and in improving the methods of instruction therein, in examining candidates for teacherships, and in conducting periodical examination of pupils for promotion through the respective grades of the schools, and in maintaining general uniformity and discipline in the management of all schools. He shall make monthly reports on the condition and needs of the schools to his board of directors at their regular meetings. For the information of the common council, the school directors, and the public generally, he shall, on or before the tenth day of December of each year, publish a printed report, in book form, showing the condition and progress, and possible improvements to be made in the public schools in the Parish, the amount and condition of the school funds, how the revenues have been distributed during the past year, the amount collected and disbursed for common school purposes from the general current school fund of the State, from local taxation or appropriation, and from all other sources of revenue, and how the same was expended for buildings, repairs, salaries, furniture, and ap-

paratus, and all other items of expenditure. The report will show, also, the number of pupils enrolled, male, female, white and colored, the number of and location of school houses, the number of teachers employed in the various grades, in the normal, high, grammar, primary, and kindergarten schools, and the daily average attendance of pupils during the annual session and the average expenses per capita of their instruction; it shall contain, also, an account of examinations held for teacherships, the number of certificates of each grade awarded, the names of applicants who received them, and generally all other items of information which should be contained in a report upon the annual operation of the school system of a large city. Copies of this report shall be forwarded, one each, to the Governor and members of the State Board of Education, the State Superintendent of Education, the members of the Common Council of the City of New Orleans, and to other officials and persons interested in the welfare and progress of the Parish Schools. He shall be entitled to participate in the deliberations and debates of said board but shall have no vote. Whenever notified to be present, he shall attend meetings of the State Board of Education.

Section 75. The Treasurer of the City of New Orleans shall ex-officio be the Treasurer of said board and shall receive all funds apportioned by the State to such city, or received or collected for the support of the free public schools from any and all sources. He shall give bond, with good and solvent security in the sum of fifty thousand dollars (\$50,000) in favor of the said board and its successors in office, to be accepted and approved by said board and recorded in the mortgage office of the Parish, and which bond shall then be filed and kept on record in the office of the said board. The filing of said bond, and taking and filing the usual oath of office before any officer authorized to administer same, shall qualify the Treasurer to act.

Section 76. Said Treasurer shall hold his office during his term of office as City Treasurer, unless sooner removed after due trial and hearing by the said board, for neglect of duty or malfeasance in office; and in case of removal by the board, it shall elect a treasurer who shall not be a member. He shall receive the sum of fifteen hundred dollars per annum for the trouble and

expenses which may be incurred by him in the discharge of the duties imposed under this act, payable monthly. He shall keep his office open at all such times as may be prescribed by said board for the payment of pay rolls or checks in favor of teachers and other employees of the board.

Section 77. It shall be the duty of the Common Council of the City of New Orleans, in making up their budget of annual expenses, to include therein the amount necessary to meet the expenses of the schools, as shown by the statement of the actual attendance, and the cost of instruction with such additional allowance for probable increased attendance and contingent expenses as may seem just and reasonable to the City Council, and keep in good repair all school houses and school grounds belonging to the City of New Orleans and in charge of the said board of directors. *That hereafter* whenever the City of New Orleans contemplates the erection of a new school building, the said Board of Directors of the Public Schools of the Parish of Orleans, shall have the right to designate the name and location of said school.

#### ACT No. 11 OF 1912

Be it resolved by the House of Representatives, the Senate concurring, that the Registrar of the Land Office and the Attorney General be, and they are hereby directed to look into the matter of sixteenth section lands and school indemnity lands set aside for the benefit of the public schools of the State of Louisiana, and to prepare a statement which will show all sixteenth sections and indemnity lands that were originally set aside for the benefit of the public schools in the various parishes, what lands have been sold, and what was done with the funds realized from the sale of such lands, and what sixteenth sections and school indemnity lands are still owned by the various parishes for the benefit of the public schools, and where located. Where funds realized from the sale of sixteenth sections and school indemnity lands have not been properly credited on the State Auditor's books for the benefit of the parishes entitled to them, the Attorney General shall take the necessary action to require the State Auditor to make the proper corrections.

**ACT No. 34 OF 1912**

Section 1. Any person, who in any manner, for exhibition or display, shall after this act takes effect, place or cause to be placed any word, figure, mark, picture, design, drawing or any advertisement of any nature upon any flag, standard, color or ensign of the United States or State flag of this State, or ensign, or shall expose or cause to be exposed to public view, any such flag, standard, color or ensign upon which after this act takes effect, shall have been printed, painted, or otherwise placed, or to which shall be attached, appended, affixed, or annexed, any word, figure, mark, picture design, or drawing, or any advertisement of any nature, or who shall, after the first day of September, 1912, expose to public view, manufacture, sell, expose for sale, give away, or have in possession for sale, or to give away, or for use for any purpose any article, or substance, being an article of merchandise, or a receptacle of merchandise or article or thing for carrying or transporting merchandise, upon which after this act takes effect, shall have been printed, painted, attached or otherwise placed, a representation of any such flag, standard, color, or ensign to advertse, call attention to, decorate, mark or distinguish the article or substance, on which so placed, or who shall publicly mutilate, deface, defile, or defy, trample upon, or cast contempt, either by words or act, upon any such flag, standard, color, or ensign, shall be deemed guilty of a misdemeanor, and on conviction shall be punished by a fine not exceeding one hundred dollars or by imprisonment for not more than thirty days, or both in the discretion of the court. The words flag, standard, color, or ensign, as used in this subdivision or section shall include any flag, standard, color, or ensign, or any picture or representation, of either thereof, made of any substance, or represented on any substance, and of any size, evidently purporting to be, either of, said flag, standard, color, or ensign, of the United States of América, or a picture or a representation, of either thereof, upon which shall be shown the colors, the stars, and the stripes, in any number of either thereof, or by which the person seeing the same, without deliberation may believe the same to represent the flag, colors, standard, or ensign, of the United States of America.

The possession after this act takes effect, by any person, other than a public officer, as such, of any such flag, standard, color or ensign, on which shall be anything made unlawful at any time by this section, or of any article or substance or thing on which shall be anything made unlawful at any time by this section, shall be presumptive evidence that the same is in violation of the section, and was made, done or created after this act takes effect, and that such flag, standard, color, ensign, or article, substance, or thing, did not exist when this act takes effect.

Section 2. When by any statute of this state, the use of the flag of the United States of America, or of any picture or representation of such flag, is made penal or unlawful, this act shall not apply to any act permitted by the statutes of the United States of America or by the United States army and navy regulations nor shall it be construed to apply to any newspaper, periodical, book, pamphlet, circular, certificate, diploma, warrant or commission of appointment to office, ornamental picture, article of jewelry, or stationery for use in correspondence, on any of which shall be printed, painted or placed, said flag, disconnected from any advertisement.

#### **ACT No. 39 OF 1912**

Section 1. The official flag of Louisiana shall be that flag now in general use, consisting of a solid blue field with the Coat-of-Arms of the State, the pelican feeding its young, in white in the center, with a ribbon beneath, also in white, containing in blue the motto of the State, "Union, Justice and Confidence," the whole showing as below.

Section 2. The said State flag shall be displayed on the State House whenever the General Assembly is in session and on public buildings throughout the State on all legal holidays and whenever otherwise directed by the Governor or the General Assembly.

#### **ACT No. 69 OF 1912**

Section 1. The police juries of the several parishes of the State, under such regulations as they may prescribe be and are hereby authorized to appropriate and use from parish funds



any sum or sums of money not exceeding altogether one thousand dollars per year in aid of the Farmers' Co-operative Demonstration Work in their respective parishes jointly with the agents and representatives of the United States Department of Agriculture, upon such terms and conditions as may be agreed upon between the several police juries and said agents and representatives.

### ACT No. 145 OF 1912

Section 1. The police juries of the several parishes of this State are empowered to acquire the ownership of a tract of land and when so acquired the title to the same shall rest in the public provided, however, in those parishes having large areas of different classes of soil are empowered under this act to acquire tracts as aforesaid representative of the several classes of soil that predominate in the particular parish.

Section 2. The tracts of land so acquired are to be constituted Parish Experimental Farms and the parish is to improve said property so that it may be worked by the parish in accordance with plans to be suggested by the State and United States Agricultural Departments, provided that the police juries of the said parishes may utilize in the working of the same its parish prisoners.

Section 3. The Parish Experimental Farms provided for by this act are established for the purpose of demonstrating the possibilities of the soil in the respective parishes, and in every way to disseminate a scientific knowledge of agriculture, and in consequence the work and results so obtained on the Parish Experimental Farms are to be open to the inspection and study of the public at stated times.

Section 4. With a view of stimulating a friendly rivalry as to the most successful results obtained upon the said Parish Experimental Farms, it is further provided that a selection of the best results of each year's work upon said Parish Experimental Farms may be assembled and exhibited annually at the State Fair in the building owned and set apart by the State as an Agricultural Hall at the State Fair of Louisiana.

Section 5. The Police Juries are empowered to make provision in their budgets for the carrying out of this act at the earliest practicable time that the finances of each parish will permit.

#### ACT No. 118 OF 1912

Section 1. The Board of Trustees of the Southern University, are hereby directed to sell all of its present property, real and personal save and except such personal property as will be useful or necessary for the purpose of the Southern University, situated in the State of Louisiana, and particularly in the Parishes of Jefferson and Orleans, for a sum not less than \$50,000 upon such terms and conditions as said Board of Trustees may determine; provided, that the sale contemplated by this section shall be first submitted to the Governor of the State for his approval, in writing, which written approval shall be attached to the Act or Acts of Sale as authority to the notary to pass the deed. The proceeds of said sale shall be held by the Board of Trustees of the said University to be invested in the manner and in such property as hereinafter provided.

Section 2. The said Board of Trustees, within a reasonable time after the passage of this Act, shall acquire a suitable site for said Southern University, in the rural section of the State, and upon said site erect appropriate buildings, containing such equipment as, in the judgment of the said Board of Trustees, is necessary and proper for carrying on of the said Southern University, under the terms of this Act, and under the terms of Act No. 87 of 1880, that said Board of Trustees shall, prior to executing the deed of sale for the property herein contemplated to be purchased, submit the terms and conditions of said purchase and the location of said property, to the Governor of the State, for his approval, and his written approval of the location and the terms and conditions of the purchase, shall be the authority to the said Board of Trustees, to execute the deed of purchase. The sessions shall continue in said university and on said farm until the new site of the university is provided for under the provisions of this act.

Section 3. In addition to carrying out the University purposes set forth in Section 7 of Act No. 87, of 1880, said

Board of Trustees shall have power and it shall be their duty to establish a department of said Southern University, which shall be known as "The Industrial and Agricultural Normal School;" that said "Industrial and Agricultural Normal School" shall be equipped in such manner and provided with such teachers, so as to instruct persons of color, male and female, to be teachers, so they can teach industrial and agricultural subjects in schools for youths of both sexes of the colored race.

Section 4. It shall be the duty of the Board of Trustees of the Southern University, as soon as practicable after the establishment of the University upon the new site contemplated in this Act, to establish a department of the University, which shall be known as "The Model Industrial and Agricultural School," and at least eight grades shall be created in said school, in which to assign pupils, and said grades and the course of teaching to be taught therein, shall be set forth in proper regulations to be formulated by the said Board of Trustees, provided that all teachers in the said "Model Industrial and Agricultural School" shall be persons of the colored race.

Section 5. The said Board of Trustees shall be empowered to enact general rules and by-laws for the said University in all its departments, whether said departments appertain to industrial and agricultural subjects or to the arts and letters, and to elect a President of the Faculty, the professors and teachers and determine their compensation; also all officers and employees that may be necessary, and prescribe their duties and compensation; providing that the President of the Faculty, the professors, teachers and all other employees except only the Board of Trustees, themselves, shall be persons of the colored race. All members of the Board of Trustees shall be of the white race, and the Board shall consist of one member from each of the Congressional Districts, appointed for a term of four years, by the Governor of the State, and the State Superintendent of Public Education and the Governor, the Governor to be Chairman of the Board.

**ACT No. 125 OF 1912**

Section 1. The Attorney General of the State of Louisiana in the Parish of Orleans and the District Attorney of the several Judicial Districts of the State of Louisiana, other than the Parish of Orleans, shall ex-officio and without extra compensation, general or special, be the regular attorneys and council for the Police Juries and School Boards within the Parish of Orleans and within their respective Districts and of every State Board or Commission domiciled therein, including Levee Boards, Hospital and Asylum Boards, educational Boards and Dock Boards; and all State Boards, or Commissions, the members of which, in whole or in part, are elected by the people, or appointed by the Governor or other prescribed authority, except all State Boards and Commissions domiciled at the City of Baton Rouge, Parish of East Baton Rouge, and all Boards in charge or in control of State institutions; and it shall be unlawful for any Police Jury, School Board, or State Board or commission to retain or employ for any compensation whatever any attorney or counsel to represent it generally, or except as hereinafter provided, to retain or employ any special attorney or counsel for any compensation whatever to represent it in any special matter, or pay any compensation for any legal services whatever; Provided that the Orleans Levee Board shall select its own attorney who shall also be the attorney for the Board of Commissioners of the port of New Orleans at a salary of Twenty-five Hundred Dollars per annum, to be paid jointly by the Orleans Levee Board and the Board of Commissioners of the Port of New Orleans at the rate of Twelve Hundred and Fifty Dollars yearly each. Provided further that the provisions of this Act shall not apply to the Board of Assessors of the Parish of Orleans, the salary of whose attorney is paid by the City of New Orleans, and the Board of School Directors of the Parish of Orleans, for which board the city attorney of the City of New Orleans is ex-officio Attorney.

Section 2. In the event it should be necessary to protect the public interest for any State Board or Commission to retain or employ any special attorney or counsel to represent it in any special matter for which services any compensation is to be paid

by it, it shall have the power and authority to retain or employ such special attorney or counsel solely on the joint written approval of the Governor and the Attorney General of the State and to pay only such compensation as the Governor and the Attorney General may designate in said written approval, the said approval to be given in their discretion only upon the application of such Board or Commission by a resolution thereof setting forth fully reasons for the proposed retention or employment of such special attorney or counsel and the amount of the proposed compensation, provided the Governor and Attorney General shall not ratify or approve any action of such Board in employing any special attorney or counsel or paying any compensation for special services rendered, unless all formalities as provided by this act as to resolutions, etc., have been complied with.

Section 3. No Police Jury or Parish School Board shall retain or employ any special attorney or counsel to represent it in any special matter or pay any compensation for any legal services whatever unless a real necessity exists therefor made to appear by a resolution thereof, stating fully the reasons for such action and the compensation to be paid, which resolution shall be spread upon the minutes of such body and published in the official journal of the Parish.

Section 4. The District Attorneys who shall refuse or willfully fail to perform the duties required of them by this act or wilfully fail to render faithful and efficient services in such regard shall be deemed guilty of malfeasance and gross misconduct and removal from office in the manner prescribed by law, and the members of Police Juries, Parish School Boards, and State Boards or Commissions aforesaid, who shall violate any of the provisions of this act, and any attorney or counselor who shall knowingly accept such prohibited employment or compensation shall be deemed guilty as principals of a misdemeanor and on conviction sentenced to pay a fine of not less than twenty-five nor more than two hundred and fifty dollars and imprisoned for not less than ten nor more than ninety days and in addition thereto the members of such Boards or Commissions shall be deemed guilty of malfeasance and gross misconduct and re-

moved from office in the manner prescribed by law if elected by the people, and by the Governor or other prescribed authority, if appointed.

Section 5. The Governor may in his discretion require and direct the Attorney General to render any Police Jury, Parish School Board, or State Board any special services in any matter and when deemed necessary in the case of a State Board or Commission to assume full charge and control of all legal proceedings relating to such matter.

### ACT No. 151 OF 1912

Section 1. Act No. 168 of the Acts of the General Assembly of the State of Louisiana for the year 1894, be amended and re-enacted so as to read as follows:

That whenever a sixteenth section donated to the State of Louisiana by an act of Congress for school purposes is located in a township not habitable by reason of said township being swamp or sea marsh, the Board of School Directors may, upon the petition of the land owners owning in area more than one-half of the land in the township, order the sale of such sixteenth section by resolution or motion passed by a majority of the members of such board present and voting.

Section 2. When a sale of a sixteenth section is ordered as authorized in the first section of this act, the same shall be made by the Parish Treasurer of the Parish in which the sixteenth section is located, in person or by the sheriff or any auctioneer of the parish, designated by him. Said sale, however, shall be made only after the same has been advertised for thirty days in a newspaper published in the parish where the property is located; and where no newspaper is published in the parish, then, by posting a written or printed notice for thirty days at or near the front door of the courthouse in the parish where the property is situated and at two other public places in such parish. On the day named in the advertisement, the said section shall be sold as a whole or in lots of not less than forty acres, at the principal front door of the courthouse of the parish in which the property is situated, between the hours of Eleven O'Clock A. M. and Four O'Clock P. M., with appraisement, to

the last and highest bidder and without a prior survey of the property and upon the following terms and conditions: One-tenth (1-10) or more in cash at the option of the purchaser, and the remainder, if any, in nine (9) equal annual installments, bearing eight (8 per cent) per cent interest per annum from date interest payable annually and the deeds shall contain the usual security clauses and a stipulation to pay ten (10) per cent attorney's fees in the event the services of an attorney are secured for the purpose of collecting same.

Section 3. That the deed of the Parish Treasurer shall be full and complete evidence of the sale and shall convey a good and valid title to the property sold and have all the force and effect of a notarial act; and all moneys or notes received under and by virtue of such sale shall be disposed of by him in the manner now required by law.

#### **ACT No. 42 OF 1912**

Section 1. That Section 1 of the Act 109, of 1906, approved July 7, 1906, be amended and re-enacted so as to read as follows:

That there is now and shall hereafter be levied, solely for the support of the public schools, on all inheritances, legacies and other donations mortis causa to or in favor of the direct descendants or ascendants or surviving wife or husband of the decedent, a tax of two per centum, and on all such inheritances or dispositions to or in favor of the collateral relatives of the deceased, or strangers, a tax of five per centum on the amount or the actual cash value thereof at the time of the death of the decedent.

Section 2. That Section 2 of said Act 109 of 1906, approved July 7, 1906, be amended and re-enacted so as to read as follows:

The said tax shall not be imposed in the following cases:

(a) On any inheritance, legacy, or other donation mortis causa to or in favor of any ascendant or descendant or surviving wife or husband of the decedent below ten thousand dollars in amount or value.

(b) On any legacy or other donation mortis causa to or in favor of any educational, religious or charitable institutions.

(c) When the property inherited, bequeathed or donated shall have borne its just proportion of taxes prior to the time of such donation, bequest or inheritance.

### ACT No. 73 OF 1912

Section 1. There shall be collected and preserved, all muster rolls, records, and other facts and materials showing the officers and enlisted men of the several companies, battalions, regiments and other organizations from Louisiana in the Military, Marine or Naval Service of the Confederate States of America, and the name of all Louisianians of whatever rank in the military, marine or naval service of the Confederate States, whether regulars, volunteers, conscripts, militia, reserves, home guards or local troops.

Section 2. The Governor be and is hereby authorized and instructed to appoint a Confederate Veteran from a list of names to be submitted by the Louisiana Division of the United Confederate Veterans through the Commander thereof, to be known as the Commissioner of Louisiana Military Records, whose duty it shall be forthwith to collect and preserve such muster rolls, records, facts and other materials as herein prescribed, and to perform such other duties as may be imposed upon him by law. He shall by advertisement, visitation, correspondence, search and by every other means at his command, seek to obtain the muster rolls, records or other materials above referred to, and shall receive them either by gift or loan to the State. He shall compile and properly index the same in a manner that will enable any one to readily and plainly and without difficulty, find the name command and military record of men who served from the State of Louisiana in the Confederate Army using a card or other index system as may be most available and convenient, and is authorized to secure the publication of as many copies in book form as may be necessary. The publication when completed shall be under the control of the Governor, who in his discretion shall direct said Commissioner to furnish a copy free of cost, to each of the colleges, seminaries, schools and public libraries, universities and colleges of other Southern States and to exchange the same for similar publications from any other States, and to sell copies to the public at a price not less than the cost of publication.



Section 3. Said Commissioner shall prepare a short history, showing the organization of every company, battalion, regiment or other organization that was in the military, marine or naval service of Louisiana, or was contributed by Louisiana to the Military, marine or naval service of the Confederate States, whether regulars, volunteers, conscripts, home guards or local troops, militia or reserves, and stating as far as practicable the service rendered and the battles, combats or skirmishes in which they were engaged.

That he shall also, as far as practicable, collect pictures, portraits and photographs of the officers and soldiers who served in the Civil War, and of the battles which occurred during said war, as well as of military scenes and points of interest in connection therewith.

That he shall ascertain and report what parishes, cities or towns have caused the rolls of the organizations contributed by Louisiana, to be put on record, and where this has not been done, shall encourage its accomplishment; and

That he shall take a list and report of all battles, combats and actions which took place in Louisiana during the Civil War, and shall mark and annotate upon a map of Louisiana, so as to show the parishes in which they fought.

Section 4. Said Commissioner of Louisiana Military Records shall commence his duties immediately upon his appointment, that he shall, hold office until his successor is appointed and qualified; and that he shall report semi-annually to the Governor, showing the progress made by him.

That the Governor shall have the power to remove said Commissioner for any just and reasonable cause, and to appoint another in his stead at any time, such new appointment to be on the recommendation as above provided for in Section 2 of this Act.

That upon the assembling of the General Assembly to be elected in April, 1916, the officer of the Commissioner of Louisiana Military Records shall cease and this Act cease to be in force, unless otherwise provided by the **General Assembly**.

Section 5. The said Commissioner of Louisiana Military Records is hereby authorized to employ an assistant as Chief

Clerk and such additional clerical assistance as he may need and can be paid for out of the appropriation of this Act.

Section 6. The sum of \$3,500.00 be and is hereby appropriated out of any general fund money in the State Treasury not otherwise appropriated, for immediate use in paying expenses of copying official military rolls in the war department, Washington, D. C.

That the sum of \$3,500.00 payable out of the general fund of 1912 and \$3,500.00 payable out of the general fund of 1913 for the annual salary of the Commissioner of Louisiana Military Records and the further sum of \$3,000.00 payable out of the general fund of 1912, and \$3,000.00 payable out of the general fund of 1913 for clerical assistance, rent, travelling expenses, stationery, and other office expenses, be and the same is hereby appropriated. That the appropriation herein made shall be payable on the warrant of the Commissioner of Louisiana Military Records.

#### **ACT No. 162 OF 1912**

Section 1. That Article 210 of the Constitution be amended so as to read as follows:

Article 210: No person shall be eligible to any office, State, judicial, parochial, municipal or ward, who is not a citizen of this State and a duly qualified elector of the State, judicial district, parish, municipality or ward, wherein the functions of said office are to be performed; Provided, that resident women over the age of twenty-five years shall be eligible to hold any office connected with the public educational system of the State, or of any ward, parish, or municipality in the State, and to hold any office in the State connected with institutions of charity or correction. And whenever any officer, State, judicial, parochial, municipal or ward, may change his residence from this State, or from the district, parish, municipality or ward in which he holds such office, the same shall thereby be vacated, any declaration of retention of domicile to the contrary notwithstanding.

Section 2. That this proposed amendment be submitted to the electors of the State of Louisiana for their approval or rejection, as required by Article 321 of the Constitution of the

State of Louisiana and the general election laws of the State, at the next Congressional election to be held in this State in November, 1912.

Section 3. That on the official ballots to be used at said election shall be placed the words "For the proposed amendment to Article 210 of the Constitution relative to women," and the words "Against the proposed amendment to Article 210 of the Constitution relative to women," and each elector shall indicate, as provided in the general election laws of the State whether he votes for or against said amendment.

#### **ACT No. 123 OF 1912**

Section 1. That the Register of the State Land Office be and is hereby authorized, when it is made to appear from the records of his office and such other evidence as he may require, that a township has not received from the State the school indemnity lands, to which it is entitled, to issue a warrant in the name of the President of the School Board of the Parish in which the said township is located for the number of acres due the said township.

Section 2. The warrants issued under Section One of the provisions of this act shall be assignable by the School Board for not less than \$5.00 per acre, and that the said warrants shall be locatable upon any vacant State lands subject to entry.

Section 3. On the location of the warrants authorized by this Act a patent shall issue, as required by existing law, in the name of the locator for the amount of land specified in such warrant.

#### **ACT No. 232 OF 1912**

Section 1. That Section 1 of Act 222 of the General Assembly of the State of Louisiana of the year 1910 be amended and re-enacted so as to read as follows:

Section 1. From and after October 1, 1910, every parent, guardian or other person, residing within the boundaries of the Parish of Orleans, having control or charge of any child or children between the ages of eight (8) and fourteen (14) years, inclusive, shall send such child or children to a public, private,

denominational, or parochial day school each school year, during the time in which the public schools of the Parish of Orleans shall be in session, under such penalty for non-compliance herewith as is hereinafter provided. Said child or children may be excused from such attendance by the Attendance or Truant Officers of the Parish, upon the presentation of satisfactory evidence that the bodily or mental condition of the child or children is such as to prevent or render inadvisable attendance at school or application to study; or that such child or children are being instructed at home in the common school branches, or that the child or children have completed the prescribed elementary school course of study, or if the public school facilities within twenty city blocks of the home of the child or children are not adequate to accommodate such child or children, provided, that no excuse from attendance shall be valid for more than three months except where the child has completed the elementary course, or if the public school facilities within twenty city blocks of the home of the child or children are not adequate to accommodate such child or children. Every parent, guardian, or person in the Parish of Orleans having charge or control of a child between the ages of 14 and 16 years who is not regularly and lawfully engaged for at least six hours each day in some useful employment or service, shall cause said child to attend regularly some day school according to the provisions of this section.

#### **ACT No. 14 OF 1912**

Section 1. The Ursuline Nuns, a religious institution for the education of young ladies, situated in the Parish of Orleans, and duly recognized as a body corporate, and entitled to the enjoyment and exercise of all the rights, duties and privileges appertaining to civil corporations, by repeated acts of the General Assembly of the State of Louisiana, shall have the power and is hereby authorized to graduate students and to confer such literary honors and degrees and to grant such diplomas as are conferred and granted by any colleges, universities or seminaries of learning in the United States and Europe, to such graduates of said institution, or other persons, as may be provided for under such rules and regulations, and over the signatures of such person or persons as said corporation may adopt.

**ACT No. 136 OF 1912**

Section 1. "Loyola University," a corporation organized under the laws of this State and domiciled in the City of New Orleans, be and is hereby authorized and empowered to confer upon its students, or upon any person deemed by it worthy of such distinction, degrees in the arts and sciences and all the learned professions, such as are granted by other universities in the United States, and to give diplomas or certificates thereof.

Provided that the curriculum or course of study in the learned professions shall equal that maintained by other standard Universities.

Section 2. Said degrees and diplomas or certificates shall be recognized by the courts and all officials of this State, as entitling the graduates receiving said degrees and holding said diplomas or certificates, to the same rights, immunities and privileges in the State of Louisiana as the graduates of any other university or institution of learning whatsoever.

**ACT No. 185 OF 1912**

Section 1. That the sum of Fifty Thousand Dollars (\$50,000), for the year ending June 30th, 1913, and Fifty Thousand Dollars (\$50,000) for the year ending June 30th, 1914, be and the same is hereby appropriated out of any moneys not otherwise appropriated, to be used for the aid and support of the State Approved High Schools of Louisiana.

Section 2. In the event there are no funds available with which to pay this appropriation, the State Board of Liquidation is hereby authorized and directed to borrow the same from the fiscal agents of this State.

**ACT No. 186 OF 1912**

Section 1. That the sum of Fifty Thousand Dollars (\$50,000) for the year ending June 30th, 1913, and Fifty Thousand Dollars (\$50,000) for the year ending June 30th, 1914, be and the same is hereby appropriated, out of any moneys not otherwise appropriated, to be used for the aid and support of the Departments of Agriculture and Domestic Science in the public schools of Louisiana.

Section 2. In the event there are no funds available with which to pay this appropriation, the State Board of Liquidation is hereby authorized and directed to borrow the same from the fiscal agents of this State.

(Accepting and Regulating Donations, Act 158, '04.)

Section 1. The Board of Education for the State of Louisiana; the Board of Directors of the public schools of each and every parish in the State, the Parish of Orleans included, shall have the power to accept and administer donations *mortis causa* or *inter vivos* for any educational or literary purpose whatsoever, and it shall be lawful for any one to make such a donation of any description of property, and to any amount to any one or more of such boards.

Sec. 2. The donor shall have the right to prescribe the manner in which the property shall be administered, and the objects to which it or any part thereof, or the revenues thereof, shall be applied; provided, however, that property donated, cannot be made inalienable, but the donor thereof shall have the right to prescribe in what manner, and under what circumstances, the donees shall be empowered to sell the same, or any portion thereof, or to change any investments once made.

Sec. 3. Said Board or Boards shall administer the property entrusted to them in conformity with the directions contained in the act of donation, and shall have all the powers needed in such administration, but cannot mortgage nor encumber the donated property, except as may be prescribed in the act of donation. The said Board or Boards shall be entitled to no remuneration for their services, unless expressly granted in the act of donation.

Sec. 4. The provisions of the laws of this State, relative to substitutions *fidei commisa* and trusts shall not be deemed to apply or affect donations made for the purposes and in the manner provided in this act, and all laws or parts of laws conflicting with the provisions of this act be, and the same are hereby repealed insofar as regards the purposes of this act, but not otherwise.

**(Assessor's Fee for Assessing School Taxes, S. 1, A. 213, '08.)**

The tax assessors of each parish of the State \* \* \* \* \* shall receive as an annual compensation for his labors, services and duties four per cent (4 per cent) of the first fifty thousand dollars (\$50,000.00) aggregate amount of all State, parish and poll taxes assessed, and two per cent (2 per cent) on any excess over fifty thousand dollars (\$50,000.00); provided that nothing herein shall be so construed as to allow assessors more than two per cent on special school taxes, and for his services, duties or labors in assessing or extending on the rolls any and all levee taxes the sum of one hundred dollars (\$100), except where the parish for which the assessor is elected lies in more than one levee district, in which case he shall receive the sum of two per cent (2 per cent) on the aggregate amount of such taxes; provided no assessor shall receive less than four hundred dollars (\$400) in any parish for each annual assessment of State, parish, poll and all levee taxes. That the payment of this compensation shall be distributed between the State, parish, school boards, cities and towns and other taxing district or division in proportion to the amount received by each.

**(Powers of the District Board in Expropriations, S. 1492, R. S.)**

When land shall be required for the erection of a schoolhouse or for enlarging a schoolhouse lot, and the owner refuses to sell the same for a reasonable compensation, the District Board of School Directors shall have the power to select and possess such sites embracing space sufficiently extensive to answer the purpose of schoolhouse and ground.

**(Expropriation of Property for Public Schools; For Schoolhouse Sites, Act 208 of 1906, amending and re-enacting Act 227 of 1902.)**

Whenever the State or any political corporation of the same created for the purpose of exercising any portion of the governmental powers, in the same, or the board of administrators or directors of any charity hospital, or any board of school directors thereof, or any corporation constituted under the laws of this State for the construction of railroads, plank roads, turnpike roads, or canals for navigation, or for the construction or operation of water works or sewerage to supply the public with water and sewerage, (or for the piping and marketing of natural gas

for the purpose of supplying the public with natural gas), or for the purpose of transmitting intelligence by magnetic telegraph, cannot agree with the owner of the land which may be wanted for its purchase, it shall be lawful for such State corporation, board of administrators, directors or persons to apply by petition to the district court, in which the same may be situated, or if it extends into two districts, to the judge of the district court in which the owner resides, and if the owner does not reside in either district, to either of the district courts, describing the land necessary for the purposes, with a plan of the same, and a statement of the improvement thereon, if any, and the name of the owner thereof, if known at present in the State, with a prayer that the land be adjudged to such State corporation, board of administrators or directors upon payment to the owner of all such damages as he may sustain in consequence of the expropriation of said land for such public works; all claims for lands or damages to the owner caused by its taking or expropriation for such public work shall be barred by two (2) years prescription which shall commence to run from the date at which the land was actually occupied and used for the construction of the works.

All the existing laws for the forms and processes of expropriation of property shall be applicable to the said act and section thus amended and re-enacted.

**(Relative to the Value of the Grounds, S. 1493, R. S.)**

Should such landholder deem the sum assessed too small, he shall have the right to institute suit before any proper judicial tribunal for his claim; but the title shall pass from him to the school corporation.

**(Pupils' Eyes to Be Tested, A. 292, '08.)**

Section 1. The State Board of Health and Superintendent of Education shall prepare or cause to be prepared, suitable test cards, blanks and record books, and all other necessary appliances to be used in testing the sight and hearing of pupils in the public schools of the State, together with the necessary instructions for the use of same; and the Superintendent of Education shall furnish said test cards, record books, blanks and appliances to . . .



gether with the necessary instructions for the use to every public school in the State.

Sec. 2. The Superintendent, Principal or Teacher in every school, during the month of September or during the first month of school, or within thirty days after the admission of any pupils entering the school late in the session, shall in each year, test the sight and hearing of each and all pupils under his or her charge, and shall keep a record of such examination according to the instructions furnished, and shall notify in writing the parent, tutor, tutrix or guardian of every pupil who shall be found to have any defect of sight or hearing or any disease of eyes or ears of such defect; and shall make a written report of all such examinations to the State Superintendent of Education.

(Forfeited Bonds, S. 1044, R. S.)

The several district attorneys throughout the State shall be entitled to demand and receive one-fifth of all sums, first deducting the percentage allowed by law to the sheriff for collecting and paying over the same, which may be collected on forfeited bonds in criminal prosecutions and misdemeanors in any court of justice.

(Quarterly Statements to Be Furnished Supervisor of Public Accounts by Parish Superintendent and State Superintendent, S. 5, A. 25, '10.)

All State boards and commissions and other public offices created by law, and all educational and eleemosynary institutions of this State including parish school boards, road and drainage districts, shall furnish to said Supervisor of Public Accounts, quarterly, in each year, sworn statements of all moneys received by them, from what sources, and all moneys expended by them and for what purposes; said statements shall be accompanied by vouchers and other papers necessary to prove the correctness of the same and no officer shall destroy any voucher or other paper belonging to his office before same has been examined and passed upon by said Supervisor of Public Accounts.

It shall be the duty of the Supervisor of Public Accounts to check said statements, and, if any irregularities exist to call the attention of those responsible thereto. In case of any irregulari-

ties or defalcations or failure of any officer or employee to comply with the provisions of this Act, it shall be the duty of the Supervisor of Public Accounts to immediately notify the Governor of the State. The quarterly sworn statements provided in this section shall be furnished the Supervisor of Public Accounts between the first and fifteenth of January, April, July and October of each year; the Supervisor of Public Accounts shall install a system of accounting in every office, which by law it is made his duty to inspect and report upon. The Supervisor of Public Accounts shall return all vouchers to the respective offices after inspection.

**(Form of Accounts Prescribed; Records to Be Kept in Office, S. 6, A. 25, '10.)**

All public offices, boards, commissions and eleemosynary and educational institutions of this State and all parochial school boards, road and drainage districts, shall provide an office for their secretary and treasurer where their books and records must be kept. All accounts shall be kept in the form prescribed by the Supervisor of Public Accounts; that any failure of any officer or employee to furnish the Supervisor of Public Accounts with any information requested shall immediately report to the Governor of the State, who will take such action as he may deem proper. The Supervisor of Public Accounts is authorized to administer oaths and the Assistant Supervisor of Public Accounts when acting under instructions of the Supervisor of Public Accounts shall have the same power and authority as is granted under this Act to the Supervisor of Public Accounts, except in the matter of administering oaths.

**(Reports Filed by Supervisor; Duty of School Board Treasurer, S. 7, A. 25, '10.)**

The Supervisor of Public Accounts shall make all reports of his examination in duplicate, one to be filed with the Governor and one in the office investigated, unless otherwise provided in this Act; if the report of any examination discloses any violation by any public officer or employee, the Supervisor of Public Accounts shall furnish an additional copy to the district attorney of the parish where said offense was committed. That the Auditor of Public Accounts shall furnish the Supervisor of

Public Accounts, in writing, whenever a tax collector is delinquent, and every parish treasurer and every parish school board treasurer shall notify the Supervisor of Public Accounts whenever any sheriff is delinquent in his settlement.

**(Penalty for Neglect of Duty, S. 10, A. 25, '10.)**

Section 10. That any public officer or employee in an office that is subject to examination by the Supervisor of Public Accounts who willfully neglects or fails to furnish said Supervisor of Public Accounts with such papers, accounts, books, or other documents which he has the right to inspect or audit under the terms of the Act, or who shall willfully refuse or neglect to transmit to said Supervisor of Public Accounts such reports, statements or accounts, or other documents, upon request as provided by the terms of this Act, shall be deemed guilty of a misdemeanor in office and shall, upon conviction, suffer a fine of not less than twenty-five dollars, nor more than five hundred dollars, or be imprisoned not less than ten days nor more than six months, or both such fine and imprisonment in the discretion of the court having jurisdiction.

**(Fees of Tax Collectors, SS. 1, 2, A. 181, '08.)**

That for all services, labors and duties performed by each Sheriff and ex-officio Tax Collector throughout the State of Louisiana as Tax Collector, Parish of Orleans excepted, he shall be paid five per centum on the first seventy-five thousand dollars, aggregate amount of all State, Parish, District, Poll, and other taxes and licenses, collected by him and actually paid by him into the State and Parish Treasury or to the authority designated by law to receive the same; and two per centum on the next forty-five thousand dollars, and one per cent on all amounts over one hundred and twenty thousand dollars, provided that no Sheriff and ex-officio Tax Collector shall receive for the collection of all taxes more than eight thousand dollars per annum, provided further that no Sheriff and ex-officio Tax Collector shall receive any compensation for the collection of special school taxes except in parishes where the total amount of State, Parish, Levee and Poll Taxes and licenses collected do not amount to \$50,000. Be it further provided that in parishes

where the collection of State, Parish, Levee and Poll taxes and licenses do not amount to \$50,000 the Sheriff and ex-officio Tax Collector shall receive five per cent on amount collected and actually paid into the State and Parish Treasury or to the authority designated to receive the same.

The payment of the compensation herein provided for the Sheriff and ex-officio Tax Collector for the collection of Taxes and Licenses shall be distributed between the State, Parish, School Board and other taxing districts or divisions and licenses in proportion to the amount of taxes and licenses received by each.

**(Columbus Day, A. 56, 1910.)**

The several school boards of the State of Louisiana shall annually authorize, direct and instruct the parish superintendent of education, or other proper authority to observe the anniversary of the date of the discovery of America by Christopher Columbus, October 12, by such fitting and appropriate exercises, as the said various and several school boards may determine upon and select.

Sec. 2. Any failure upon the part of the said several and various school boards and parish superintendents to comply with the provisions of this Act, shall subject said school boards and members thereof, and the parish superintendent to charges of nonfeasance, and neglect of duty, which may be preferred by any person, before the proper authority.

**(Bird Day Established, S. 14, A. 198, '06.)**

Section 14. The State and Parish Boards of Public Education are directed to provide for the celebration, by all public schools, of "Bird Day," on May fifth of each year, being the anniversary of the birth of John James Audubon, the distinguished son of Louisiana.

On the recurring anniversary days, suitable exercises are to be engaged in, and lessons on the economic and esthetic value of the resident and migratory birds of the State are to be taught, by the teachers, to their pupils.

**(Accounts State Treasurer Shall Keep, S. 1326, R. S.)**

An account shall be opened on the books of the treasurer, to be called the Current School Fund; such account shall be charged

with the annual expenditures for the public schools and credited with the net receipt for the special taxes laid by the General Assembly for the support of the public schools, and with the receipts from such other sources as may be designated by law.

It shall be the duty of the Auditor, in his annual report, to present a statement of the condition of said fund, and an estimate of the special tax needed for the support of the public schools during the ensuing year beyond the receipts for said support from other sources. It shall be the duty of the Superintendent of Public Education to furnish the Auditor with all information he may require for his said report.

**(School Fund; How Applied, S. 1327, R. S.)**

The Current School Fund shall be used for the support of the public schools, and the surplus of receipts over expenditures for any one year, shall be appropriated to the support of public schools during the ensuing year; and the Act numbered 224 of eighteen hundred and fifty-four, and the Acts 180 and 265 of eighteen hundred and fifty-five, which direct said surplus to be funded, be and the same are hereby repealed.

**(Interest on United States Deposit Funds, S. 1328, R. S.)**

The interest on the United States deposit fund shall be appropriated to the annual support of the public schools, provided by the Constitution; and it shall be the duty of the Auditor and Treasurer annually to transfer from the general fund of the treasury to the current school fund the sum of twenty-eight thousand seven hundred and ninety-five dollars and fourteen cents, the amount of said interest.

**(Bonds and Fines, S. 64, A. 214, '02.)**

All fines imposed by the several district courts for violation of law, and the amounts collected on all forfeited bonds in criminal cases, after deducting commissions, shall be paid over by the sheriff of the parish in which the same are imposed and collected, to the treasurers of the school boards in said parishes, and shall be applied to the support of the public schools as are applied the other funds levied for the purpose, the parish of Orleans excepted.

**(Special School Taxes Authorized, S. 1, A. 256 of 1910.**

Parishes, wards, cities, towns, villages, school districts, road districts, drainage districts and sub-drainage districts are declared to be political sub-divisions of the State, and special taxes may be levied and debt incurred<sup>1</sup> and negotiable bonds issued therefor as hereinafter provided, except that the Parish of Orleans and the City of New Orleans are exempted from the provisions of this Act. The governing authority of subdivisions herein defined shall be for parishes, wards and road districts within such parish, the Police Jury of the Parish; for cities, towns and villages, the municipal boards thereof, for drainage and sub-drainage districts, the drainage commissions of the drainage district; for school districts, the school board of the parish in which they are located, and when a school district is composed of lands of more than one Parish, then the school board of the parish which furnishes the territory in said school district carrying the highest assessment.

**(School Board Authorized to Call Election for Special Taxes, S. 2, A. 256 of 1910.)**

The Police Jury of any parish acting for the parish, a ward or road district therein and the governing authorities of any other subdivision as herein defined shall have authority to call a special election for the purpose of submitting to the property taxpayers who are authorized to vote at such election under the Constitution and laws of the State of Louisiana, a proposition to levy a special tax not to exceed the limit that is now or may hereafter be fixed by the Constitution of Louisiana for the purpose of giving additional aid to public schools, constructing or purchasing any work of public improvement in keeping with the objects and purposes for which the subdivision was created, and the title to which shall vest in the public or in the subdivision in which such tax is levied; and at the same election, similarly called and held, a proposition may be submitted to the property taxpayers as to whether or not they will incur debt and issue negotiable bonds therefor not to exceed ten (10 per cent) per centum of the assessed value of the property for the subdivision calling said election, to be issued for the purpose of purchasing or constructing works of public improvement in keeping with the

objects and purposes for which the subdivision was created, and the title to which shall vest in the public or sub-division levying the tax. That such governing authority shall be required to call an election for either of the purposes above mentioned when requested to do so by the petition in writing of one-fourth of the property taxpayers eligible to vote in said election.

**(Resolution Calling the Election; Publication, S. 3, A. 256, '10.)**

In the resolution calling the election, the rate, object and purpose for which the tax is to be levied and the number of years it is to run, must be stated. If the proposition is to incur debt and issue negotiable bonds therefor, the object for which the debt is to be incurred, the number of years it is to run and the rate of interest to be paid on same, shall be stated in the proposition submitted to the property taxpayers. After such resolution is passed, a notice of said election shall be given, embracing substantially all things that are required to be set forth in the resolution, and shall set forth further that the authorities ordering the election will, in open session to be held at an hour and place named in such notice, proceed to open the ballot boxes, examine and count the ballots in number and amount, examine and canvass the returns, and declare the result of the election. Such notice shall be advertised for thirty days in a weekly newspaper published in the subdivision or parish in which the tax is proposed to be levied, and if there is no newspaper published in the parish, by posting in three public places in the subdivision ordering the election. Four weeks' publication in a newspaper shall constitute a publication for thirty days, provided thirty days intervene from the date on which the publication is first inserted and the day on which the election takes place.

**(Who Is Entitled to Vote, S. 4, A. 256, '10.)**

The property taxpayers, qualified as electors under the Constitution and laws of this state, shall be entitled to vote at such elections, the qualifications of such taxpayers as voters to be those of age, residence and registration as voters; provided that resident women taxpayers shall have the right to vote at all such elections without registration, in person or by their agents

authorized in writing, which written authorization shall be attached to such agent's ballots, respectively; provided that, whenever the limit and boundaries of any municipal corporation have been extended under the laws of this State, and the assessment roll that is to include the property in the extended limits has not already been made for said municipal corporations, those who have become property taxpayers for said municipal corporation by the extension of its limits and who are qualified under the Constitution and laws of this State to vote, shall be permitted to vote under this Act, and that the assessment of the property within such municipal corporation as extended shall, for the purpose of ascertaining the assessed valuation of property herein and for the purpose, of any election under this Act, be taken from the last assessment roll of the parish.

**(Election Held Under Supervision and at Expense of School Board, S. 5, A. 256, '10.)**

Such elections shall be conducted under the supervision and at the expense of the subdivision ordering the same, the governing authority of which shall appoint for each polling place three commissioners and one clerk of election (all of whom shall be registered voters), designate the polling places, provide the ballot boxes, ballots, the necessary blanks for tally sheets, lists of voters, valuation of property and compiled statement of the voters in number and amount, and fix the compensation of such election officers.

**(Duty of Registrar of Voters, S. 6, A. 256, '10.)**

It shall be the duty of the registrar of voters to furnish the commissioners appointed to hold such election with the lists of taxpayers entitled to vote in person or by proxy at such elections, together with the valuation of each taxpayer's property as shown by the assessment roll last made and filed prior to each election; provided that, when any taxpayer's name and valuation of property shall be omitted from such list or erroneously entered thereon the commissioners of election shall have authority to receive affidavits of such taxpayer's right to vote and of the proper assessed valuation of his property, which affidavit shall be attached to such taxpayer's ballot.



**(Manner of Challenging Voters, S. 7, A. 256, '10.)**

Whenever the vote of any taxpayer shall be challenged, the commissioners of election shall receive in writing the grounds of challenge, signed by the person or persons challenging such vote, together with the challenged taxpayer's statement of his asserted right to vote, and attach such challenge and statement to his ballot.

**(Form of Ballots, S. 8, A. 256, '10.)**

The ballots provided for any election held under the provisions of this Act shall be of such form as to enable the voters to vote in favor or against the proposition submitted, and that when more than one proposition shall be submitted at the same time, they shall be so submitted as to enable one voter to vote on each proposition separately. The ballots to be used at such election shall be in the following form:

**FOR THE LEVYING OF A TAX.**

|  |        |     |
|--|--------|-----|
| Proposition to levy a.....                           |        |     |
| mill   | (Rate) |     |
| tax on all the property subject to State taxation in |        |     |
| ..... for the period                                 |        | Yes |
| (Subdivision)  |        |     |
| .of.....for the purpose of                           |        |     |
| (Term)   |        |     |
| (Here state the purpose of the tax)                  |        | No  |
| Taxable valuation \$.....                            |        |     |
| .....  |        |     |
| (Signature of Voter)                                 |        |     |

**NOTICE TO VOTERS:** To vote in favor of the proposition submitted upon this ballot place a cross (X) mark in the square after the word "Yes;" to vote against it place a similar mark after the word "No."

FOR THE ISSUANCE OF BONDS.

|  |     |
|--|-----|
| Proposition to incur debt and issue bonds of<br>..... to the amount of ..... |     |
| (Subdivision)  |     |
| (Amount)   |     |
| to run ..... years, bear-  |     |
| (Term)   |     |
| ing interest at the rate of.....   |     |
| (Rate)   | Yes |
| per centum per annum, payable for the.....                                   |     |
| (Annually or semi-annually) for the purpose of                               |     |
| (Here state the purpose of debt)   |     |
| .....  | No  |
| Taxable valuation \$.....  |     |
| .....  |     |
| Signature of Voter   |     |

**NOTICE TO VOTERS:** To vote in favor of the proposition submitted upon this ballot place a cross (X) mark in the square after the word "Yes;" to vote against it place a similar mark after the word "No."

**NOTE.**—The voter must write his name on the back of his ticket.

**(Manner of Selecting Substitute Commissioners, Etc., S. 9, A. 256, '10.)**

Whenever any commissioner or clerk of election, appointed as provided in Section five of this Act shall be unable, fail, or neglect to attend or serve at the polling place designated at the hour fixed for the opening of the polls, or within one hour thereafter, the commissioner or commissioners present shall appoint, or in the absence of all the commissioners the voters present shall elect the necessary number of commissioners and clerks, who shall have the same powers, compensation and duties as other commissioners and clerks, to serve in the place and stead of such absent or delinquent appointees.

**(Oath of Election Officers, S. 10, A. 256, '10.)**

The commissioners and clerks of such elections, before opening the polls, shall be sworn to perform all the duties incumbent on them as such, the oath to be taken before any officer author-

ized to administer oaths, or by the Clerk and each commissioner before any other commissioner, such commissioners of election being authorized to administer any oath and to receive any affidavit provided for in this Act.

**(Voter's Name to Be Endorsed on Ballot, S. 11, A. 256, '10.)**

Each voter's name shall be endorsed on his ballot; provided that ballots voted by proxy shall have endorsed thereon the names of both of the taxpayer and of her proxy.

NOTE.—Attorney General Guion rules that persons voting for a special school tax or having to vote for a proposition to fund taxes into bonds shall endorse their names on the back of the tickets. The voter's name and the value of his property will appear on the face of the ticket in the blanks arranged for this purpose, but the voter's name should also be endorsed on the back of the ticket.

**(Manner of Voting, S. 12, A. 256, '10.)**

The commissioners of election shall receive the ballot of each voter, check his name, or that of his principal, on the list of voters furnished by the registrar as having voted, enter and number his name, or that of his principal, on the list of taxpayers voting, and immediately deposit his ballot in the ballot box, reserving to each voter the right to so fold his ballot that it shall not be known at the time of his voting whether he has voted in favor of or against the proposition or propositions submitted.

**(Time of Opening and Closing Polls, S. 13, A. 256, '10.)**

The polls of election ordered and held under the provisions of this act shall, on the day appointed for any such election, open at seven o'clock a. m. and remain open until and not later than five o'clock p. m.; provided that no election shall be vitiated by a failure to open the polls at the time prescribed or by closing the same before the time prescribed, unless, on a contest, it be proven that voters were thereby deprived of their votes sufficient in number and amount to have changed the result of such election.

**(Manner of Compiling Votes, S. 14, A. 256, '10.)**

That immediately after the closing of the polls, the commissioners shall, in the presence of the bystanders proceed to open the ballot boxes, count the ballots found in the box and check same with the list of voters kept, then proceed to count the votes in number and amount, keep in duplicate tally sheets showing

the votes in number in favor of and against the proposition or propositions submitted and showing valuation of property in favor of and against same, make in duplicate compiled statements of the vote in number and amount, both in favor of and against such proposition or propositions; that after swearing to the correctness of the numbered list of voters, the duplicate tally sheets and duplicate compiled statements, they shall deposit the ballots, the registrar's list of voters, the numbered list of taxpayers voting, one duplicate tally sheet and one duplicate compiled statement, in the ballot box, immediately seal up said ballot box and, within forty-eight hours after the closing of the polls, deliver said sealed ballot boxes with their contents to the authorities ordering such election and shall within the same delay deliver the other duplicate tally sheet and the other duplicate compiled statement to the Clerk of the District Court of the parish in which such election has been held, who shall file the same in his office.

If the election commissioners on counting the ballots find that they do not correspond with the list of voters, they shall before counting the ballots, examine same for the purpose of finding the discrepancy; and if it should be found that any ballots have been duplicated the same shall be destroyed, or if it is found that the name of the voter has been omitted from the list of persons voting, same shall be added to said list.

**(Returns Canvassed by Governing Authority, S. 15, A. 256, '10.)**

On the day and at the hour and place named in the notice ordering such election, the authorities under whose orders such election has been held, shall, in public session, proceed to open the ballot boxes, examine and count the ballots in number and amount, examine and canvass the returns and declare the results of such election, which result they shall thereafter promulgate by publication in one issue of the official journal, or other newspaper of the parish, where there is no official paper, or by posting where no newspaper is published.

**(Process Verbal Required, S. 15, A. 256, '10.)**

The authority ordering the election shall keep a process verbal of the manner in which the ballot boxes have been opened, the

returns canvassed and the result of the election ascertained and shall forward a copy of said process verbal to the Secretary of State, who shall record the same, another copy to the Clerk of the District Court who shall also record said copy in the mortgage records of the parish, and the remaining copy shall be retained in the archives of the office of the authority ordering the election.

(Returns Kept Three Months, S. 16, A. 256, '10.)

The custodian of the archives or records of the authority ordering such election shall preserve, for the term of three months from the date of promulgation of such election, the ballots and other returns thereof.

(Election Incontestible After Sixty Days, S. 17, A. 256, '10.)

For a period of sixty days from the date of the promulgation of the result of any such election, any person in interest shall have the right to contest the legality of such election for any cause; after which time no one shall have any cause of action to contest the regularity, formality, or legality of said election for any cause whatever. If the validity of any election held under the provisions of this Act is not raised within sixty days herein prescribed, then no governing authority of any subdivision herein named, required to levy a tax or issue bonds as authorized at an election or under this Act, shall be permitted to refuse to perform that duty and urge as an excuse or reason therefor, that some provision of the Constitution or law of Louisiana has not been complied with, but it shall be conclusively presumed that every legal requirement has been complied with, and no court shall have authority to inquire into such matters after the lapse of sixty days as herein provided.

(Majority in Number and Amount Necessary to Carry an Election, S. 18, A. 256, '10.)

Any proposition submitted by the governing authority of any subdivision as herein authorized either for the purpose of levying a tax, incurring a debt, or issuing bonds, must be voted for by a majority in number and amount of the property taxpayers, qualified as electors under the Constitution and laws of this State, voting at an election held for that purpose as herein

provided, before any such tax shall be levied, or before any debt shall be incurred or bonds issued.

**(Duty of Governing Authority to Levy and Assess Special Tax, S. 19, A. 256, '10.)**

In the event that any election ordered and held as aforesaid shall result in favor of the proposition to levy and assess special taxes upon the property subject to taxation in the Subdivision, the Police Jury for the Parish, Ward or Road District and the Governing Authority of any other Subdivision named herein shall, after the promulgation of the result of such election and pursuant to the terms of the proposition submitted levy and assess the said special taxes on such property.

**(Tax Not to Exceed Constitutional Limitation.)**

Provided that the total rate of taxation so imposed shall not exceed the Constitutional limit, nor shall such tax run for a greater number of years than the number named in the proposition submitted, nor be imposed for any other purpose than that named in such proposition.

**(Bonds; Regulations for Same, S. 20, A. 256, '10.)**

In the event that any election ordered and held for the purpose of incurring debt and issuing negotiable bonds therefor shall result in favor of the proposition, the Police Juries for their respective Parishes, Wards or Road Districts and the governing authorities of all other Subdivisions shall, after the promulgation of the result of such election and pursuant to the terms of the proposition submitted, by resolution incur the debt and issue negotiable bonds therefor, to be signed by the President or Chairman and Secretary of the authority issuing the bonds, provided the bonds shall be issued for no other purpose than that stated in the submission of the proposition to the property taxpayers, nor for a greater amount than therein mentioned, nor for any other purpose than the purpose set forth in the proposition submitted to the property taxpayers and as authorized by the Constitution of the State, nor run for a longer time than that named in the proposition not exceeding forty years nor bear a greater rate of interest than five (5) per centum per annum, payable annually, nor issued for a greater amount than

ten per centum of the assessed value of the subdivision, including any prior bond issue nor be sold by the authorities issuing same for less than par.

**(Collection of Taxes Governed by General Laws, S. 23, A. 256, '10.)**

All the articles and provisions of the Constitution of 1898 and all the laws in force or that may be hereafter enacted regulating and relating to the collection of State taxes and tax sales shall also apply to and regulate the collection of the special taxes or forced contribution, imposed under the provisions of this Act, through the officer whose duty it shall be to collect the taxes and moneys due the municipal corporation, parish, or drainage district, imposing such special taxes, or forced contributions.

**(Proceeds of Bonds a Trust Fund for Payment of Interest and Principal of Bonds, S. 24, A. 256, '10.)**

The proceeds of the sale of all bonds issued under the provisions of this Act shall constitute a trust fund, to be used exclusively for the purpose or purposes for which said bonds are authorized to be issued. That any income derived from the particular improvement purchased or constructed, when so set aside by resolution of the governing body of the subdivision, shall, after the expense and cost of maintenance of said improvements are paid, constitute a trust fund to be devoted to the payment of the interest on the indebtedness so contracted, and any surplus, after the payment of such interest, shall be placed in the sinking fund to be used in the extinguishment of the principal of said obligation or bonds at maturity.

**(Proceeds of Special Taxes Collected a Trust Fund, S. 25, A. 256, '10.)**

The proceeds of any special tax which have been voted for a particular purpose as authorized by the Constitution and the provisions of this Act shall constitute a trust fund to be used exclusively for the objects and purposes for which the tax was levied and shall from year to year as collected be kept separate and used for no other purpose than the purpose for which the said tax was voted.

**(Sinking Fund to Be Set Aside, S. 26, A. 256, '10.)**

If the bonds to be issued are to be paid out of funds realized from a tax, an acreage tax or forced contribution, which tax,

acreage tax or forced contribution is limited and a fixed amount required to be collected each year, then the governing authority issuing the bonds and levying the acreage tax, shall, beginning at a yearly period before the maturity of such debt or bonds, which period shall never be less than one-fourth of the whole term for which said debt is incurred, or said bonds are issued, set aside annually, from said trust fund derived from said tax, acreage tax or forced contribution, a sinking fund for the payment of the principal of said debt, or said bonds, at least one fraction of the principal of said debt, on said bonds, said fraction to be ascertained by dividing the principal of said debt or of said bonds by the remaining number of whole years before the maturity of said debt or bonds; and that the sinking fund thus set aside shall be sacredly applied to the payment of such debt and such bonds. The time from the commencement of the provision of a sinking fund as herein required, until the maturity of the said debt or of said bonds to be known as the redemption period.

(Tax to Pay Principal and Interest Must Be Levied Every Year, S. 27, A. 256, '10.)

The governing authority of a Subdivision incurring debt and issuing bonds as herein contemplated, shall annually, at the same time that other taxes are levied, or at any other time, in addition to all other taxes now authorized by the Constitution and laws of the State of Louisiana, and in addition to any special tax that may be levied at any election called and held for that purpose, levy a tax sufficient to pay the interest and principal on said bonds becoming due the ensuing year. When a period is fixed at which such bonds shall begin to mature, the total amount of indebtedness shall be divided among the number of years in which payments are to be made and the principal to be paid each year, fixed at such amount that when the total annual interest is added thereto the amount to be paid each year shall be as nearly equal and uniform as possible. Such tax may be levied and extended upon the assessment roll at any time prior to the final collection of the taxes for that particular year. If the authority herein authorized to levy and assess such tax should fail, neglect or refuse to do so before the completion



of the assessment rolls, the Auditor of Public Accounts shall be authorized and it shall be his duty to name the rate of such tax and order same extended upon the assessment rolls and collected.

**(Maturity of Bonds Must Be Fixed, S. 28, A. 256, '10.)**

Whenever a debt has been authorized to be incurred, the governing authority issuing bonds to evidence such debt shall fix a time certain at which the bonds shall begin to mature, which shall not be longer than five years from the date of said bonds. After fixing such date, then the governing authorities shall fix the denomination of the bonds due each year thereafter for an amount that when the annual interest is added thereto the total amount to be paid, including principal and interest, each year shall be as nearly equal as practicable.

**(Bonds Shall Be Registered by Secretary of State, S. 31, A. 256, '10.)**

All bonds issued by any of the subdivisions of the State as herein defined, shall, after the time has elapsed in which the validity of such bonds can be contested, to-wit, sixty days from the date of the promulgation of the result of the election, incurring the debt and ordering the issuing of such bonds, be registered by the Secretary of State and shall have endorsed thereon the words: "This bond secured by a tax. Registered on this the \_\_\_\_\_ day of \_\_\_\_\_, 19—," and signed by the Secretary of State with the Great Seal of Louisiana affixed.

**(Election Officers Vested With Same Authority as in General Elections, S. 32, A. 256, '10.)**

The commissioners and clerks of elections held under the provisions of this Act shall have the same powers and duties in conducting said elections and in preserving order at the polls, as are conferred and imposed upon such officers under the general election laws of this State; and that whatever is declared in the general election laws to be a felony, other crime, or misdemeanor, shall be such for any election held under the provisions of this Act, and shall be punished in the same manner; that any willful failure or neglect to comply with the requirements of this Act or any willful violation of same, by any officer, agent, or employee, of any subdivision herein defined, availing itself of the provisions of this Act, shall be a crime and shall be punished by a fine of not less than twenty-five dollars nor

more than five hundred dollars, or by imprisonment not exceeding one year, with or without hard labor, or by both such fine or imprisonment, at the discretion of the court.

(All Special Tax Elections Hereafter, Governed by This Act, S. 33, A. 256, '10.)

Nothing in this Act shall be held or construed to invalidate, or render illegal the acts, proceedings, elections, taxes, debts, bonds, ordinances, resolutions, bids, agreements, contracts or obligations, done, had, held, levied, authorized to be levied, incurred, authorized to be incurred, issued, authorized to be issued, adopted, accepted, or entered into, pursuant to any article of the Constitution, by any subdivision herein named (the City of New Orleans excepted) prior to the passage of this Act; that any provision in the charter of any municipal corporation of this State (the City of New Orleans excepted) in conflict with the provisions of this Act for the immediate submission of the proposition herein specified to the property taxpayers of said corporation in an election ordered by same under this Act and for the immediate levy of said tax when duly authorized, be and the same, insofar as it is in conflict therewith, is hereby repealed.

(Inheritance Tax; How Paid and Distributed, S. 3, A. 45, '04.)

In all cases where the inheritance tax appears to be due, it shall be the duty of the administrator, executor, or other officer in charge of the succession, or of the heir to pay over to the Tax Collector of the parish where the succession is opened the full amount of said inheritance tax and to present the receipt to the judge before obtaining a discharge or of being put in possession of the estate; the surety on the bond of the administrator, executor or other officer in charge of the estate shall be liable *in solido* with the officer for the full amount of the inheritance tax; such taxes shall be distributed to the several parishes in accordance with Article 248 of the Constitution.

NOTE.—All Inheritance taxes shall be remitted to the State Treasurer, who shall credit same to Current School Fund.)

(Duty of Parish Superintendent and Parish School Board, S. 4, A. 45, '04.)

It shall be the duty of the parish superintendent and of the president of the school board of the City of New Orleans to

see that this Act be carried out, and that the full amount of the inheritance tax be duly collected, and it shall be the duty of the District Attorney for the various parishes throughout the State, when called upon by the parish superintendent or the president of the school board in the Parish of Orleans to take proceedings to enforce the provisions of this Act.

**(Inheritance Tax in Favor of Public Schools, A. 109, '06.)**

There is now and shall hereafter be levied, solely for the support of the public schools, on all inheritances, legacies and other donations *mortis causa* to or in favor of the direct descendants or ascendants of the decedent, a tax of two per centum, and on all such inheritances or dispositions to or in favor of the collateral relatives of the deceased, or strangers, a tax of five per centum on the amount of the actual cash value thereof at the time of the death of the decedent.

**(When Not to Be Imposed.)**

Section 2. Said tax shall not be imposed in the following cases:

a. On any inheritance, legacy or other donation *mortis causa* to or in favor of any ascendant or descendant of the decedent below ten thousand dollars in amount or value.

b. On any legacy or other donation *mortis causa* to or in favor of any educational, religious or charitable institution.

c. When the property inherited, bequeathed or donated shall have borne its just proportion of taxes prior to the time of such donation, bequest or inheritance.

**(Manner of Taking Possession of Succession.)**

Section 3. It shall be unlawful for any heir, legatee or other beneficiary of a donation *mortis causa* to take or be in possession of any part of the things or property composing the inheritance, legacy or other donation *mortis causa*, or to dispose of the same or any part thereof, until he shall have obtained the authority of the court to that effect, as hereafter provided; and in case he shall so take or be in possession or shall so dispose of such things or property, or any part thereof, he shall no longer have the right of renouncing such inheritance or donation *mortis causa*, and shall remain personally liable for the tax thereon; but he may, without waiting for authority do such acts as may

seem necessary to preserve the property from waste, damage or loss.

**(Duty of Executor.)**

Section 4. The executor of the will of a person deceased, or the administrator of his succession, shall, after payment of his debts, proceed against the tax collector and all the heirs and legatees of the deceased summarily, by rule before the court which has jurisdiction of the succession, to fix the amount of tax due by each heir or legatee, and on trial thereof the court shall render judgment for the same against each heir or legatee, with interest and costs, as hereinafter provided.

**(Amount of Taxes to Be Deducted by Executor.)**

Section 5. The executor or administrator shall thereupon pay to the tax collector the amount of tax, with interest and costs, so fixed, on each inheritance, legacy or donation, out of the funds comprised therein, if sufficient. Should there not be sufficient funds, the court shall, on the application of the heir or legatee, grant an order for the sale of the property composing such inheritance, legacy or donation, or so much thereof as may be necessary, for the purpose of paying such judgment. If the same be not paid by the heir or legatee, or an order of sale be not granted, as above provided within thirty days after the date of the judgment, the court shall, on the application of the executor or administrator, grant an order of sale for the said purpose, as above provided, and the executor or administrator shall pay the said judgment out of the proceeds of the sale.

Such sale shall be made in such manner, and on such terms and conditions as the court shall prescribe, and the expense thereof shall be borne by the heir or legatee.

**(Duty of Executor.)**

Section 6. No executor or administrator shall deliver any inheritance or legacy until the tax thereon shall be fixed and paid, as herein provided; otherwise he, together with his surety, shall be personally liable for said tax, with interest and cost. And no executor or administrator shall be discharged until it is shown that all taxes under this Act, due by the heirs and legatees, have been paid, or until it is judicially determined by the process herein provided that no tax is due.

**(Duty of Legal Heir.)**

Section 7. In all cases in which an administration is not ordered by the court, the legal or instituted heir, or universal or residuary legatee, shall within six months after the death of the decedent, or, should there be a will, within the same time after the discovery of the same, present to the court a detailed descriptive list, sworn to and subscribed by him, of all items of property contained in and composing the estate of the decedent, and therein shall state the actual cash value of each such item at the time of the death of the decedent, and service thereof shall be made on the tax collector who shall have the right to traverse the same. Should the deceased have made special or particular legacies or donations *mortis causa*, the legatee shall also be served, and after summarily hearing the parties the court shall fix the amount of tax due as aforesaid by each such heir or legatee, and shall render judgment therefor, with interest and costs, against each of them.

**(Amount of Tax to Be Deducted.)**

Section 8. In the same manner as provided in Section 5, the heir or universal or residuary legatee shall thereupon pay or take measures for the payment of the tax due on all special or particular legacies or donations.

**(Property May Be Sold to Pay Taxes.)**

Section 9. The heir or universal or residuary legatee may likewise obtain an order for the sale of the property of his inheritance or legacy, or part thereof, for the purpose of paying the tax thereon. But if such tax be not paid, or such order of sale be not made within thirty days after the date of the judgment fixing the amount of the tax, a similar order for the same purpose shall be granted on the application of the tax collector, and thereunder any property forming part of the inheritance or legacy may be sold, and the proceeds thereof shall be applied to the payment of the tax with interest and costs.

**(Duty of Heir to See That Tax Is Paid.)**

Section 10. The heir or residuary or universal legatee shall not deliver any legacy until the tax thereon shall have been fixed and paid; otherwise he shall be personally liable for the said tax, with interest and costs.

**(Search for Will; When Made.)**

Section 11. If during the six months next following the death of any person leaving property, movable or immovable, within this State, an administration of his succession be not applied for or, his legal or instituted heir or universal or residuary legatee do not apply to the court to be placed in possession thereof, as herein provided, the court shall ex parte and on the application of the tax collector grant an order directing that a search be made for the will of the deceased by a notary public, and in aid of the same may order that all persons having in their possession or control any books, papers or documents of the deceased, or any bank-box, safe deposit vault or other receptacle likely or designed to contain the same, shall open such receptacle and exhibit the contents thereof, as well as all other books, papers and documents of the deceased, to the said notary.

**(Court May Appoint Executor.)**

Section 12. Should the said notary find any document appearing to be the will of the deceased, he shall take possession of the same and produce it in court; and on application of the tax collector, or of any party in interest, the court shall proceed to the probate thereof, as now provided by law. If an executor be therein appointed, the person named shall be notified, and if he do not within ten days after notification accept the appointment, and if within the ten days next following this delay no person entitled to be appointed dative testamentary executor shall apply for the appointment, then the Public Administrator in the Parish of Orleans, and in the other parishes the tax collector, shall be appointed dative testamentary executor of the said decedent, and the administration of his succession shall proceed as herein directed and according to existing law.

**(Procedure Where No Will Is Found.)**

Section 13. If the notary can find no will, he shall report the fact to the court; and thereupon the tax collector shall proceed against the legal heir or heirs of the deceased summarily by rule to fix the amount of tax due by him or them, and each of the heirs shall be ordered, within a delay to be fixed by the court, which may be extended from time to time in the discretion of the court, to make and file a detailed descriptive list,

sworn to and subscribed by him, of all the items of property contained in and composing the estate of the decedent, stating therein the actual cash value of each such item at the time of the death of the decedent, and the tax collector shall have a right to traverse the same. On trial of the rule the court shall fix the amount of tax due by each of the heirs, and shall render judgment for the same against each of them, and in such case, as well as in the cases mentioned in Section 12, shall include in the costs payable by the heir or legatee a fee of not more than **ten per cent. on the amount of tax due by each heir or legatee in favor of the attorney for the tax collector.** In the same manner and under the same conditions as provided in Sections 5 and 9 of this Act, such heirs or legatees shall have the right to procure the sale of their inheritances or legacies for the purpose of paying the tax due thereon, with interest, costs and attorneys fees; and if payment thereof be not made by the heir or legatee, or if an order of sale, as above provided, be not granted, within thirty days after the date of the judgment, the tax collector shall be entitled to a similar order, and thereunder any property forming part of the inheritance or legacy may be sold.

**(Any Heir May Institute Proceedings and Receive Fee.)**

Section 14. Should there be more than one legal or instituted heir or universal or residuary legatee any one of them may institute the proceedings provided by this Act, and the others shall be made parties thereto and such heir shall be entitled to recover out of the mass of the succession one reasonable attorney's fee, besides his costs.

**(Rights of Creditors Preserved.)**

Section 15. Nothing contained in this Act shall affect the rights of creditors of persons deceased or the rights of the creditors of the heirs or legatees of such persons, as established by the general law.

**(Legacy Indivisible.)**

Section 16. Each inheritance or legacy is indivisible, and must be accepted or renounced for the whole; and the heir or legatee shall not be entitled to be placed in possession of the

same, and shall be without right or capacity to alienate any part thereof, until the tax on the whole shall have been fixed and paid, or until it shall have been judicially determined, in the manner herein provided, that no part of the same is subject to the tax imposed by this Act.

**(Prohibiting Delivery of Effects Before Tax Is Paid.)**

Section 17. No bank, banker, trust company, warehouseman, or other depository and no person or corporation or partnership having on deposit or in possession or control any moneys, credits, goods or other things or rights of value for a person deceased, or in which he had any interest, and no corporation the stock or registered bonds of which are owned by a person deceased shall deliver or transfer such moneys, credits, stock, bonds, or other things or rights of value to any heir or legatee of such deceased person, unless the tax due thereon under this Act shall have been paid, or unless it be judicially determined in the manner herein prescribed that no tax is due by such heir or legatee. Otherwise the person or corporation so making delivery or transfer shall be liable for the said tax. But the order of a court of competent jurisdiction, directing such delivery or transfer, shall be full authority for the same.

**(Burden of Proof.)**

Section 18. The burden of proving facts establishing exemption from the tax imposed by this Act is upon the person claiming exemption.

**(Jurisdiction.)**

Section 19. The District Court or the last domicile of the deceased, and in the Parish of Orleans the Civil District Court, shall have original jurisdiction to hear and determine all the proceedings provided by this Act. In the case of a non-resident decedent, the District Court, or Civil District Court, of any parish in which he left property, movable or immovable, shall exercise such jurisdiction, and the court in which such proceedings shall be first begun shall have exclusive original jurisdiction thereof.

**(Unknown Heirs.)**

Section 20. Non-residents and unknown heirs and legatees, and those whose whereabouts are unknown, shall be represented



by curator *ad hoc* appointed by the court, and all notices, citations and demands prescribed by this Act shall be served on such officers. Though there be in any case more than one unknown or absent heir or legatee, all may be represented by the same curator.

**(Commissions of Tax Collectors.)**

Section 21. The tax collector spoken of and intended by this Act is the Sheriff and ex-officio Tax Collector of the parish in which was the last residence of the decedent, or in which is situated property of a non-resident decedent, and in the Parish of Orleans the Clerk of the Civil District Court. They shall receive a commission of two per cent on their collections of taxes under this Act.

**(Compensation of Attorneys.)**

Section 22. In and for the Parish of Orleans the Governor shall appoint by and with the advice and consent of the Senate, for a term of four years, an attorney at law, whose duty it shall be to advise, assist and represent the Clerk of the Civil District Court in the enforcement of this Act. For his services, except as provided in Sections 12 and 13, he shall receive a fee of four per cent. on all taxes collected hereunder, payable out of the same before transmission to the Treasury. In all other parishes of the State the said duties shall be performed by the attorneys appointed under existing law to assist the tax collectors in the collection of delinquent licenses, and the compensation of such attorney shall be as above provided.

**(Method of Fixing Value of Annuity.)**

Section 23. In fixing the value of any legacy or donation *mortis causa* which consists in whole or in part of an annuity or usufruct or right of use or habitation, the court shall consider the expectancy of life of the legatee or donee according to the table known as the American Experience Table of Mortality, at six per cent. per annum compound interest.

**(Delinquent Penalty.)**

Section 24. Taxes hereby levied shall bear interest at the rate of two per cent per month, beginning six months after the death of the decedent; saving to any heir, legatee, or donee the

right to stop the running of interest against him by paying the amount of his tax with accrued interest, or by tendering the same to the tax collector in the manner prescribed by the general law; provided, however, that in cases in which the settlement of the succession is not unduly delayed, or in which the right of any party to receive an inheritance or legacy is contested, and in all cases in which the failure to pay tax on any legacy or inheritance within the period aforesaid is not imputable to the laches of the heir or legatee, the court may, in its discretion, remit such interest.

**(Costs to Be Borne by the Succession.)**

Section 25. The costs of all the proceedings under this Act shall be borne by the mass of the succession; provided, that in cases in which it seems to him equitable to do so the judge shall have the power to apportion the costs among the several parties, or allow any party to retain his costs out of any sum found to be due by him for tax hereunder. Provided, the provisions of this Act shall affect all successions not finally closed, or in which the final account has not been filed.

**(Assessing the Poll Tax, S. 1, A. 89, '88).**

The Tax Assessors throughout the State be and they are hereby required to render to the School Boards of their respective parishes, annually, by the first Saturday of October, a complete schedule list, by wards, of all persons liable to pay poll tax in their respective parishes. If any Assessor fails to comply with the requirements of this Act, the failure shall be cause for removal; besides, he shall be subject to a fine of \$250, for the benefit of the public schools in the parish in which the delinquent officer resides, and in which he is the Assessor. In the City of New Orleans the Board of Assessors shall comply with the requirement of this Act, and in the event of failure, shall be subject to dismissal and penalty as before provided. (See Arts. 231 and 252, Constitution of 1898.)

**(Returns of Collections, S. 2, A. 89, '88.)**

The Sheriffs and Tax Collectors in their respective parishes shall return, by the first Saturday of February, of each and every year, to the School Boards of their respective parishes, a list pred-

icated upon the list mentioned by wards, showing all persons in the parishes, respectively, who have paid their poll tax, as well as persons who have not paid the same, and shall return their reasons in writing and under oath, the cause in each instance of the non-payment of a poll tax, and why they have not collected the tax not collected.

**(Penalties, S. 3, A. 89, '88.)**

If the said Sheriff or Tax Collector fails to show cause why the said poll tax has not been collected, he shall be responsible for and shall pay the poll taxes he has failed to collect, and shall be held liable with his securities on his official bond for the payment of said tax.

**(Rules for Non-Compliance, S. 4, A. 89, '88.)**

The Sheriff can be made to show cause why the said poll tax has not been collected, at chambers, before the district judge, after service of rule and three days have elapsed after service.

**(Receipt for the Poll Tax, S. 1, A. 87, '86.)**

Before any persons serving as jurors or witnesses in criminal cases shall receive the compensation to which they are entitled for their mileage and per diem, they shall exhibit to the clerk of the court a receipt for the poll tax or taxes due by them.

**(Deduction of Witnesses' and Jurors' Compensation, for Poll Tax, S. 2, A. 87, '86.)**

On their failure to produce such receipt the clerk of court or other officer, issuing certificates or warrants for their mileage and per diem, shall issue certificates or warrants for amounts less the poll tax due, and shall issue the certificate or warrants for amounts so reserved for poll tax, to the treasurer of the school board of the parish, who shall collect same.

**(Report by the Clerk of Court, S. 3, A. 87, '86.)**

The clerk of court or other officer, issuing such certificates or warrants, shall report to the tax collector of the parish the names of all persons from whom he has reserved amounts for poll tax, and the tax collector shall give such person credit for such poll tax.

**NOTE.**—The custom of some tax collectors of claiming and collecting commissions for the retention of polls by the Clerk of Court is without foundation in law, as the tax collector in no sense collects the tax and is entitled to no commission thereon.

(Poll Tax Collections of Orleans, S. 1, A. 56, '94.)

The collection of poll taxes in the Parish of Orleans, together with all the processes, commissions and obligations incident thereto as now provided by law, are vested in the treasurer of the City of New Orleans.

(Election on Sale of School Lands, S. 2958, R. S.)

It shall be the duty of the parish treasurers of the several parishes in this State to have taken the sense of the inhabitants of the township, to which they may belong, any lands heretofore reserved and appropriated by Congress for the use of schools, whether or not the same shall be sold, and the proceeds invested as authorized by an Act of Congress, approved February 15, 1843. \* \* \* Polls shall be opened and held in each township after advertisement, for thirty days, at three of the most public places in the town, and at the courthouse door, and the sense of the legal voters therein shall be taken within the usual hours, and in the usual manner of holding elections, which elections shall be held and votes received by a member of the parish school board or a justice of the peace; and if a majority of the legal voters be in favor of selling the school lands therein, the same may be sold, but not otherwise. The result of all such elections shall be transmitted to the parish treasurer, and by him to the State Superintendent.

(Survey, S. 2959, R. S.)

Before making sale of the school lands belonging to the State, it shall be the duty of the parish treasurer, or other persons whose duty it may become to superintend the sales, to cause a resurvey of such lines as from any cause may have become obliterated or uncertain; and for this purpose he is authorized to employ the parish surveyor, or on his default, any competent surveyor; and the lines thus surveyed shall be marked in such manner as to enable those interested to make a thorough examination before sale, and all advertisements made for the sale of such lands shall contain a full description thereof according to the original survey and that required by this section. The expenses of the survey shall be paid by the Auditor of Public Accounts out of the proceeds of the sale of the lands on the warrants of the parish treasurer.

NOTE.—The State is the trustee of these lands or of the proceeds of their sale for the use of the inhabitants of the township in which they are located—*vide*, Board of School Directors, vs. Ober, 32 A. 419.

(Rights of Way May Be Granted to the United States by the School Boards, A. 14, '08.)

The Parish Board of School Directors of any parish within the State shall have authority by resolution duly passed by said board, when in its judgment it is to the manifest interest of the public in general, and in order to facilitate the construction, maintenance and operation of canals, or a portion of a canal, or branch of any canal, constructed by or under the authority of the United States for the purpose of transportation or for purposes of extension or improvement of the public waterways, to donate to the United States of America rights of way over and across any of the lands belonging to the public schools located within the parish in which said board is constituted or organized, which grant or donation may be made without any previous advertisement thereof, when authorized by a resolution of said board to sign an act of conveyance evidencing such grant or donation; provided, however, that the said Parish Boards of School Directors shall in every case reserve the right to control, occupy and use any part of said rights of way not actually needed by the United States in the manner and to the same extent as before conveying said rights of way, and also the right to transfer, lease, quit-claim, or otherwise dispose of the said rights of way and every part thereof, subject to the grant made to the United States.

(Sale on the Order of the Auditor, S. 2960, R. S.)

If the majority of the votes taken in a township shall give their assent to the sale of the lands aforesaid, the parish treasurer shall forthwith notify the Auditor of Public Accounts of the vote thus taken, and upon his order the said lands shall be sold by the parish treasurer, at public auction, before the courthouse door, by the sheriff or an auctioneer to be employed by the treasurer at his expense, to the highest bidder, in quantities not less than 40 acres, nor more than 160, after having been previously appraised by three sworn appraisers, selected by the parish treasurer and recorder of the parish, after thirty (30) days advertisement, but in no case at a less sum than the appraised value, payable on a credit of ten years, as follows: ten per cent in cash and the balance in nine annual installments, the

interest to be paid on the whole amount, annually, at the rate of eight per cent per annum; the notes shall be made payable to the Auditor of Public Accounts, secured by special mortgage on the land sold, and personal security *in solido*, until final payment of principal and interest; in event of the purchaser neglecting or refusing to pay any of these installments or interest at maturity, the mortgage shall be forthwith closed, and the parish treasurer is hereby authorized to advertise and sell the land as before provided for, and further authorized and required to execute all acts of sale on behalf of the State for any such lands sold, to receive the cash payment and notes given for the purchase, which shall be made payable to the State Treasurer, and to place the same in the office of the Auditor of Public Accounts for collection; all cash received, either for principal or interest, from said sales shall be transmitted by him to the State Treasurer, and any moneys thus received into the State Treasury from sales aforesaid shall bear interest at the rate of four per cent per annum, and be credited to the township to which the same belongs according to the provisions of the Act of Congress. The parish treasurer shall forthwith notify the State Superintendent of the results of all sales made by him. The parish treasurer shall be authorized to receive the whole amount bid for the lands, deducting the eight per cent interest which the credits will bear. (See Supreme Court decision as to price, etc.)

NOTE.—The above Act has been amended by Act 57 of '84, changing 6 per cent to 4 per cent.

**(Sale of Uninhabitable Lands, S. 1, A. 168, '94.)**

All sixteenth section lands located in a township not habitable by reason of the land being swamp or sea marsh, the school board of the parish in which such lands are located may present an application for sale of such sixteenth section land to the Auditor of Public Accounts, in which they shall set forth the location of the township, its character and the reason upon which a sale is desired, and upon receipt of such application duly signed by the president and secretary thereof, the Auditor may authorize the sale, if in his judgment a sale should be made.

**(Sale Conducted in the Same Manner as Others, S. 2, A. 168, '94.)**

In case a sale is ordered as provided for in Section 1 of this Act, the parish treasurer shall make such sale in the same man-

ner, and upon the terms and conditions as is now provided by law, for the sale of sixteenth section lands; provided this Act shall not apply to sixteenth sections now leased to parties for a term of years.

**(Sale of Sections Divided by Parish Lines, A. 147, '57.)**

When the sixteenth section of any township is divided by a parish line, the treasurer of the parish in which a greater portion of the section may lie, shall proceed to take the sense of the people of the township, and to sell the same as provided by law, as if the whole section lay in his parish; provided, that the same shall be advertised at the courthouses of both parishes.

**(Treasurer's Commission, A. 33, '59.)**

Parish treasurers of the several parishes shall be entitled to retain out of the proceeds of the sale of sixteenth sections effected by them a percentage of two and one-half on the amount of said sales, to be deducted from the cash payment, and the same shall be in full compensation of their services.

**(Proceeds of Lands Accruing to Townships, S. 2963, R. S.)**

All moneys that have been or may hereafter be received into the State Treasury, and the interest that has or may accrue thereon from the sale of sixteenth sections of school lands or the school land warrants belonging to the various townships in the State, shall be placed to the credit of the township, and should the people of any township desire to receive for the use of the schools therein, the annual interest payable by the State on funds deposited to their credit, or the annual proceeds of the loans, the parish treasurer shall, on the petition of five legal voters in any such township, order an election to be held in the township, as provided for the sale of township lands; and if a majority of any number of votes above seven be in favor of receiving annually the accruing interest as aforesaid, the same shall be paid to the treasurer of the parish for the use of the township or district; otherwise the interest shall be an accumulating fund to their credit until called for.

**(Mode of Annuling Sales, S. 2965, R. S.)**

In all cases of the sale of the school lands known as sixteenth sections, heretofore made, where the purchase money has not been paid, the purchaser or purchasers shall have the right to

annul the sale upon application to the district court of the parish where the land is situated; provided, that the judgment of nullity shall be obtained at the cost of the applicant and contradictorily with the district attorney, in conjunction with the school directors of the district in which said land is situated, who shall be made a party defendant in such suit; provided, also; that it shall appear upon the hearing that the value of the land has not been impaired by any act of the purchaser; and provided further, that nothing in this Act shall be so construed as to entitle the said purchaser to repayment of any part of the purchase money already paid.

**(Auditor's Duty in the Collection of Notes, S. 1, A. 57, '84.)**

It shall be the duty of the Auditor of Public Accounts, immediately on the passage of this Act, to forward for collection to the treasurer of the school board in their respective parishes throughout the State, all the notes given for the purchase price of sixteenth sections, or any part thereof, known as free school lands, whenever any installment of said purchase price has become due or may become due, and it shall be the duty of said treasurer of the parish school board to receive and receipt for same.

**(School Board Treasurer's Duty in the Collection of Notes, S. 2, A. 57, '84.)**

It shall be the duty of the treasurer of the parish school board, on receipt of the notes due and given for said sixteenth sections, to immediately notify the principal and his sureties, in writing, of the amount of said note, principal and interest, due and unpaid; provided, said lands for which said notes were given are still in possession of the original purchaser, and if in the possession of other parties, such possessor shall also be likewise notified of all the demands principal and interest, against said lands, and if all the demands against the same be not satisfied within thirty days from said notice, it shall be the duty of the treasurer of the parish school board to turn over said notes to the district attorney for said district, or other attorney selected by the school board, for suit; and provided further, that said notice shall serve as a bar to prescription, which shall only begin to run from the service of said notice.



**(Attorney's Duty in the Collection of Notes, S. 3, A. 57, '84.)**

It shall be the duty of said attorney to proceed without delay, by all necessary legal processes, and without depositing clerk's or sheriff's costs, or giving security therefor, to collect all such notes as may be turned over to him by said treasurer of the parish school board, and given for sixteenth sections, known as free school lands, and if any of the conservatory writs should be found to be necessary in order to aid in said collection, it shall be lawful to issue the same, without giving bond as required in other cases.

**(Attorney's Compensation, S. 4, A. 57, '84.)**

The said attorney shall receive ten per cent of all moneys collected by him on notes given for sixteenth sections, and after deducting said ten per cent he shall turn over the remainder to the treasurer of the school fund for the parish in which the lands are situated, and the same shall be transmitted through the Auditor of Accounts, by said treasurer, to the State Treasurer; and any moneys thus received into the State Treasury from said collections shall bear interest at the rate of four per cent per annum, and be credited to the township to which the same belongs, according to the provisions of the Act of Congress.

**(When Scrip May Issue, S. 2952, R. S.)**

When such locations cannot be made, if deemed more advantageous to the State, the Register, with the assent of the Federal Government, is authorized to issue scrip for such lands, which scrip shall not be sold for a less amount than one dollar and twenty-five cents per acre.

**(Duty of the Auditor in Fixing Capital Due the Townships, A. 96, '86.)**

It shall be the duty of the Auditor of Public Accounts, by the 1st day of January, 1887, to ascertain the amount of capital that may be due the several townships from the proceeds of the sales of sixteenth sections, made since the 1st of January, 1880, and actually paid into the State Treasury. The amount thus ascertained shall be the capital upon which interest shall thereafter be allowed and paid out of the interest collected on the said bonds to the townships, the sixteenth sections of which have been sold since the 1st of January, 1880, and the proceeds

actually paid into the State Treasury, and the proceeds so paid invested as required by law.

In calculating the interest due the several townships, no interest shall be allowed for fractions of the year during which the receipts shall have come into the treasury; but it shall commence at the beginning of the first of January of the next year.

The interest due upon the capital ascertained as aforesaid, and the interest due upon subsequent sales, shall be paid to the township in the manner now provided for by law. It shall be the duty of the Auditor to furnish the Treasurer and Superintendent of Public Education with a statement of the amount due each township.

**(Lake Beds Sold for Account of Schools, A. 124, '02.)**

Section 1. All islands, other than sea marsh islands, belonging to the State, as well as all other lands of the State, not the property of any levee district, nor within the limits of any levee district, which were formerly the beds of lakes, or other bodies of water, whether navigable or unnavigable, which are now, or may hereafter become dry in whole or in part by reason of the recession therefrom of the waters which formerly covered the same, be and the same are hereby declared to be open to entry and sale for account of the State for school purposes as hereinafter provided.

**(Proceeds of Sale of All Such Lands to Be Placed to the Credit of General School Fund, A. 124, '02.)**

Section 7. The proceeds arising from the sales of said lands shall, when paid into the hands of the State Treasurer, be placed by him to the credit of the General School Fund of the State for the benefit of the public schools of the State as now provided by law; provided that in addition to the price paid the Treasurer the purchaser of any of the lands described in this Act shall pay to the Register the fees allowed by law.

**(Duty of School Board When Vote Is Against Sale of Lands, S. 1, A. 54, '10, amending A. 129, '08, amending S. 2962 of the Revised Statutes.)**

Should a majority of the legal voters be against the sale of the lands, then it shall be the duty of the parish board of school directors of the parish in which said lands are located to secure

them from injury and waste and to prevent illegal possession or aggression of any kind and to lease the same, or any part thereof, according to the provisions of the Act of Congress aforesaid as amended by Act of Congress approved June 12th, 1884, and to inform the State Superintendent thereof.

**(Advertising Lease; Security Required.)**

Such lease shall only be made after due notice shall have been given by advertisement, for at least thirty days, in the official journal of the parish, or in any paper published regularly in the parish containing the land to be leased, of the time and place where the land will be offered for lease to the highest bidder. In all cases ample security shall be required, not only for the punctual payment of the rent but for the protection of the lands from all kinds of waste and injury. Said parish board of school directors shall have the right to reject any and all bids offered for said lease, if in its judgment the bids do not reach a just and fair value of the lease.

**(Manner of Holding Elections on Sale of Timber; Lease of Oil and Mineral Rights.)**

The Parish Board of School Directors shall have the authority, when in its judgment it is to the best interest of the schools of a township, to take the sense of the legal voters residing in such township relative to the sale of the timber on sixteenth section school lands situated therein or the lease or sale of oil and mineral rights on such land. Said vote shall be taken under the direction of said board, who shall give thirty days' notice thereof in the parish journal, or in any paper regularly published in the parish, setting forth the time and place of the election to be held. The said board shall appoint one of its members to conduct the election, who shall hold open the polls and allow votes to be cast within the usual hours and in the usual manner of holding elections.

**(Affirmative Vote to Be Reported to State Superintendent and Auditor of Public Accounts.)**

If a majority of the votes cast are in favor of the sale of the timber, or the lease or sale of oil and mineral rights, the Parish Board of School Directors shall at once report the result of the election to the State Superintendent of Public Education and

to the State Auditor of Public Accounts, and upon the order of the State Auditor the said board shall proceed to sell the timber or lease or sell the oil and mineral rights, either or both, as the case may be, under the same formalities and requirements as provided for the lease of sixteenth section school lands hereinabove set forth.

**(Notes Made Payable to Auditor of Public Accounts, Secured by at Least Two Solvent Sureties in Solido.)**

In all cases where a sale of timber or of oil and mineral rights is made under the provisions of this Act and deferred payments are allowed, the notes representing such deferred payments shall be made payable to the order of the Auditor of Public Accounts, and their punctual payment shall be secured by at least two good and solvent sureties who shall be liable "in solido."

**(Funds Accruing From Lease of Lands, Sale of Timber and Mineral and Oil Rights Credited to Current School Fund of Parish.)**

In all cases of the lease of sixteenth section school lands, or of the sale of the timber thereon or of the lease or sale of oil and the mineral rights thereof, the cash payment after deducting sufficient amount to cover the actual expenses incurred by the said election and making the said lease or sale, shall be credited to the account of the current school fund of the parish where the sixteenth section school lands are located, and notes representing deferred payments shall be placed in the hands of the parish school treasurer for collection, and when collected also credited to the current school fund of said parish, to be used for general school purposes.

**(Leases or Sales of Timber, Oil and Mineral Rights Expire Automatically After Ten Years.)**

In all cases where a sale of timber or the lease of or sale of the oil and mineral rights is made under the provisions of this Act, the purchaser thereof or his vendees, or the lessee, shall be allowed a period of not more than ten years in which to remove the timber or to utilize the oil and mineral rights.

**(Trespass on Sixteenth Section, S. 1, A. 14, '82.)**

Whoever shall cut down, or remove for sale for his own use, or the use of another, any timber on any free school land in this

State, belonging to the State, known as sixteenth section, shall be deemed guilty of a misdemeanor, and upon conviction shall be condemned to pay a fine of not less than fifty nor more than one thousand dollars, and, in default of the same, be sentenced to imprisonment not less than ten days nor more than one year.

**(Same, S. 2, A. 14, '82.)**

Whoever shall knowingly use, cultivate or inclose any free school land, known as sixteenth section, without authority from the parish board of school directors, shall on conviction be condemned to pay a fine of not less than fifty nor more than one thousand dollars, and in default of the same be sentenced to imprisonment for not less than ten days nor more than one year.

**(School Boards Authorized to Sue for Recovery of Damages and Trespass on Sixteenth Sections, S. 1, A. 158, '10.)**

The several school boards of the various parishes of the State be and they are hereby authorized and empowered to contract with and employ on the part of the State of Louisiana, attorneys at law, to recover for the State, damages for trespass to the sixteenth section known as school lands the title to which is still in the State, each of said Boards to have authority to make said contracts for the lands situated in its own parish and no others; and the several school boards shall also have authority to sue for and recover the sixteenth section known as school lands.

**(Compensation of District Attorney and Other Attorneys, S. 2, A. 158, '10.)**

The attorney or attorneys thus employed shall work in conjunction with the district attorney for the parish in which the land is situated; that the compensation of the district attorneys shall remain as now fixed by law; that the compensation of the other attorney or attorneys employed shall be fixed by contract between the respective school boards and the attorney or attorneys employed, and shall in each case be a contingent fee, conditioned upon recovery; shall in each case be a fixed percentage of the amount recovered, and shall in no case exceed twenty-five percentage of the amount recovered; provided that if more than one attorney is thus employed for the same cause, the same fee shall be paid to the whole number of attorneys, as if only one had been employed.

**(Manner of Bringing Suits, S. 3, A. 158, '10.)**

Suit in all such cases shall be brought in the name of the State of Louisiana, and the attorneys employed as aforesaid, shall sue for the value of all timber cut and removed from any such lands, as well as any and all other legal damages caused by any such trespass.

**(Authority Applies to Sixteenth Sections Illegally Acquired.)**

The authority given by this Act shall apply to all sixteenth sections donated by Congress to this State in trust for public school purposes, and to which the State has never legally parted with the title; and the suits herein authorized may be brought against those who claimed the right to cut and remove timber from any such lands, under color of title.

**(Residue of Amounts Recovered to Be Paid Into State Treasury.)**

Each and every amount recovered for the State as herein provided shall, after deducting and paying the attorney's fees as herein provided, and all other lawful costs and charges, be paid into the State Treasury, to be kept on the books of the Auditor and Treasurer, to the credit of the township in which the land is situated, in the same manner as now provided by law for the proceeds of the sale of such sixteenth sections.

**(To Provide for the Sale of School Indemnity Lands, A. 217, '02.)**

Section 1. That all lands now owned by, or which may hereafter inure to the State from the United States Government as indemnity for school lands, shall be disposed of as hereinafter provided.

Section 2. That the Register of the State Land Office shall cause to be advertised for sale at public auction for thirty clear days, a list of the lands to be sold, which have not already been advertised, the publication to be made in a newspaper published in the parish where the land to be sold is situated, and no land to be sold shall be advertised in any paper published outside of the parish where the same is situated.

Section 3. That the Register shall adjudicate said lands at public auction to the last and highest bidder at his office and in case the land so offered for sale fails to bring at auction the price of two dollars and fifty cents (\$2.50) per acre the same shall be

withdrawn and shall be thereafter sold by him at private sale for two dollars and fifty cents per acre.

Section 4. That the Register shall not issue a patent to the purchaser of said land until he shall have paid into the hands of the State Treasurer the purchase price of said lands.

Section 5. In addition to the purchase price paid for said lands, the purchaser thereof shall pay to the Register the same fees, as in other cases where a patent is issued, and out of the purchase price so paid, the Treasurer of the State shall pay the cost of advertising said property and place the balance thereof to the credit of the various school boards entitled to receive same.

Section 6. The provisions of this Act shall not refer nor apply to applications for the entry and sale of school indemnity lands which may be pending in the State Land Office at the time of the passage of this Act.

**(Sale Which Can Be Made by the Land Register, A. 315, '55.)**

It shall be lawful for the Register of the State Land Office to sell, at the price stipulated by law, to any board of free school district directors of this State, any amount, not less than five acres, of any land within their school district, donated by Congress to this State, either for the use of a seminary of learning, or for the purpose of internal improvement, on which to erect a schoolhouse.

**(How Located, S. 2947, R. S.)**

Any land so sold shall commence in the corner of a legal division or sub-division of sections; and if in a right angle, it shall be run an equal distance on two sides, bounded by the line of such division, and form a square including the number of acres sold; if in an acute angle, it shall be bounded by said division lines to such distance, and by lines in such other directions as the Register may deem most equitable between the land so sold and that retained; the patents for lands so sold shall issue to the free school directors and their successors, for the use of their district schools, setting forth the number, and of what parish.

**(Reservation of School Lands, A. 316, '55.)**

The Register of the State Land Office is required to ascertain in what township in this State there are no reservations of school sections by reason of conflicting claims or from any other cause, or where the reservation is less than contemplated by law; and in such cases it is made his duty under the superintendence of the Governor, to apply for, and as soon as possible, obtain a location of any land or part of land in lieu thereof.

**(Providing for the Deposit of Public Funds, A. 25, '07, amended by A. 282, '08.)**

That all funds of the State of Louisiana, and of all parishes and municipalities thereof, and all public boards, commissions, and bodies created by or under the authority of the State or any parish or municipality thereof, shall be deposited weekly in the fiscal agency or agencies hereinafter mentioned. Such deposits shall be made in the name of the State, or of the parish, municipality, board, commission or body having by law the custody of the same.

**(Fiscal Agent to Be Bank Offering Highest Rate of Interest.)**

The fiscal agency or agencies with whom such funds shall be deposited shall be a bank or banks, chartered under the laws of the State of Louisiana, or of the United States, and domiciled in this State, offering the highest rate of interest, consistent with the safety of such funds, upon the daily balances of the deposits so to be made and giving satisfactory security hereinafter mentioned.

**(Manner of Selecting Fiscal Agency for State, Parish and Municipal Funds.)**

Such fiscal agency or agencies shall be selected as follows:

(1) As to funds belonging to or received in behalf of the State whether by the State Treasurer, or any sheriff or tax collector, the Board of Liquidation of the State Debt shall biennially for thirty days beginning on the first Monday in March, 1908, advertise in the official journal of the State, and in one newspaper published in the cities of New Orleans, Baton Rouge, Shreveport, Alexandria, Monroe, Lake Charles, and New Iberia; as to funds received by and in the hands of sheriffs and tax collectors, said Board shall advertise for a like period in the



same manner in one newspaper published in the parish where such collective officer exercises his office, giving notice of the time and place of letting out of the State's deposits, the amount of security required, and inviting banks to bid for the custody thereof; provided that as to the funds in the hands of the State Treasurer, said advertisement shall be first made thirty days prior to the expiration of the present contract with the fiscal agents of the State, and the first letting shall be for a period expiring April, 1910. Should there be but one bank in any parish authorized hereunder to bid for the funds received by or in the hands of any sheriff or tax collector, said Board is authorized to invite bids also from banks in contiguous parishes, when in their judgment deemed proper, otherwise bidders shall be limited to banks domiciled in said parish. As soon as possible after the expiration of the terms of advertisement herein fixed shall have expired, said Board shall meet at the capital and publicly open bids and make awards of said deposits as herein required.

(2) As to funds belonging to or received in behalf of any parish or municipality of this State, the police jury or the municipal council shall at the same time, in the same manner and under the same regulations and penalties, as are provided for the control of the Board of Liquidation of the State Debt in reference to funds received by and in the hands of sheriffs or tax collectors, advertise and let such funds; provided that said advertisement shall be for a period of fifteen days.

**(Boards, Etc., Manner of Selecting Fiscal Agency.)**

(3) As to funds belonging to or received by any public board, commissions or body created by any special or general act of the General Assembly of the State not held in the custody or possession of the State Treasurer, such board, commission or body shall advertise and let the deposits to the bank or banks domiciled within the territorial jurisdiction of such board, commission or body, or in case such jurisdiction does not extend over an even parish, then to any bank in the parish, in the same manner, at the same time, and under the same regulations and penalties as are prescribed herein for funds of parishes and municipalities.

(4) As to the funds belonging to or received by any board, commission or body created or controlled by any parochial or municipal government, the same shall be let as a part of the funds of such parish or municipality, and any interest earned thereon shall belong to the parish or municipality creating the same.

(5) As to the funds deposited in the registry of any court or coming into the hands of the clerk of court or sheriff in any judicial proceeding, and not belonging to such officer, the same shall be deposited in the fiscal agency awarded the custody of the funds of the parish, the Parish of Orleans excepted. In the Parish of Orleans, such funds shall be deposited in the bank or banks offering the highest rate of interest consistent with the safety of such funds, and giving security therefor, under such rules and regulations as may be prescribed by the judges of the Civil District Court. The interest thus earned shall accrue to the party or parties finally decreed to be entitled to the ownership of such funds.

**(All Bids to Be Sealed. Same.)**

Section 3. All bids shall be sealed and indorsed on the envelope "Fiscal Agency Bid," and addressed to the State Auditor or to the authority letting such deposits, as the case may be, and shall be kept sealed until the meeting of the authority to award said funds.

**(Penalty for Breaking Seal.)**

It is hereby declared a misdemeanor, punishable by fine not exceeding one thousand dollars (\$1,000) or imprisonment not exceeding one year, or both at the discretion of the court, for any person prior to such meeting to break the seal of any envelope or covering enclosing such bid, or to examine the contents thereof.

**(When the Bids of Two Banks Are Equal.)**

Section 4. Where the bids of two or more banks are equal the award shall be made to such banks in such proportion as said banks may agree upon, and if they fail to agree, then in such proportion, giving each a share, as the authority letting same may determine.

**(Compensation Calculated on Daily Balance.)**

Section 5. The compensation to be paid for deposits aforesaid shall be calculated on the daily balances as shown by the books of the State Treasurer, or of the treasurer of the parish, municipality or body, as the case may be, and shall be paid on the first day of January of each year; provided that the authority letting the deposit may end the contract as to all or any of such banks at any time, in the event that circumstances arise which in their opinion jeopardize the safety of such deposits, by giving thirty days' notice in writing to the bank or banks holding such deposits, and all such deposits shall be forthwith returned by such bank or banks upon the expiration of such period. And in case of such cancellation, the authority shall proceed as in case of original lettings or relet the deposits theretofore deposited with such bank or banks for the unexpired term of such contract.

**(Security Required.)**

Section 6. No funds of the State nor of any parish, municipality, board, commission or body therein, shall be awarded to any bank or banks as aforesaid or deposited therein, unless and until such bank or banks shall have given the security provided in this section. The successful bidder or bidders shall as security for the safekeeping and return of said deposit, deposit with the State Treasurer, or with the fiscal officer of the authority letting such deposits, an amount of bonds of the United States or of the State (except Baby Bonds) or of any parish, city, town or levee district therein, equal to the estimated average deposits of such authority, as determined by the record of the year previous, or shall have given bond with a duly authorized surety company as surety conditioned for the safe keeping and return of such deposits and the payment of the interest thereon in a like amount; provided that no surety company shall be accepted as surety on any bond for a greater sum than ten per centum of its capital and surplus; and provided further that such bank or banks may deposit the bonds aforesaid for part of the security and give surety bond for the balance in such proportion as it or they may see fit; and provided further that where such deposits are divided between two or more banks, each may give security for its proportion of the total security required, based on the proportion of such deposits awarded to it.

(When Bonds Are Given as Security.)

Section 7. Where any successful bidder or bidders shall elect to deposit as security the bonds of any political subdivision of the State, such bonds must have a market value of at least equal to the par value thereof, and in case such bonds should depreciate in value, the authority shall have the right at any time to demand additional security to make up the deficiency. If, at any time, any depository bank fail or suspend, or fail on due demand without just cause to pay over such funds so deposited with it, the State Treasurer, on the direction of the Governor, or other fiscal officer, with whom any bonds may have been deposited as security, on the direction of the authority which made such letting, may forthwith, after ten days' advertisement in the newspaper or newspapers in which proposals for bids must be advertised for by such authority, sell such bonds, or a sufficient amount thereof to cover the deposit and accrued interest thereon, by auction at the customary place where judicial sales are made in the parish where such securities are held. In case any surety company given as surety should fail, cease to do business, or liquidate, a new security shall be substituted within ten days from demand, else the contract for such deposits shall *ipso facto* terminate and a reletting of said deposits shall be made.

In case of any such default on the part of any fiscal agency as aforesaid, when a surety bond has been given as security, and the said surety company shall have failed, within thirty days after demand upon it, to pay the amount of such deposit with the accrued interest thereon, the State Treasurer, by direction of the Governor, or the fiscal officer, on the direction of the authority that let such deposit, as the case may be, shall institute suit in the name of the State or such authority, as the case may be, against the principal and surety, or both of them, on such bond for the recovery of the amount of such deposits and accrued interest and a penalty of ten per centum on the amount so sued for together with costs. Such suit may be brought either at the designated domicile of the plaintiff or the defendant; and in case of deficiency, the same shall be secured by first lien and privilege on all property and assets of said depository.

**(When State Borrows Money; Rate to Be Paid.)**

Section 8. In case it should become necessary for the State to obtain advances of money, or for any of the other authorities to borrow money in cases permitted by law, the bank or banks awarded the contract as fiscal agent or agents, shall advance the same at a rate of interest no greater than that allowed on the said deposit; provided, the amount so advanced shall not exceed the amount on deposit to the credit of the State or such authority.

Section 9. Wherever by any existing law or laws the deposit of the funds of any municipality, board, commission or body with any bank or banks paying the highest rate of interest consistent with the safety of such funds, and giving security therefor, is provided for, such law or laws shall remain in full force and effect and not be repealed or impaired hereby. Nor shall any existing contracts made in pursuance of any such law or laws be affected or impaired hereby. Except as in this section provided, all laws or parts of laws in conflict herewith are hereby repealed.

**(Grants and Reservations.)**

The lands granted in the States and reserved in the Territories for educational purposes by Acts of Congress from 1785 to June 30, 1880, were:

**(For Public or Common Schools.)**

Every sixteenth section of public land in the States admitted to 1848, and every sixteenth and thirty-sixth section of such land in State and Territories since organized—estimated at 67,893,919 acres.

**(For Seminaries or Universities.)**

The quantity of two townships, or 46,080 acres, in each State or Territory containing public land, and, in some instances, a greater quantity, for the support of seminaries or schools of a higher grade—estimated at 1,165,520 acres.

**(For Agricultural and Mechanical Colleges.)**

The grant to all the States for agricultural and mechanical colleges, by Act of July 2, 1862, and its supplements of 30,000 acres, for each Representative and Senator in Congress to which the State was entitled, of land "in place" where the State contained a sufficient quantity of public land subject to sale at or-

dinary private entry at the rate of \$1.25 per acre, and of scrip representing an equal number of acres where the State did not contain such description of land, the scrip to be sold by the State and located by its assignees on any such land in other States and Territories, subject to certain restrictions. Land in place, 1,770,000 acres; land scrip, 7,830,000; total, 9,600,000 acres.

In all, 78,659,439 acres for educational purposes under the heads above set out to June 30, 1880.

The lands thus ceded to the several States were disposed of or are held for disposition, and the proceeds used as permanent endowments for common school funds. (See Report of the Commissioner of Education, Hon. John Eaton, to June 30, 1880; land and auditors' reports for the several land States; Kiddle & Schem's Dictionary of Education; and also ninth census, E. A. Walker, superintendent, for details of endowments of the several States for common schools resulting from the sales of United States land grants for education.) As an illustration, the State of Ohio has a permanent endowment for education, called the "Irreducible State Debt," the result of sale of all granted lands for education, of \$4,289,718.52.

(Price of Seminary Lands, S. 2954, R. S.)

The price of the seminary lands shall hereafter be fixed at one dollar and twenty-five cents per acre.

(Disposition of Funds of Towns on the Recision of Their Charters, S. 6, A. 173, '94.)

If after paying all the debts of said town (upon the dissolution and recision of its charter) there shall remain any balance of money, the same shall be turned over to the school board of the parish to be used in the education of the children of school age residing within the territory covered by said town.

(Prescription of Debts, Etc., S. 8, A. 103, '80.)

The term of prescription of any and all debts, due to any charitable institution in this State, and to any college fund, or any fund of any institution of learning, or to any fund bequeathed for charitable purposes of education, and of all debts contracted by borrowing the whole or part of any such funds, shall be thirty years; provided, the debt is evidenced in writing.

**(Free School Fund, S. 2957, R. S.)**

The proceeds of all lands heretofore granted by the United States to this State for the use or support of schools except the sixteenth section in the various townships of the State specially reserved by Congress for the use and benefit of the people therein; and all lands which may hereafter be granted or bequeathed to the State, and not specially granted or bequeathed for any other purpose, which hereafter may be disposed of by the State, and the ten per cent of the net proceeds of the sales of the public land and which have accrued and to accrue to this State under the Act of Congress entitled "An Act to appropriate the proceeds of the public lands," and to grant pre-emption rights, approved September 4, 1841; and the proceeds of the estates of deceased persons, to which the State has or may become entitled by law, shall be held by the State as a loan, and shall be and remain a perpetual fund, to be called the Free School Fund, on which the State shall pay an annual interest of six per cent; which interest, together with the interest of the Trust Fund deposited with this State by the United States, under the act of Congress approved the 23d of June, 1836, with the rents of all unsold lands, except that of the sixteenth sections, shall be appropriated for the support of public schools in this State; and donations of all kinds which shall be made for the support of schools, and such other means which the Legislature may from time to time set apart for school purposes, shall form a part of the fund, and shall also be a loan on which the State shall pay an interest of six per cent per annum.

It shall be the duty of the Treasurer of the State to apply annually, and to receive from the General Government, the said ten per cent of moneys now due and to become due to this State, and to place the same, when received, to the credit of the proper fund, and to report thereon to each session of the General Assembly.

**(Special Sources of Revenue.)**

1. Act 85 of '94.—Residue from sale of unclaimed merchandise in warehouse.
2. Act 124 of '90.—Residue from sale of unclaimed freight in railroad warehouse.

3. Act 124 (Secs. 1 and 7), '02.—Proceeds from sale of "Islands other than sea marsh islands."

4. See S. 2957, R. S.—From "Land Grants" other than the sixteenth section.

5. Acts 39, 177, '02.—From sale of "Internal Improvement" Swamp Indemnity Lands and Certificates.

6. Act 180 of 1902.

7. All fines and forfeited bonds.

8. See Act 27, '75.—Fine for violation of laws relative to inquests, etc.

9. Recision of town charters, S. 6, A. 173 of 1894.

10. Donations.

11. Fees.

12. Inheritance tax.

13. State appropriation for high and agricultural schools.

14. Special school tax.

**(Agriculture and Home Economics to Be Taught in Schools, A. 306, '10.)**

In addition to the branches in which instruction is now given in the public schools of the State of Louisiana, instruction shall also be given in all the elementary and secondary schools of the State in the principles of agriculture or horticulture and in home and farm economy.

**(Spitting on Schoolhouse Floor Prohibited, S. 1, A. 91, '08.)**

Any person who shall spit upon the floor or walls of any passenger car, street car, depot or waiting room, courthouse, churchhouse, schoolhouse, or any other public building whatever, shall be deemed guilty of a misdemeanor and on conviction shall be fined in a sum not less than Five (5) Dollars, nor more than Twenty-five (\$25) Dollars, and in default of payment of fine and costs, shall be imprisoned in the parish jail for a period not exceeding ten days.

**(Providing That the Doors of School Houses Shall Swing Outward, A. 91, '08.)**

Section 1. All doors for ingress and egress to public schoolhouses, churches, courthouses, assembly rooms, halls, theatres, factories with more than twenty employees and of all other buildings of public resort whatever, where people are wont to assemble, shall be so swung as open outwardly from the audi-



ence rooms, classrooms, halls, or workshops; but such doors may be hung on double-jointed hinges, so as to open with equal ease outwardly or inwardly.

Section 2. The provisions of this Act shall apply to all buildings and houses within its terms, erected after its passage, from the date it becomes in force. As to all such buildings and houses heretofore erected, said provisions shall be applied from and after the expiration of six months from the date when this Act becomes operative.

Section 3. The president of the parish school board, the deacons, the stewards or managers of any church, the president of the parish police jury, or the owner of any hall, theatre, or factory, failing to comply with the provisions of this Act or to have same complied with as relates to any building or buildings under the control of the bodies over which they preside or of which they are a member, or to such building or buildings owned by them, shall be guilty of a misdemeanor and upon conviction shall be fined not less than ten dollars nor more than one hundred dollars, and upon failure to pay such fine and costs shall be imprisoned in the parish jail for a period not exceeding ninety (90) days.

Section 4. Provided that this Act shall not apply to factories, cotton seed oil mills and other like establishments where the doors for the purpose of protection against fire, are so arranged as to slide back and forth on rollers.

**(Exemptions From Jury Duty, S. 2, A. 89, '94.)**

The following persons shall be exempted from serving as jurors, but the exemption shall be personal to them, and when they do not themselves claim the exemption it shall not be sufficient cause for challenging any person exempt under the provisions of this Act. \* \* \* The Governor, Lieutenant Governor, State Auditor, State Treasurer, Secretary of State, Superintendent of Public Education, their clerks and employees, and all public officers commissioned under the authority of the United States. \* \* \* professors and school teachers while employed in teaching. \* \* \*

**(School Libraries Established, A. 202, '06.)**

Whenever the patrons and friends of any individual school or grade of the free public schools in which a library has not already been established by the aid of the parish board of school directors, shall raise by private subscription or otherwise and tender to the treasurer of the parish public school funds for the establishment of a library to be connected with such school or grade, the sum of ten dollars, and the parish treasurer has so advised the secretary of the parish board of school directors, the said board at its next quarterly meeting shall appropriate from the public school funds the sum of ten dollars for this purpose, and shall appoint the teacher in charge of said school or grade the manager of such libraries; provided further, that at times other than during the school term, the library shall be kept in a locked case provided for under this Act.

**(Duty of Parish Treasurer and Secretary of School Board.)**

Section 2. That as soon as the secretary of the parish board of school directors shall have received notice from the treasurer of the parish public school funds (and said notice should be served by the said treasurer within five days after receipt of same) that a donation for a library for a certain school or grade has been made, the secretary shall inform the State Superintendent of Public Education of the fact, whereupon the said Superintendent shall furnish the said secretary a list of public school library books and prices therefor, said books and prices having been approved by the State Board of Education.

**(Manner of Selecting Books.)**

Section 3. That within five days after the parish board of school directors shall have made an appropriation for a library, the president and secretary of the board, with the assistance of the teacher in charge of the school or grade for which the appropriation was made, shall select from the aforesaid approved list of books for public school libraries a list of books to be purchased for the said library, and shall submit a list of books to be purchased to the secretary of the board, who shall order the books at once, and payment for same shall be made by warrant upon the treasurer of the parish public school funds signed by the president and secretary of the parish board of school directors.

**(Duty of School Board to Furnish Book Case.)**

Upon application of the parish superintendent, the parish board of school directors shall furnish, to each library, at the expense of the public school funds, a neat bookcase, with lock and key.

**(Local Manager to Observe Rules and Regulations; Report to State Superintendent.)**

The local manager of every library shall carry out such rules and regulations for the proper use and preservation of the books as may be established by the State Superintendent of Public Education, and shall on or before the tenth day of January of each year make to the State Superintendent of Public Education such report as he may require.

**(Duty of School Board When Second Appropriation Is Made After One Year; Subsequent Appropriations Limited to One Per Year.)**

Section 5. When the patrons and friends of any individual school or grade of the public school in which a library has been established for one year under the preceding sections of this Act, shall raise by private subscription or otherwise and tender to the treasurer of the parish school funds the sum of five dollars for the enlargement of the library, the parish board of school directors shall appropriate from the money belonging to that school or grade not less than the sum of five dollars nor more than fifteen dollars. The money thus collected and appropriated shall be used for the enlargement of libraries already established under the same rules and restrictions as govern the establishment of new libraries; provided that no more than one such appropriation shall be made each year for each school or grade.

**(Legal Ownership to Remain in Parish School Board.)**

Section 6. The legal possession and ownership of the books, cases and other appendages of the school or grade library, shall be and remain in the parish board of school directors and their successors in office, and that the felonious destruction or taking and carrying away thereof, or any part thereof, or any books, article, apparatus or furniture from or belonging to any public school house owned or used for public school purposes shall and is hereby declared to be larceny, and the breaking into such

schoolhouse at night with intent to commit larceny, as herein set forth, or any felony, shall and is hereby declared to be burglary, and that any larceny or burglary so committed shall be punished as in other cases under existing statutes.

**(Object of the Institution, A. 145, '77.)**

The Louisiana State University and Agricultural and Mechanical College, as hereinafter created, shall have for its object to become an institution of learning, in the broadest and highest sense, where literature, science and all the arts may be taught; where the principles of truth and honor may be established, and a noble sense of personal and patriotic and religious duty inculcated; in fine, to fit the citizen to perform justly, skillfully, and magnanimously all the offices, both private and public, of peace and war.

**(General Instruction, A. 145, '77.)**

The Louisiana State University and Agricultural and Mechanical College, as hereinbefore created, shall provide general instruction and education in all the departments of literature, science, art, and industrial and professional pursuits; and it shall provide special instruction for the purpose of agriculture, the mechanic arts, mining, military, science and art, civil engineering, law, medicine, commerce and navigation.

NOTE.—See L. S. U. catalogue for degrees conferred.

**(Branches to Be Taught, A. 145, '77.)**

There shall be maintained in the Louisiana State University and Agricultural and Mechanical College, as hereinbefore constituted and established:

First—Schools of literature, including the languages of the principal nations of ancient and modern times, philosophy, logic, rhetoric and elocution, history, ethics, metaphysics and such other and special branches of learning as the board of supervisors may determine.

Second—Schools of science, including mathematics, astronomy, engineering, architecture, drawing, physics, chemistry, botany, zoology, agriculture, mechanics, mining, navigation and commerce and such other special branches of learning as the board of supervisors may determine.

Third—Schools of the useful and fine arts, and of military science and art.

Fourth—Schools of medicine and law.

Fifth—Such other schools as the board of supervisors may establish.

**(Affiliation With Any Incorporated Institution, A. 145, '77.)**

The board of supervisors may affiliate with the Louisiana State University and Agricultural and Mechanical College any incorporated university or college, or school of medicine, law or other special course of instruction, upon such terms as may be deemed expedient; and such university, college or school may retain the control of its own property, have its own board of trustees, faculties and president respectively; and the students of such universities, colleges or schools recommended by the respective faculties thereof, may receive from the Louisiana State University and Agricultural and Mechanical College the degrees of those universities, colleges or schools, and the said students of learning or special schools, thus graduated, shall rank as graduates of the Louisiana State University and Agricultural and Mechanical College.

**(Beneficiary Cadets.)**

Each parish, as now created, or that may hereafter be created in the State, shall have the right to delegate to the Louisiana State University and Agricultural and Mechanical College one beneficiary cadet, and the City of New Orleans shall have the right to delegate to said institution seventeen beneficiary cadets; or one from each ward of said city, said beneficiaries to remain at said institution four years, unless sooner graduated or otherwise discharged; provided, that no beneficiary cadet shall be permitted to resign from said institution, without the consent of the board of supervisors thereof, which consent shall be given only in case of urgent necessity, such as serious and long protracted ill health, duly declared by the certificate of the surgeon of said institution, or other competent physician, be of such a nature as to render it impossible for said cadet to pursue his studies with advantage.

**(Police Juries and City Councils to Elect Beneficiaries.)**

The police jury of each parish and the city council of New Orleans, respectively, may at a regular meeting elect the number of beneficiary cadets to which said parish or city is entitled as aforesaid, of such age and qualifications as may be prescribed by the board of supervisors for admission to the college classes of said University and Agricultural and Mechanical College; and shall cause the beneficiary so selected to report in person at said institution on or before said 5th day of October; provided, that said beneficiary cadet shall be selected from the number of those residents of said parish or of said city, who have not themselves, nor their parents, the means of defraying the whole of their necessary expenses and maintenance and support of said institution, which facts shall be duly certified to the president of said institution, by the president of said police jury, or said city council of New Orleans, as true, to the best of his knowledge and belief.

**(Authority of the Police Juries, and City Council of New Orleans to Appropriate Funds for Beneficiaries.)**

For maintenance and board of said beneficiaries in said institution, the police juries of the several parishes and the city council of the City of New Orleans, be and are hereby authorized and empowered to appropriate out of their respective treasuries, a sufficient sum to defray the necessary expenses of said cadets as appointed under the provisions of this act; provided, that the expense of no cadet shall exceed two hundred and fifty dollars (\$250) per annum; provided, that under no circumstances shall any part of this sum be paid by the State.

**(Recognition of the Degrees Conferred, A. 93, '08.)**

That all diplomas or degrees, whether literary or scientific, academic or professional, granted by the Board of Supervisors of the Louisiana State University and Agricultural and Mechanical College upon the recommendation of the faculty of said institution shall be recognized by the courts and other officials of Louisiana as entitling the graduates holding said diplomas or degrees to the same rights, immunities and privileges in the State of Louisiana as the diplomas or degrees of any other institution of learning whatsoever.

**(Benefits of the Carnegie Fund Allowed, A. 219, '08.)**

That the Board of Supervisors of the Louisiana State University and Agricultural and Mechanical College is hereby authorized to accept the offer of the Board of Trustees of the Carnegie Foundation to admit State universities to the benefits of the retiring allowance system of said Foundation.

**(Authority to Charge Tuition Fees, A. 227, '08.)**

That Section 1 of Act No. 152 of 1902, entitled "An Act authorizing the Board of Supervisors of the Louisiana State University and Agricultural and Mechanical College to determine the fees of students or cadets," shall be amended and re-enacted so as to read as follows:

Section 1. That the Board of Supervisors of the Louisiana State University and Agricultural and Mechanical College shall have power and authority to determine what fees and other charges shall be paid by students or cadets; provided, that no fee for tuition shall be charged to any student or cadet who is a bona fide resident of the State of Louisiana unless said student or cadet be pursuing a special graduate, or professional course of study.

**(Establishing a Chair of Forestry, A. 242, '08.)**

That it is hereby made the duty of the Board of Supervisors of the Louisiana State University and Agricultural and Mechanical College at Baton Rouge, La., to establish and maintain a Chair of Forestry in said University for the purpose of teaching the care, protection and conservation of the forests of this State.

**(Object; to Whom Open, S. 1, A. 73, '92.)**

(State Normal School, Act 73, '92; A. 61, '86; A. 23, '88; A. 70, '02; A. 91, '96; A. 158, '02; A. 51, '84. See Constitution, '98.)

The State Normal School, located at Natchitoches, in the Parish of Natchitoches, in conformity with Sections 4 and 8 of Act No. 51 of 1884, shall have for its object to train teachers for the public schools of Louisiana, and shall be open to white persons of either sex or age and qualifications as may be hereinafter prescribed.

**(Departments and Classes, S. 6, A. 73, '92.)**

The State Normal School shall contain two departments, the Normal Department and the Practice School. The course of study of the Normal Department may extend over a period of four years, and shall embrace thorough instruction and training in the history and science of education, the theory and practice of teaching, the organization and government of schools and such other branches of knowledge as may be deemed necessary to fit the students for the varied work of a complete system of public schools. The Practice Schools shall consist of such grades or classes, with such course of study, as the Board of Administrators may deem useful in giving the Normal students the necessary practice in the art of teaching.

**(Qualifications for Admission, S. 7, A. 73, '92.)**

Applicants for admission to the Normal Department must be at least fifteen years of age if female, and sixteen years of age if male; must give satisfactory evidence of good moral character and of requisite proficiency in the ordinary branches of a good common school education; and must declare in writing their full intention of continuing in the school until graduation, unless sooner discharged, and of teaching in the public schools of Louisiana for at least one year after graduation.

**(Tuition Free, Except in Some Instances, S. 8, A. 73, '92.)**

Tuition shall be free to all students of the Normal Department who fulfill all the requirements imposed by Section 7 of this Act, and to the pupils of the primary grades of the Practice School. All other students shall be charged such fees for tuition as may be prescribed by the board of administrators.

**(Beneficiary Students to State Schools, A. 158, '02.)**

Each police jury of the several parishes of the State shall have the right to delegate to the Louisiana Industrial Institute at Ruston, or the Southwestern Louisiana Industrial Instituté at Lafayette or the State Normal School, one (1) female student, and the City of New Orleans shall have the right to delegate to said institutions one female student from each ward of said city, said beneficiaries to remain at said institutions until graduated or otherwise discharged; provided no beneficiary shall be



permitted to resign without the consent of the board of supervisors of the institute, which consent shall be given only in case of urgent necessity such as serious or long protracted ill health, duly declared by certificate of the physician of such institute or other competent physician, to be of such nature as to render it impossible for said student to pursue her studies with advantage.

Section 2. That the police jury of each parish and the city council of New Orleans, respectively, may at a regular meeting select said beneficiaries subject to and after competitive examination and of such age and qualifications as is prescribed by the rules of such institutions; provided said beneficiaries shall be residents of such parish or wards who have not themselves nor have their parents the means of defraying the whole of the necessary expenses of maintenance and support at said institute, which fact shall be duly certified to by the president of the police jury of said city.

Section 3. That for the maintenance and board of said beneficiaries at said institutes, the police jury of the several parishes and the city council of New Orleans be, and are hereby, authorized and empowered to appropriate out of their respective treasuries a sufficient sum to defray the necessary expenses of said students as appointed under provisions of this act; provided the expense of no beneficiary shall exceed two hundred and fifty dollars (\$250) per annum.

(State Normal School Diplomas, A. 91, '96.)

The Board of Administrators of the State Normal School is hereby empowered to confer diplomas upon all graduates of said school. This diploma shall entitle the holder to a first grade teacher's certificate without examination, and shall be valid in any part of the State for four years from the date of graduation, after the expiration of which time it may be renewed every four years, for the same period, by said Board of Administrators upon satisfactory evidence of the ability, progress and moral character of the teacher making application for such renewal. Furthermore, the diploma of the State Normal School shall entitle its holder to such degree of preference in the selection of teachers for the public schools of the State as may be deemed wise and expedient by the State Board of Education.

(Industrial College; Object; Location; Privilege, A. 68, '94.)

LOUISIANA INDUSTRIAL INSTITUTE, Act 68, '94; A. 158, '02; See Constitution '98.)

An Industrial Institute and College is hereby established for the education of the white children of the State of Louisiana in the arts and sciences. Said Institute shall be known as "The Industrial Institute and College of Louisiana," and shall be located at Ruston, Lincoln Parish, La., provided said town and parish shall donate ten thousand dollars (\$10,000) to said Institute, and the same shall be organized as hereinafter provided. (See Constitution '98.)

(Branches to Be Taught, A. 68, '94.)

The said board of trustees shall possess all the power necessary and proper for the accomplishment of the trust reposed in them, viz: The establishment of a first-class Industrial Institute and College for the education of the white children of Louisiana in the arts and sciences, at which such children may acquire a thorough academic and literary education, together with a knowledge of kindergarten instruction, of telegraphy, stenography and photography, of drawing, painting, designing and engraving in their industrial application; also a knowledge of fancy, practical and general needle work; also a knowledge of bookkeeping and agricultural and mechanical arts, together with such other practical industries as from time to time may be suggested to them by experience, or such as will tend to promote the general objects of said Institute and College, to-wit: Fitting and preparing such children, male and female, for the practical industries of the age.

(SOUTHWESTERN LOUISIANA INDUSTRIAL INSTITUTE, A. 162 '98; A. 158, '02.

A State Industrial Institute is hereby established for the education of the white children of the State of Louisiana in the arts and sciences.

Said Institute shall be known as the "Southwestern Louisiana Industrial Institute," and shall be located in that parish of the 13th Senatorial District which will offer the best inducement therefor to the Board of Trustees, said location to be made by

the Board to be appointed under this Act, provided that the parish selected for the location of said Institution shall donate not less than twenty-five acres of land and five thousand dollars to said Institution, and the same shall be organized as hereinafter provided; provided further, that in case two or more of said parishes offer the same inducements then the Board of Trustees shall select, by majority vote, the most suitable location and make report thereof to the General Assembly of the State of Louisiana, at its next session, together with such recommendations as may be conducive to the best interests of said institution.

**(Branches Taught, Etc.)**

The Board of Trustees shall possess all the powers necessary and proper for the accomplishment of the trust reposed in them, viz: The establishment of a first-class Industrial Institute for the education of the white children of Louisiana in the arts and sciences, at which such children may acquire a thorough academic and literary education, together with a knowledge of kindergarten instruction, of telegraphy, stenography and photography, or drawing, painting, designing and engraving in their industrial applications; also a knowledge of fancy, practical and general needle-work; also a knowledge of bookkeeping and agricultural and mechanical art together with such other practical industries as from time to time, may be suggested to them by experience, or such as will tend to promote the general object of said Institute, to-wit: Fitting and preparing such children, male and female, for practical industries of life.

(LOUISIANA STATE SCHOOL FOR THE BLIND, A. 92, '71; A. 49, '88; A. 145, '98, amended by A. 238, '08; A. 166, '98; A. 196, '02.)

There shall be established and maintained, in the town of Baton Rouge, an institution for the education of the blind, to be known as the "Louisiana State School for the Blind."

**(Objects of the Institution.)**

They shall receive, instruct and support in the Institution all persons blind, or of such defective vision as not to be able to acquire an education in the ordinary schools, between the

ages of seven and twenty-two years, of sound mind and proper health of body, and residents of the state. Such persons shall receive instructions and be provided with board, lodging, medicine and medical attendance at the expense of the institution and if in such indigent circumstances as to render it necessary, shall also be furnished with clothing and traveling expenses to and from the Institution upon a certificate to that effect from the president of the police jury of the parish, or the mayor of the city or town, in which they reside.

**(How Long Pupils May Remain.)**

Persons admitted as pupils under fourteen years of age may continue in the institution ten years; if over fourteen and under seventeen years of age, they may continue eight years; and if over seventeen years of age, they may continue five years; provided the board may in any case extend the term two years.

**(Institution for the Exclusive Use of the Deaf and Dumb.)**

(LOUISIANA STATE SCHOOL FOR THE DEAF, A. 88, '71; A. 166, '98, amended by Act 239, '08; A. 196, '02. See Constiution '98.)

The institution heretofore known as the Louisiana Institution for the Deaf and Dumb and the Blind, located at Baton Rouge, in this state, be and the same is hereby reorganized by the provisions of this act for the exclusive benefit of the deaf and dumb.

That there shall be established and maintained, in the town of Baton Rouge, an institution for the education of the deaf and dumb, to be known as the "Louisiana State School for the Deaf."

**(Admission of Pupils, A. 166, '98.)**

They shall receive, instruct and support in the institution all persons deaf and dumb, or of such defective speech or hearing as not to be able to acquire an education in the ordinary schools, between the ages of eight and twenty-two years, of sound mind and proper health of body, and residents of the State. Such persons shall receive instruction and be provided with board, lodging, medicine and medical attendance at the expense of the institution, and if in such indigent circumstances as to render it necessary, shall also be furnished with clothing and traveling expenses to and from the Institution, upon a certificate to that effect from the president of the Police Jury of the parish, or the mayor of the city, or town, in which they reside.

**(Age of Admission.)**

The persons admitted as pupils under fourteen years of age, may continue in the institution ten years; if over fourteen and under seventeen years of age, they may continue eight years; if over seventeen years of age, they may continue five years; provided, the board may in any case extend the term two years.

**(Branches Taught.)**

The institution shall provide all the requisite facilities for acquiring a good literary education, instruction in hygiene and physical culture and an industrial department in which instruction shall be given in such trades as may be best suited to render the pupils self-sustaining citizens.

## DECISIONS OF SUPREME COURT.

**(School Boards Not Required to Apportion School Funds.)**

The repeal (of Sec. 7, Act 81 of 1888, providing for the apportionment of school funds) is express, because Act 214 of 1902 repeals all laws in conflict; and this provision for apportionment is in conflict with the provisions making it obligatory upon the School Boards to "determine the number of schools to be opened, the location of the schoolhouses, the number of teachers to be employed, and their salaries." The latter provision invests the School Board with absolute discretion in the matter of what number of schools there shall be, and what number of teachers and what their salaries shall be. For the exercise of this discretion, a discretionary control of the school funds is absolutely necessary; because schools cannot be established and maintained without funds. Discretionary control of the one, necessarily carries with it discretionary control of the other. (State ex rel. J. W. Martin et al vs. Webster Parish School Board. May 23, 1910.)

**(Discipline.)**

Moderate restraint and correction of a pupil by a teacher is not an offense, but is authorized by law, and the authority of the teacher is not limited to the time the pupil is at the school-room or under the actual control of the teacher. (Bolding vs. Texas, 4 S. W., 579.)

“The teacher is *loco parentis*, and authority is necessarily surrendered to him for proper government of the school.” (Morrow vs. Wood, American Law Register, N. S. X. 3, 692.)

Relative to punishment, the calm and honest judgment of the teacher, as to the requirement, should have great weight in matters of discipline as in the case of a parent under similar circumstances. (American Law Register, Van Vacter vs. State; July number, 1888. Discipline in School.)

It is the duty of a teacher to maintain proper discipline in school, and the extent of his authority in that direction is discussed. (Law Register, N. S. Vol. XIII, p. 716.)

**(District Attorneys Not Entitled to 20 Per Cent Commission on Fines.)**

Syllabus: Whilst it is well settled that repeals by implication are not favored, it is equally well settled that, in determining whether one law conflicts with another, it is necessary to consider the purposes of both, and if it appears that the purpose of the law last enacted is to cover the whole subject matter dealt with by and to modify or supercede those previously enacted, their modification or supersession results and must be declared.

2. The purpose of Act No. 96 of 1880 was to deal with the whole subject of the duties and compensation of district attorneys, and whilst there may have been some provisions of the then existing law which escaped its operation, it so modified and superceded that law as to preclude any recovery by the district attorneys of the one-fifth part of the fines imposed, after deducting the commission of the sheriff, in addition to the fee provided by section 3 of said act.

3. Articles 125 and 180 of the Constitution, whether taken separately or together, are not susceptible of the construction that they intend to allow district attorneys to collect commissions, as contradistinguished from fees, or fees, save as provided for by the Constitution itself.

It is therefore ordered, adjudged and decreed, that the judgment of the Court of Appeal which is here made the subject of review be annulled; that the judgment of the District Court, which was thereby affirmed, be likewise annulled, avoided and reversed, and that relator's demand be rejected and this pro-

ceeding dismissed at his cost. (State ex rel. Edwin Broussard, District Attorney, vs. George Henderson, Sheriff, 120. Ann. 535.)

**(Taxes Collected for School Purposes Must Be Turned Over to School Board.)**

Taxes collected for school purposes should be turned over to the school board from time to time as received. (Parish Board of School Directors of Iberia Parish vs. Police Jury of Iberia Parish, 123d Ann., 416.)

**(Property Exempt From Taxation by Constitution Also Exempt From Special School Tax.)**

The special school tax authorized by Constitution Art. 232, is not a special assessment, and property exempt from taxation by the Constitution is not subject to it. (Louisiana & N. W. R. Co. vs. State Board of Appraisers, 120th Ann., 471.)

**(Members of Partnership Entitled to Vote Upon Firm's Assessment in Special Tax Elections.)**

Individual members of a partnership held entitled to vote upon the firm's assessment in a special tax election held under Constitution Art. 232. (Smith vs. Parish Board of School Directors, 125th Ann., 987.)

**(Persons Not Entitled to Vote Upon Assessment of Property Sold.)**

A person appearing as owner of property on the assessment rolls, but who has sold it when an election was held under Constitution Art. 232, *held* not entitled to vote thereat. (Smith vs. Parish Board of School Directors, 125th Ann., 987.)

**(Special Tax Not Set Aside by Legal Votes Cast Without Proper Evidence.)**

A special tax election under Constitution Art. 232, *held* not to be set aside because the commissioner of election received votes without proper evidence, where such votes were legal. (Smith vs. Parish Board of School Directors, 125th Ann., 987.)

**(Right of Widows to Vote Community Property.)**

To entitle widows to vote at a special tax election held under Constitution Art. 232, as owners of community property, their rights must clearly appear by judgment or order of court. (Smith vs. Parish Board of School Directors, 125th Ann., 987.)

**(School Houses, as Such, Built by Means of Special Tax, Can Not Be Converted Into Theatre.)**

Citizens who have voted to tax themselves for a specific work of public improvement, the value of which is fixed at \$20,000, have a standing in court to complain that the property acquired is not being used for the purpose contemplated, and this court, in such case, has jurisdiction of the appeal. Where a vote has been taken upon a proposition to impose a tax to build a schoolhouse, and has been favorably acted on, and a building has been constructed with the proceeds of bonds predicated upon such a tax, it would be a breach of faith to allow such building to be converted into a theatre, or to be used for the purpose of giving theatrical performances, as a business, whether in combination with its use for school purposes or otherwise. It is, however, within the discretion of the municipal authorities having control of the property to make such casual and incidental use of it as may not be inconsistent with or prejudicial to, the main purpose for which it was acquired; and changed conditions, in the future, may justify its use for some other purpose. (*Sugar vs. City of Monroe*, 108th Ann., 677.)

**SANITARY REGULATIONS OF THE LOUISIANA STATE BOARD OF HEALTH, CONCERNING HYGIENE AND SANITATION OF SCHOOLS.**

**SANITARY CODE, STATE OF LOUISIANA, SECTION 250.**

NOTE.—By Act 192 of 1898 the State Board of Health is authorized to enact regulations which are binding upon the public.

**(Parish Board and Superintendent to Enforce Rules and Regulations.)**

The parish or municipal school board, and the parish superintendent of schools, shall be held responsible for the execution and enforcement of the following rules and regulations, and all other health laws governing the hygiene of the schoolroom and the premises of the schools under their respective jurisdictions.

**(Plans for Schoolhouses to Be Submitted to State Superintendent, Parish Superintendent and Parish Health Officer.)**

Plans and specifications for every schoolhouse hereafter erected in the State must be submitted to the parish superintendent of schools, and to the State Superintendent of Educa-



tion, and also to the parish health officer, that it may be determined whether every hygienic or necessary provision is made, especially with reference to ventilation, light and protection against fire.

**(Regulating Ventilation and Light.)**

Every schoolhouse, public or private, or other building used for school purposes, shall be ventilated in such manner as to afford eighteen hundred cubic feet of air per hour for each adult, and a proportionate amount for each child, and shall contain not less than two hundred cubic feet of air space for each child to be taught therein. Windows and transoms shall be so constructed that windows may be lowered from the top and transoms opened. Every schoolhouse must be lighted in such a manner as to minimize the eye strain. Each room must contain of actual surface of glass in the windows not less than one-seventh of the floor space.

**(Regulating the Swinging of Doors.)**

All doors except those which slide into wall pockets shall open outward and all partition doors shall be hung on double-action hinges.

**(Governing the Treatment and Sweeping of Floors and Wiping of Furniture, Etc.)**

The floors of every school must be treated with some antiseptic floor dressing. Applications to be at sufficiently frequent intervals to keep down effectually the dust; floors to be scrubbed thoroughly before each application. Floor dressing for use in the schools must be approved by the State analyst.

The floors of every school must be swept daily, sweeping to be done after all pupils have left the building. All windows must be thrown open and schoolhouse thoroughly aired after cleaning.

All desks, wainscoting, window sills and baseboards in every schoolhouse in the State must be wiped off daily with a cloth moistened with 1-2000 bichloride of mercury, or 3 per cent carbolic acid solution.

**(Spitting on Floors Strictly Prohibited.)**

Spitting on floors, walls, etc., must be strictly prohibited and anti-spitting placards placed in every room.

**(Teachers Must Furnish Health Certificates.)**

No person suffering from any communicable disease shall be employed as teacher or janitor in any public school in this State. At the opening of each annual term teachers must furnish a health certificate from a registered physician, addressed to the parish superintendent of schools, certifying that they are not suffering from tuberculosis or other communicable disease.

**(Vaccination Required of Pupils.)**

No one shall be entered as a pupil in the public schools of this State without first having presented to the principal in charge a certificate from a registered physician of Louisiana, certifying that within the preceding five years the applicant was successfully vaccinated.

Three unsuccessful attempts at vaccination with a proven virus shall be accepted as an immunity for a period of one year.

Pupils are required, at the end of each five years, to renew their vaccination certificates.

**(Pupils Suffering With Communicable Disease to Be Excluded.)**

No pupil suffering from any communicable disease shall be permitted to attend the public schools of this State. The principal or the teacher has the right to exclude any child from the schools whom they suspect of suffering from any communicable disease, pending examination and report of a registered physician.

**(Schoolhouses to Be Disinfected.)**

All schoolrooms in the State must be disinfected before the beginning of each school session, with the formaldehyde-permanganate of potash mixture as indicated in the bulletin of disinfection.

**(On Appearance of Communicable Diseases, Schools Must Be Closed.)**

On the appearance in a school of any communicable disease, either among the pupils, teachers or attendants, the school shall be closed immediately and fumigated before reopening.

**(School Premises Shall Be Drained.)**

The school premises shall be thoroughly drained and no stagnant water permitted to collect. In towns with a drainage system or where an outflow is possible, the school site and the

entire area of the ground shall be properly drained, so as to reduce the ground water level, and the drainage effected in such a manner as not to contaminate with its effluvia any well, cistern or other source of drinking water.

**(Abundant Supply of Pure Drinking Water.)**

Every school must be supplied with an abundance of pure drinking water for drinking purposes. Where water is used from surface wells, said wells must be located at least 100 feet from any closet.

**(Open Receptacles for Water and Common Cups Prohibited.)**

The use of open receptacles for drinking water in schools, and also of dippers or cups for common drinking purposes, is prohibited. The school authorities must supply for holding drinking water covered containers with faucets, which containers must be scoured daily when in use. All teachers and pupils must provide themselves with individual drinking cups or glasses. In towns or cities where there is a public water supply a sanitary drinking fountain shall be installed.

**(Garbage Can Required; Emptied Daily.)**

Every school in this State must have a sufficient number of trash or garbage cans for the convenience of the pupils, teachers and employees, and said trash or garbage cans must be kept closed, and emptied daily.

**(Stiles Sanitary Closet Compulsory.)**

The urinals and water closets must be connected with the sewerage system, where one exists, when within 1,000 feet therefrom. Where no sewerage system exists, all schools must have a Stiles sanitary closet (plans and specifications will be furnished by the State Board of Health upon request,) cess-pool or septic tank. Where the Stiles sanitary closet is used the inner surface of the container must be treated with crude petroleum at least once a week. All closets must be scrubbed once a week and kept in a sanitary condition at all times.

**(Lectures for State Institutions and Teachers' Institutes.)**

The State Board of Health, will when desired by the State Institutions of learning, or the State Pedagogical Institutes, or

the Agricultural Institutes, send a lecturer to deliver a series of lectures on :

1. Personal hygiene.
2. School hygiene.
3. Principles and practice of physical training.
4. Drug and alcohol addictions.
5. Contagious and infectious diseases; cause and prevention.
6. Hygiene of the home and farm.

**(Parish Superintendents' Monthly Report to State Board of Health.)**

The principal of each school in the State, except in cities where there is employed a regular medical inspector, shall make a monthly report to the parish superintendent of schools on the sanitary condition of the school building and surroundings, also the physical condition of the school children. Blank reports for this purpose will be furnished by the Louisiana State Board of Health. Parish superintendents of schools shall forward these reports to the Louisiana State Board of Health within ten days after their receipt by him.

**APPROPRIATIONS FOR PUBLIC EDUCATION.**

**(Out of the Current School Fund.)**

For support of the free public schools, or so much thereof, or any excess thereof, as may be collected State taxes levied for that purpose, from inheritance taxes, or donated to the school fund, for the year ending June 30, 1913, Nine Hundred Thousand Dollars .....\$900000.00

**(The Public Schools Receive 1 13-20 Mills of the State Tax.)**

For the year ending June 30, 1914, Nine Hundred Thousand Dollars .....\$900000.00  
 For salary of Superintendent of Public Education for the year ending June 30, 1913, Five Thousand Dollars .....\$ 5000.00  
 For the year ending June 30, 1914, Five Thousand Dollars .....\$ 5000.00  
 Expenses of office of Superintendent of Public Education, for the year ending June 30, 1913, Two Thousand Dollars .....\$ 2000.00

|   |             |
|---|-------------|
| For the year ending June 30, 1914, Two Thousand Dollars .....   | \$ 2000.00  |
| For salary of Secretary to Superintendent of Public Education, for the year ending June 30, 1913, One Thousand Five Hundred Dollars.....    | \$ 1500.00  |
| For the year ending June 30, 1914, One Thousand Five Hundred Dollars.....   | \$ 1500.00  |
| For salary of Assistant Secretary to the Superintendent of Public Education, for the year ending June 30, 1913, Twelve Hundred Dollars..... | \$ 1200.00  |
| For the year ending June 30, 1914, Twelve Hundred Dollars .....   | \$ 1200.00  |
| For traveling expenses of Superintendent of Public Education, for the year ending June 30, 1913, One Thousand Five Hundred Dollars.....     | \$ 1500.00  |
| For the year ending June 30, 1914, One Thousand Five Hundred Dollars.....   | \$ 1500.00  |
| For mileage and per diem of State Board of Public Education for the year ending June 30, 1913, Eight Hundred Dollars.....                   | \$ 800.00   |
| For the year ending June 30, 1914, Eight Hundred Dollars.....   | \$ 800.00   |
| For holding Teachers' Institutes throughout the State, for the year ending June 30, 1913, Eighteen Thousand Dollars .....                   | \$ 18000.00 |
| For the year ending June 30, 1914, Eighteen Thousand Dollars .....  | \$ 18000.00 |

**(Out of the Interest Tax Fund.)**

|  |             |
|--|-------------|
| For payment of interest on the Free School Fund, Article 257 of the Constitution; for the year 1912, out of the revenues of 1912, Forty-five Thousand Two Hundred and Thirty-Four Dollars and Seventy Cents..... | \$ 45234.70 |
| For the year 1913, out of the revenues of 1913, Forty-Five Thousand Two Hundred and Thirty-Four Dollars and Seventy Cents.....   | \$45234.70  |

|   |            |
|---|------------|
| For payment of interest on the Seminary Fund, Article 258 of the Constitution, for the year ending June 30th, 1913, Five Thousand Four Hundred and Forty Dollars.....   | \$ 5440.00 |
| For the year ending June 30th, 1914, Five Thousand Four Hundred and Forty Dollars.....  | \$ 5440.00 |
| For payment of interest on Fund due the Agricultural and Mechanical College, Article 259 of the Constitution, for the year ending June 30th, 1913, Nine Thousand One Hundred and Fifteen Dollars and Sixty-nine Cents ..... | \$ 9115.69 |
| For the year ending June 30th, 1914, Nine Thousand One Hundred and Fifteen Dollars and Sixty-Nine Cents .....   | \$ 9115.69 |

**(Louisiana Institute for the Blind.)**

|  |             |
|--|-------------|
| For support of the Louisiana Institute for the Blind, for the year ending June 30th, 1913, Thirteen Thousand Dollars .....                     | \$ 13000.00 |
| For the year ending June 30th, 1914, Thirteen Thousand Dollars .....   | \$ 13000.00 |
| For general repairs, Institute for the Blind, for the year ending June 30th, 1913, Seven Hundred Dollars .....                                 | \$ 700.00   |
| For the year ending June 30th, 1914, Seven Hundred Dollars .....   | \$ 700.00   |
| For insurance on buildings and contents, Institute for the Blind (three years' policy), out of the revenues of 1912, Five Hundred Dollars..... | \$ 500.00   |
| For library, for the year ending June 30th, 1913, Two Hundred and Fifty Dollars.....   | \$ 250.00   |
| For the year ending June 30th, 1914, Two Hundred and Fifty Dollars .....   | \$ 250.00   |

**(Louisiana School for the Deaf.)**

|  |             |
|--|-------------|
| For support of the Louisiana School for the Deaf, for the year ending June 30th, 1913, Thirty Thousand Dollars ..... | \$ 30000.00 |
| For the year ending June 30th, 1914, Thirty Thousand Dollars .....   | \$ 30000.00 |

|  |            |
|--|------------|
| For additional equipment, school furniture, Industrial equipment, bedding, etc., out of the revenues of 1913, Five Thousand Dollars..... | \$ 5000.00 |
| For general repairs, Louisiana School for the Deaf, for the year ending June 30th, 1913, Five Hundred Dollars .....                      | \$ 500.00  |
| For the year ending June 30th, 1914, Five Hundred Dollars .....  | \$ 500.00  |

**(Louisiana State University.)**

|  |             |
|--|-------------|
| For support of the Louisiana State University and Agricultural and Mechanical College; for equipment and maintenance of its libraries, laboratories and shops; for insurance on buildings and contents, and for repairs, improvements and additions, for the year ending June 30th, 1913, One Hundred Thousand Dollars ..... | \$100000.00 |
| For the year ending June 30th, 1914, One Hundred Thousand Dollars .....  | \$100000.00 |
| For the purchase price of land purchased for the Louisiana State University and Agricultural and Mechanical College, out of the revenues of 1912, Fifteen Thousand Dollars .....   | \$ 15000.00 |
| Out of the revenues of 1913, Fifteen Thousand Dollars .....  | \$ 15000.00 |

**(State Normal School.)**

|   |             |
|---|-------------|
| For support, maintenance, additions to buildings, equipment, repairs, insurance, etc., for the year ending June 30th, 1913, Seventy-Two Thousand Five Hundred Dollars ..... | \$ 72500.00 |
| For the year ending June 30th, 1914, Seventy-Two Thousand Five Hundred Dollars.....   | \$ 72500.00 |
| For heating, lighting, plumbing, water and sewerage for Model School, out of the revenues of the year 1913, Five Thousand Dollars.....                                      | \$ 5000.00  |
| For Power House and additional unit for heat and light, out of the revenues of 1913, Three Thousand Seven Hundred and Fifty Dollars.....                                    | \$ 3750.00  |
| For furniture for Model School, out of the revenues of 1914, Two Thousand Five Hundred Dollars.....   | \$ 2500.00  |

**(Louisiana Industrial Institute.)**

|  |              |
|--|--------------|
| For support, maintenance, erection of new buildings equipment, repairs, insurance, etc., for the year ending June 30th, 1913, Sixty-Five Thousand Dollars. | \$ 65000.00  |
| For the year ending June 30th, 1914, Sixty-Five Thousand Dollars .....   | \$ 65,000.00 |

**(Southwestern Louisiana Industrial Institute.)**

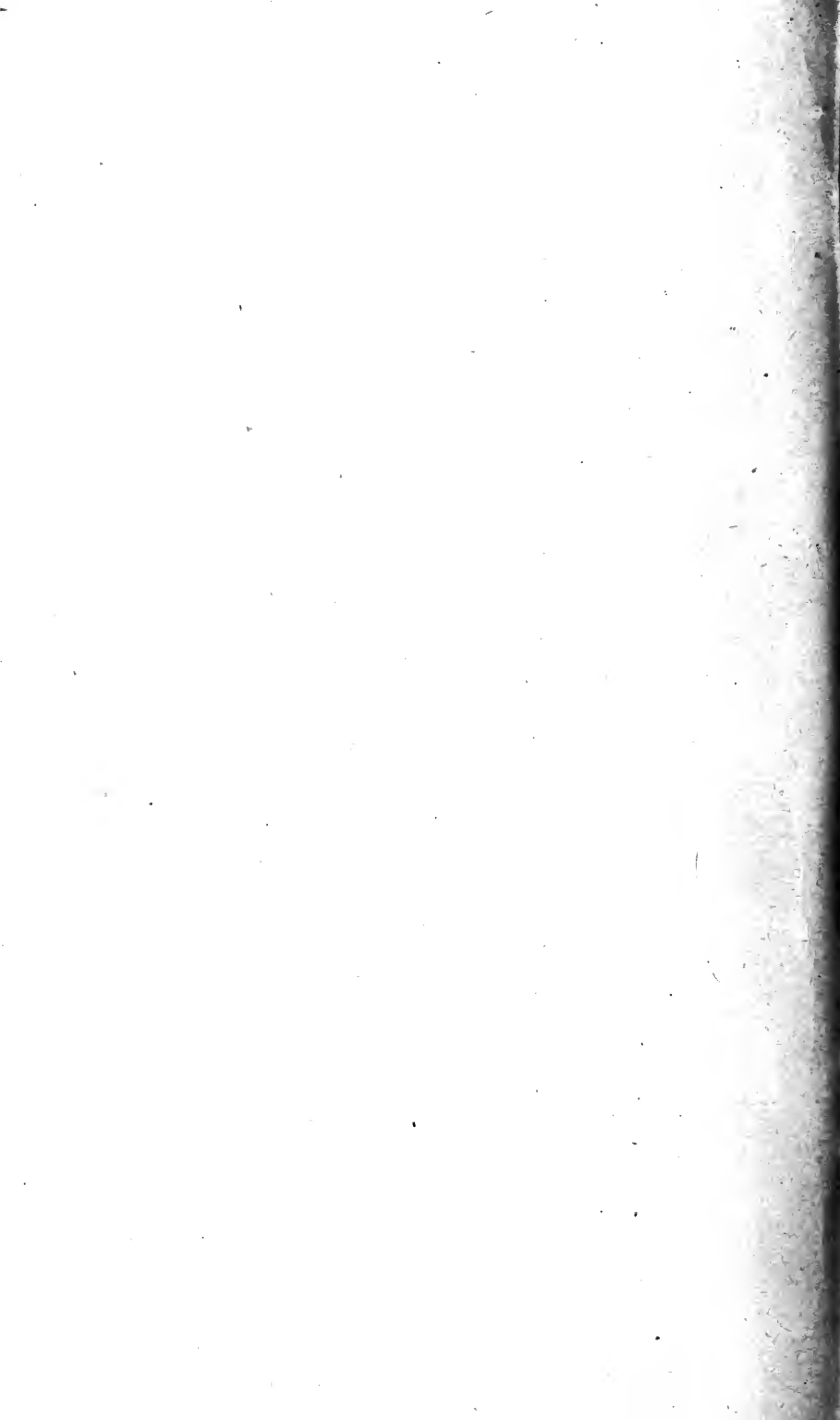
|  |              |
|--|--------------|
| For support, maintenance, equipment, repairs, insurance, Summer School, etc., for the year ending June 30th, 1913, Thirty-Five Thousand Dollars..... | \$ 35,000.00 |
| For the year ending June 30th, 1914, Thirty-Five Thousand Dollars .....  | \$ 35000.00  |
| For laundry, repairs, equipment and insurance, for the year ending June 30th, 1913, Five Thousand Dollars .....                                      | \$ 5000.00   |
| For the year ending June 30th, 1914, Five Thousand Dollars .....   | \$ 5000.00   |

**(State Reform School.)**

|   |             |
|---|-------------|
| For support, maintenance, improvements, and other expenses of State Reform School, for the year ending June 30th, 1913, Twelve Thousand Five Hundred Dollars..... | \$ 12500.00 |
| For the year ending June 30th, 1914, Twelve Thousand Five Hundred Dollars.....  | \$ 12500.00 |
| For residence of Superintendent, State Reform School, out of the revenues of 1912, Four Thousand Dollars.   | \$ 4000.00  |
| For screening and other improvements on main building, out of the revenues of 1912, Five Hundred Dollars .....  | \$ 500.00   |
| For payment of Land Purchased, out of the revenues of 1912, Four Thousand Six Hundred and Forty-Six Dollars .....   | \$ 4646.00  |







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