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# School Laws

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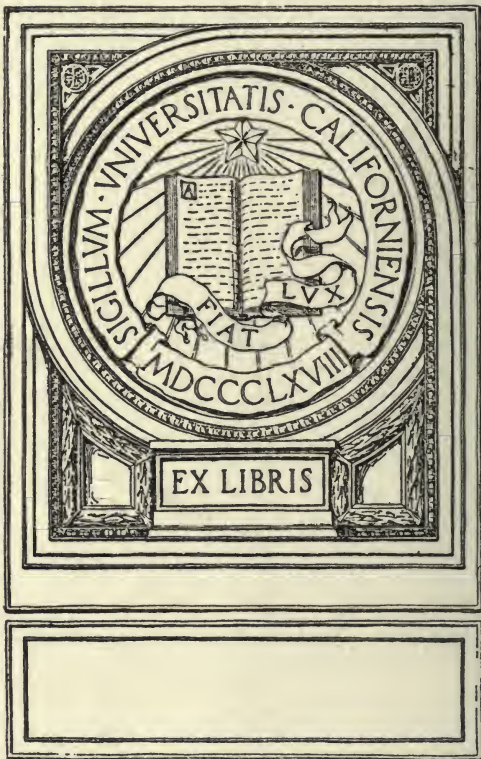
*State of Mississippi*



W. F. BOND

State Superintendent of Education

1918



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# SCHOOL LAWS

## OF THE STATE OF MISSISSIPPI



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W. F. BOND

*State Superintendent of Education*

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# BIOGRAPHICAL SKETCHES OF STATE SUPERINTENDENTS OF EDUCATION

*Prepared by* JAS. W. BROOM,  
*Assistant State Supt. of Education.*

The first State Superintendent of Education was HENRY R. PEASE. He was born in Connecticut, February 19th, 1835. After receiving a liberal education he taught for eleven years. He entered the Union Army as a private and rose to the rank of Captain. Mr. Pease served as Superintendent of Education in Louisiana while that State was under military rule, and later was appointed Superintendent of Education of Freedmen in Mississippi. He was elected Superintendent of Education on the ticket with Alcorn in 1869, and upon him devolved the duty of organizing the system of free schools. His competency was never questioned, but he failed to satisfy the demands of the colored race for office, and was set aside. He afterwards served in the United States Senate for a short time.

The successor of Mr. Pease was THOMAS W. CARDOZA, a negro, who, at the time of his election in 1873, was under indictment for malfeasance in office while circuit clerk in Warren County. In 1876, on account of misappropriation of school funds, he was impeached, but was allowed to resign.

Governor Stone appointed as Cardoza's successor THOMAS S. GATHRIGHT. Mr. Gathright was educated at Tutwiler, Alabama, and at the time of his appointment as State Superintendent, was principal of the Somerville Institute, Gholsen, Noxubee County, Mississippi. Senator A. J. McLaurin, Dr. A. G. McLaurin, Judge John Enochs, D. M. Mayers, and many other prominent Mississippians, attended this Institute. Superintendent Gathright was not a candidate for re-election and immediately following the expiration of his term of office, accepted the presidency of the Agricultural and Mechanical College at Bryan, Texas, which position he held with credit until his death.

The fourth man to hold the office of State Superintendent of Education was DR. JOSEPH BARDWELL. He was born in Hereford County, North Carolina, in 1828. When he was only three or four years old, his father moved to Oktibbeha County, Mississippi. After attending school at Viney Grove Academy, Lincoln County, Tennessee, and later at Louisville, Mississippi, he entered the College of New Jersey, at Princeton, and was graduated in 1847. Dr. Bardwell was licensed and ordained to preach at Philadelphia, Mississippi, in 1853, and at the time he became State Superintendent of Education, he was pastor of the First Presbyterian Church at Meridian. He was Moderator of the Synod of Mississippi in 1881, became a member of the Faculty of the Southern Presby-

terian University in 1888, and in 1892, president of Florence Female College, at Florence, Alabama. After a career of singular usefulness, Dr. Bardwell died at Starkville, Mississippi, Sept. 22nd, 1893.

In January, 1878, GENERAL JAMES ARGYLE SMITH became State Superintendent of Education. General Smith was a native of Tennessee, and was appointed to the United States Military Academy from Mississippi in 1849. After his graduation from the Academy, he was on duty with the United States Army in the West until 1861, when he resigned to accept a commission as Captain in the Confederate Army. He was a gallant soldier and won rapid promotion. When General Cleburne was killed at Franklin, Tennessee, Smith succeeded to the command of his division. After the war he returned to Mississippi and engaged in farming until elected Superintendent of Education for the State.

JAMES R. PRESTON was born in Virginia, January 22nd, 1853. He was educated at Georgetown University and at Emory and Henry College, Virginia, and after teaching one year each in Tennessee and Indiana, moved to Mississippi in 1875. He taught in Noxubee County, at Okolona, and at Water Valley. He was elected Superintendent in 1885, and served until 1896. His administration of office was distinguished by many reforms in method and by a general increase in interest in educational work—among other things he introduced uniform written examinations for teachers, and also secured the passage of laws requiring County Superintendents to inspect schools and arrange and manage institutes for teachers. Upon retiring to private life, Mr. Preston studied at Edinburgh, Scotland, and later was President of Stanton College, Natchez, Mississippi, and Belhaven College, Jackson, Mississippi. He now owns and operates a splendid stock farm near Natchez.

ANDREW A. KINCANNON was born in Noxubee County and attended school in Lee County. From Verona High School he went to the State University. Later, he went to Lebanon, Ohio, to the Normal University. He served as a member of the A. & M. College Faculty, and was later Superintendent of City Schools at Meridian. He was elected State Superintendent in 1895. Under his direction the State Board of Examiners was created. He became President of I. I. & C. in 1898, in which position he remained until 1907, when he was elected to and accepted the Chancellorship of the University of Mississippi. Mr. Kincannon is at present Superintendent of City Schools, Memphis, Tennessee.

Governor McLaurin appointed as Mr. Kincannon's successor HENRY L. WHITFIELD. Mr. Whitfield was born near Brandon, Mississippi, January 20th, 1868. He attended Fannin High School, Rankin County, under Dr. L. T. Fitzhugh, and later Mississippi College, from which institution he was graduated in

1894. He was Principal of School at Westville, and at Steen's Creek. He became State Superintendent of Education in 1898, was elected in 1899, and re-elected in 1903. In 1907 Mr. Whitfield was elected President of I. I. & C., which position he still holds.

JOSEPH NEELY POWERS was born March 15th, 1869, at Havana, Hall County, Alabama. His father was a pioneer Methodist preacher, and was Chaplain in the Condeferate Army. Mr. Powers attended County School at Bladen, Alabama, and also Livingston Academy and Tuskegee Military University. He began his collegiate course at Southern University, and later studied at University of Chicago, receiving the M. A. degree. He was Superintendent of City Schools at West Point, Mississippi, when Governor Vardaman appointed him State Superintendent of Education, and later elected by the people. Mr. Powers was elected Chancellor of the State University in 1914, which position he now occupies.

WILLIAM H. SMITH, "Corn Club" Smith, was born near Vernon, Lamar County, Alabama, in 1866. He obtained his early education in Lamar County, Alabama, and in Clay County, Mississippi. He received his high school training at Cairo, Mississippi, under W. A. Belk. Later, he entered the Iuka Normal Institute and was graduated in 1889. Mr. Smith taught at Ackerman, Eupora, and Durant, and served as County Superintendent in Holmes County, from 1906 to 1910, and was the originator of Boys' Corn Club Work in Mississippi. In 1910 he became State Rural School Supervisor. He was appointed State Superintendent of Education in September, 1914, was elected in 1915, and was made President of A. & M. College in 1916. This position he now holds.

W. F. BOND, the present incumbent of the office of State Superintendent of Education, is a native of Mississippi, having been born in the rural districts of Harrison County, February 22nd, 1876. He was appointed to the State Superintendency by Governor T. G. Bilbo September 15th, 1916. After acquiring a common school education, and after teaching in the rural public schools for a period of five years, he matriculated in Peabody College, Nashville, Tennessee, where after a course of study extending through four years he was graduated with the degree of Bachelor of Arts. On completing his college course, he returned to his native State, and served as teacher in various capacities, conspicuous positions held by him being the principalship of the High School at Wiggins, Mississippi, and the Chair of History and Latin in the Mississippi Normal College. The latter place he filled most acceptably for four years, and it was from this position that he was elevated to the State Superintendency of Public Education. With little or no resources at his command and against



adverse circumstances of formidable character, he has by dint of unremitting endeavor and will power, forged his way from an obscure beginning to a position of importance and leadership. During his two years' tenure of this office, he has shown an unusual grasp of the State educational system; and by better organization and administrative methods, he hopes to make the common schools more effective and to bring them to a larger service of the people. His ambition is to have a first rate public school in every community and to carry high school advantages to all the boys and girls of the commonwealth. As State Superintendent of Education, he is *ex officio* a member of the Board of Trustees of all the State Colleges, whereon he serves with ability and strives in every laudable way to promote higher education in the State and thus to round out a continuous and harmonious system of public education.

Mr. Bond was married in 1905 to Miss Susie Graham, of Epley, Mississippi, who was a pupil of his at the time, and from this union have sprung four happy and interesting children.

# STATE OFFICERS 1916-1919

THEO. G. BILBO, Governor.....	Jackson
LEE M. RUSSELL, Lieutenant Governor.....	Oxford
JOS. W. POWER, Secretary of State.....	Jackson
ROSS A. COLLINS, Attorney General.....	Jackson
DR. J. P. TAYLOR, Treasurer.....	Jackson
ROBT. E. WILSON, Auditor.....	Jackson
W. F. BOND, Superintendent of Education.....	Jackson
T. M. HENRY, Insurance Commissioner.....	Jackson
GEO. C. MYERS, Supreme Court Clerk.....	Jackson
M. A. BROWN, Land Commissioner.....	Jackson
STOKES V. ROBERTSON, Revenue Agent.....	Jackson
P. P. GARNER, Commissioner of Agriculture.....	Jackson
GEO. R. EDWARDS, R. R. Commissioner, 1st District.....	McCool
F. M. SHEPPARD, R. R. Commissioner, 2nd District.....	Richton
W. B. WILSON, R. R. Commissioner, 3rd District.....	Corinth
W. A. MONTGOMERY, Prison Trustee, 1st District.....	Edwards
J. F. THAMES, Prison Trustee, 2nd District.....	Mendenhall
L. Q. STONE, Prison Trustee, 3rd District.....	Tupelo
E. F. ANDERSON, Bank Examiner, 1st District.....	Clinton
J. S. LOVE, Bank Examiner, 2nd District.....	Hattiesburg
S. S. HARRIS, Bank Examiner, 3rd District.....	Tupelo
E. C. SCALES, Adjutant General.....	Jackson
DUNBAR ROWLAND, Archives and History.....	Jackson
MRS. W. F. MARSHALL, State Librarian.....	Jackson
X. A. KRAMER, Highway Engineer.....	Jackson
E. N. LOWE, State Geologist.....	Jackson

## SUPREME COURT JUDGES.

JUDGE SIDNEY SMITH.....	Jackson
JUDGE J. B. HOLDEN.....	Jackson
JUDGE E. O. SYKES.....	Jackson
JUDGE S. C. COOK.....	Jackson
JUDGE J. MORGAN STEVENS.....	Jackson
JUDGE GEORGE H. ETHRIDGE.....	Jackson

## STATE DEPARTMENT OF EDUCATION.

W. F. BOND.....	Superintendent
J. W. BROOM.....	Assistant Superintendent
J. T. CALHOUN.....	Rural School Supervisor
BURA HILBUN.....	Supervisor of Negro Schools
F. J. HUBBARD.....	Director of Secondary Agricultural Education
S. J. GREER.....	Assistant Director of Agricultural Education
MISS MAUD ALLEN.....	Secretary
MISS PATTI M. BATSON.....	Secretary
MISS DOROTHY Q. MALTBY.....	Secretary

## STATE BOARD FOR VOCATIONAL EDUCATION.

W. F. BOND, Superintendent.....	Executive Officer
J. W. BROOM.....	Assistant Superintendent
DR. D. C. HULL.....	Superintendent of Meridian City Schools
J. T. CALHOUN.....	Rural School Supervisor
BURA HILBUN.....	Supervisor of Negro Schools
MRS. BESSIE S. LASH.....	Secretary

## STATE BOARD OF EDUCATION.

JOS. W. POWER.....	Secretary of State
ROSS A. COLLINS.....	Attorney General
W. F. BOND.....	State Superintendent of Education

## STATE BOARD OF EXAMINERS.

G. W. HUDDLESTON, President.	
O. A. SHAW,	B. T. SCHUMPERT,
MRS. SUSIE BOND, Secretary.	

## TRUSTEES OF

UNIVERSITY OF MISSISSIPPI, INDUSTRIAL INSTITUTE  
AND COLLEGE, AGRICULTURAL AND MECHANICAL  
COLLEGE, AND THE ALCORN AGRICULTURAL AND  
MECHANICAL COLLEGE.

GOVERNOR THEO. G. BILBO, President.....	Jackson
W. F. BOND.....	Jackson
O. F. LAWRENCE.....	Grenada
E. L. BRIEN.....	Vicksburg
R. P. LINFIELD.....	Gulfport
LEE M. RUSSELL.....	Oxford
BEE KING.....	Mendenhall
W. C. TROTTER.....	Winona
J. S. HOWERTON.....	Guntown
J. R. TIPTON (University only).....	Hernando

## TRUSTEES STATE NORMAL COLLEGE.

GOVERNOR THEO. G. BILBO.....	President
W. F. BOND.....	Jackson
W. E. STOKES.....	Macon
T. C. KIMBROUGH.....	West Point
E. E. FRANTZ.....	Jackson
J. W. FOOTE.....	Hattiesburg
J. F. BURROW.....	Ruleville
FRED SMITH.....	Ripley
JOS. E. NORWOOD.....	Magnolia
L. P. BROWN, SR.....	Meridian

## PRESIDENTS OF STATE INSTITUTIONS.

J. N. POWERS, Oxford.....	University of Mississippi
W. H. SMITH, Agricultural College .....	Agricultural & Mechanical College
H. L. WHITFIELD, Columbus.....	Industrial Institute & College
JOE COOK, Hattiesburg.....	State Normal College
L. J. ROWAN, Alcorn.....	Alcorn Agricultural & Mechanical College

## MISSISSIPPI TEXT BOOK COMMISSION.

SUPERINTENDENT W. F. BOND, <i>ex officio</i> .....	Jackson, Mississippi
T. M. SYKES, Secretary.....	Meridian, Mississippi
H. B. HEIDELBERG.....	Clarksdale, Mississippi
R. H. WATKINS.....	Laurel, Mississippi
W. V. FRIERSON.....	Columbus, Mississippi
J. G. BRIDGES.....	Meadville, Mississippi
L. H. JOBE.....	Ripley, Mississippi
B. L. COULTER.....	Ackerman, Mississippi
MONROE BALL.....	Florence, Mississippi

MISSISSIPPI AGRICULTURAL HIGH SCHOOL  
BOOK COMMISSION.

SUPERINTENDENT W. F. BOND, <i>ex officio</i> .....	Jackson, Mississippi
F. J. HUBBARD, Secretary.....	Jackson, Mississippi
M. E. MOREHEAD.....	Courtland, Mississippi
A. G. GAINEY.....	Senatobia, Mississippi
J. A. HUFF.....	Poplarville, Mississippi

## COUNTY SUPERINTENDENTS

COUNTY.	SUPERINTENDENT.	ADDRESS.
Adams.....	M. C. Montgomery.....	Natchez
Amite.....	J. N. Steele.....	Liberty
Alcorn.....	W. A. McCord.....	Corinth
Attala.....	W. A. Hull.....	Kosciusko
Benton.....	W. T. Renick.....	Ashland
Bolivar.....	G. H. Armstrong.....	Cleveland
Calhoun.....	J. O. Rich.....	Pittsboro
Carroll.....	D. D. Fullilove.....	Vaiden
Chickasaw.....	George D. Riley.....	Houston
Choctaw.....	J. F. Bridges.....	Ackerman
Claiborne.....	S. J. Russell.....	Willows
Clarke.....	G. B. Parker.....	Quitman
Clay.....	E. H. Walker.....	West Point
Coahoma.....	J. M. Brooks.....	Clarksdale
Copiah.....	A. A. McAlpin.....	Hazlehurst

COUNTY	SUPERINTENDENT	ADDRESS
Covington	Alex. Newton	Collins
DeSoto	R. E. L. Morgan	Hernando
Forrest	E. J. Currie	Hattiesburg
Franklin	W. L. Foreman	Meadville
George	W. A. Avera	Lucedale
Greene	Newton James	Leakesville
Grenada	M. McKibben	Grenada
Hancock	John Craft	Bay St. Louis
Harrison	W. H. Wood	Gulfport
Hinds	F. M. Coleman	Jackson
Holmes	J. M. Kimbrough	Lexington
Humphreys	T. D. Rice	Belzoni
Issaquena	George Robinson	Mayersville
Itawamba	J. A. Senter	Fulton
Jackson	A. L. Flurry	Pascagoula
Jasper	C. E. Watkins	Bay Springs
Jefferson	L. L. Posey	Fayette
Jefferson Davis	W. W. Lee	Prentiss
Jones	C. W. Jenkins	Laurel
Kemper	D. W. Jackson	DeKalb
Lafayette	C. A. McLarty	Oxford
Lamar	A. Q. Broadus	Purvis
Lauderdale	T. C. Lockard	Meridian
Lawrence	W. L. McGahey	Monticello
Leake	C. M. Langford	Carthage
Lee	T. M. Milam	Tupelo
Leflore	J. R. Hughes	Greenwood
Lincoln	Barney Grice	Brookhaven
Lowndes	E. A. Stanley	Columbus
Madison	G. R. Bennett	Canton
Marion	E. I. Watts	Columbia
Marshall	J. P. Horton	Holly Springs
Monroe	W. A. Addington	Aberdeen
Montgomery	Guy C. Burton	Winona
Neshoba	I. E. Peebles	Philadelphia
Newton	M. C. Scarborough	Decatur
Noxubee	J. G. Chandler	Macon
Oktibbeha	C. E. Scroggins	Starkville
Panola	C. B. Young	Sardis
Perry	W. F. Backstrom	New Augusta
Pike	H. W. Kenna	Magnolia
Pearl River	Leopold Locke	Poplarville
Pontotoc	J. R. Spencer	Pontotoc
Prentiss	G. D. Chambers	Booneville
Quitman	F. M. Bizzell	Marks
Rankin	H. H. Bullock	Brandon
Scott	O. D. Loper	Forest

COUNTY	SUPERINTENDENT	ADDRESS
Sharkey.....	J. N. Hall.....	Rolling Fork
Simpson.....	J. R. Williamson.....	Mendenhall
Smith.....	Allen Caughman.....	Raleigh
Sunflower.....	W. P. Sanders, Jr.....	Indianola
Stone.....	C. H. Bass.....	Wiggins
Tallahatchie.....	R. H. Harrison.....	Charleston
Tate.....	J. T. Cathey.....	Senatobia
Tippah.....	J. E. Pearce.....	Ripley
Tishomingo.....	N. L. Phillips.....	Iuka
Tunica.....	L. C. Canon.....	Tunica
Union.....	T. O. Randall.....	New Albany
Walthall.....	C. L. Brumfield.....	Tylertown
Warren.....	J. H. Culkin.....	Vicksburg
Washington.....	B. L. Hatch.....	Greenville
Wayne.....	J. M. Wilkins.....	Waynesboro
Webster.....	A. C. Webb.....	Walthall
Wilkinson.....	J. C. Day.....	Woodville
Winston.....	Neal Prisock.....	Louisville
Yalobusha.....	J. R. Hodnett.....	Water Valley
Yazoo.....	Hugh Bull.....	Yazoo City

# CONSTITUTION OF MISSISSIPPI

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## ARTICLE VII.

### Education.

Section 201. It shall be the duty of the legislature to encourage, by all suitable means, the promotion of intellectual, scientific, moral and agricultural improvement, by establishing a uniform system of free public schools, by taxation, or otherwise, for all children between the ages of five and twenty-one years, and, as soon as practical, to establish schools of higher grade.

Sec. 202. There shall be a superintendent of public education elected at the same time and in the same manner as the governor, who shall have the qualifications required of the secretary of state, and hold his office for four years and until his successor shall be elected and qualified, who shall have the general supervision of the common schools, and of the educational interests of the state, and who shall perform such other duties and receive such compensation as shall be prescribed by law.

Sec. 203. There shall be a board of education, consisting of the secretary of state, the attorney-general, and the superintendent of public education, for the management and investment of the school funds, according to law, and for the performance of such other duties as may be prescribed. The superintendent and one other of said board shall constitute a quorum.

Sec. 204. There shall be a superintendent of public education in each county, who shall be appointed by the board of education by and with the advice and consent of the senate, whose term of office shall be four years, and whose qualifications, compensation and duties shall be prescribed by law; provided, that the legislature shall have power to make the office of county superintendent of the several counties elective, or may otherwise provide for the discharge of the duties of county superintendent, or abolish said office.

Sec. 205. A public school shall be maintained in each school district in the county at least four months during each scholastic year. A school district neglecting to maintain its school four months, shall be entitled to only such part of the free school fund as may be required to pay the teacher for the time actually taught.

Sec. 206. There shall be a county common school fund, which shall consist of the poll-tax, to be retained in the county where the same is collected, and a state common school fund, to be taken from the general fund in the state treasury, which together shall be sufficient to maintain the common schools for the term of four months in each scholastic year. But any county or separate school district may levy an additional tax to maintain its schools for a longer time than the term of four months. The state common school fund shall be distributed among the several counties and separate school districts in proportion to the number of educable children in each, to be determined from data collected through the office of the State Superintendent of Education in the manner to be prescribed by law.

Sec. 207. Separate schools shall be maintained for children of the white and colored races.

Sec. 208. No religious or other sect, or sects, shall ever control any part of the school or other educational funds of this state; nor shall any funds be appropriated toward the support of any sectarian school; or to any school that at the time of receiving such appropriation is not conducted as a free school.

Sec. 209. It shall be the duty of the legislature to provide by law for the support of institutions for the education of the deaf, dumb, and blind.

Sec. 210. No public officer of this state, or of any district, county, city or town thereof, nor any teacher or trustee of any public school, shall be interested in the sale, proceeds or profits of any books, apparatus or furniture to be used, in any public school in this state. Penalties shall be provided by law for the violation of this section.

Sec. 211. The legislature shall enact such laws as may be necessary to ascertain the true condition of the title to the sixteenth sections of land in this state, or land granted in lieu thereof, in the Choctaw purchase, and shall provide that the sixteenth section lands reserved for the support of township schools shall not be sold, nor shall they be leased for a longer term than ten years for a gross sum; but the legislature may provide for the lease of any of said lands for term not exceeding twenty-five years for a ground rental, payable annually, and in case of uncleared lands, may lease them for such short term as may be deemed proper in consideration of the improvement thereof, with right thereafter to lease for a term or to hold on payment of ground rent.

Sec. 212. The rate of interest on the fund known as the Chickasaw school fund, and other trust funds for educational



purposes, for which the state is responsible, shall be fixed and remain as long as said funds are held by the state at six per centum per annum from and after the close of the fiscal year A. D. 1891, and the distribution of said interest shall be made semi-annually on the first of May and November of each year.

Sec. 213. The state having received and appropriated the land donated to it, for the support of agricultural and mechanical colleges, by the United States, and having, in furtherance of the beneficent design of Congress in granting said land, established the agricultural and mechanical college of Mississippi, and the Alcorn agricultural and mechanical college, it is the duty of the state to sacredly carry out the conditions of the act of Congress upon the subject, approved July 2, A. D. 1862, and the legislature shall preserve intact the endowments to, and support, said colleges.

Assessed valuation of county 1917

County levy for A. H. S.

Annual salary Co. Supt.

Length of P. S. term

No consolidated schools with transportation

No. colored schools

No. white schools

County levy for schools

Approximate No. colored teachers

Approximate No. white teachers

Adams	49	14	31	2	8 mos.	\$ 1,560.00	1/2 mill	\$ 8,997,882
Alcorn	114	57	18	7	5 mos.	1,600.00	1/2 mills	6,459,658
Amite	90	45	46	7	6 mos.	1,800.00	1 1/2 mills	5,500,554
Attala	122	78	53	9	4 1/2 mos.	1,750.00		4,745,967
Benton	30	54	28	2	4 1/2 mos.	1,000.00		2,800,581
Bolivar	75	43	125	1	7 mos.	1,800.00	1/2 mill	26,218,016
Calhoun	26	72	32	3	5 mos.	1,800.00	3/4 mill	3,259,325
Carroll	85	53	58	3	6 mos.	1,800.00		4,341,540
Chickasaw	100	59	43	3	6 mos.	1,800.00	1/2 mill	6,599,656
Choctaw	85	52	23	5	5 mos.	1,200.00	1/2 mill	2,609,901
Claiborne	40	26	42	5	7 1/2 mos.	1,380.00		4,411,144
Clarke	88	61	39	4	7 mos.	1,800.00	1 mill	7,096,756
Clay	66	33	48	3	5 mos.	1,800.00	2/3 mill	7,139,040
Coahoma	26	24	71	15	8 mos.	1,800.00	1/2 mill	22,332,618
Copiah	110	55	69	7	7 mos.	1,800.00	1/2 mill	9,425,287
Covington	105	38	21	6	4 1/2 mos.	1,500.00		3,134,068
DeSoto	50	39	49	2	5 mos.	1,200.00	1 1/2 mills	7,402,887
Forrest	55	24	16	14	7 mos.	1,800.00	1 1/2 mills	11,940,283
Franklin	100	57	30	2	6 1/2 mos.	1,320.00	2 mills	4,478,813
George	48	22	8	9	5 mos.	1,300.00		2,682,825
Green	66	32	8	10	6 mos.	1,300.00	1 1/4 mills	6,177,937
Grenada	40	31	49	2	5 mos.	1,200.00		5,086,147
Hancock	46	28	8	2	6 mos.	1,500.00		5,149,011
Harrison	120	20	14	10	8 mos.	1,800.00	1/2 mill	15,153,971
Hinds	135	35	93	18	6 mos.	1,800.00	3/4 mill	28,173,094
Holmes	65	45	84	4	8 mos.	1,800.00	3/4 mill	10,444,837
Humphreys								
Issaquena	19	19	33		5 mos.	720.00		2,630,214
Itawamba	115	71	9		4 1/2 mos.	1,200.00		2,046,521
Jackson	91	44	12	4	6 mos.	1,800.00		6,182,817
Jasper	94	56	47	4	6 mos.	1,761.80	3/4 mill	4,091,026
Jefferson	52	39	48	2	8 mills	1,200.00	1 1/4 mills	4,164,064
Jefferson Davis	75	26	26		6 mos.	1,500.00		4,525,919
Jones	140	57	20	7	6 mos.	1,800.00	1 3/4 mills	12,342,603
Kemper	102	78	62	5	5 mos.	1,800.00	1 mill	5,160,193
Lafayette	110	67	47	1	6 mos.	1,800.00	1 1/4 mills	4,665,322
Lamar	125	36	10	6	5 1/2 mos.	1,800.00	2 mills	6,942,941

Lauderdale	122	81	3 mills	65	59	6	7 mos.	1,800.00	23,476,931
Lawrence	70	40	4 mills	42	30	6	6 mos.	1,721.95	3,692,500
Leake	110	43	2 mills	57	37	6	5 mos.	1,458.84	3,001,250
Lee	154	40		68	37	4	5½ mos.	1,800.00	10,228,336
Leflore	40	100		30	98	2	8 mos.	1,800.00	17,445,758
Lincoln	152	56	5 mills	59	33	2	6 mos.	1,800.00	7,562,277
Lowndes	80	85		34	57	7	7 mos.	1,800.00	11,241,987
Madison	75	80		27	72	9	6 mos.	1,800.00	9,143,227
Marion	95	30	2½ mills	35	17	6	7 mos.	1,800.00	5,943,923
Marshall	97	103		74	100	2	6 mos.	1,800.00	7,395,672
Monroe	115	125		65	67	2	6 mos.	1,800.00	12,397,318
Montgomery	65	40		48	37	1	5 mos.	1,500.00	4,402,435
Neshoba	150	28	1½ mills	80	27		5 mos.	1,641.00	3,802,861
Newton	120	55	3 mills	66	40	2	4½ mos.	1,800.00	5,035,811
Noxubee	41	92		30	64	5	7 mos.	1,800.00	8,860,300
Oktibbeha	80	60	¾ mills	40	49	8	6 mos.	1,472.80	5,095,395
Panola	71	46		53	62	4	6 mos.	1,800.00	8,676,624
Pearl River	125	18	2½ mills	36	17	19	7 mos.	1,800.00	14,512,691
Perry	70	18	3 mills	25	18	12	6½ mos.	1,790.00	6,750,494
Pike	114	68	2 mills	22	35	5	6 mos.	1,800.00	8,062,781
Pontotoc	140	30		82	28		4 mos.	1,800.00	3,751,944
Prentiss	120	10		57	10	4	4 mos.	1,550.00	4,473,179
Quitman	40	38	2 mills	25	35	2	8 mos.	1,500.00	7,633,824
Rankin	94	66	2 mills	51	56	10	5½ mos.	1,800.00	6,625,796
Scott	110	35	3 mills	48	33	8	6 mos.	1,800.00	5,640,112
Sharkey	31	35	1½ mills	21	30		6 mos.	1,500.00	5,691,422
Simpson	135	43	2½ mills	65	90	2	5½ mos.	1,800.00	7,090,620
Smith	135	24	3 mills	64	18		6 mos.	1,500.00	4,915,356
Stone	45	13	4 mills	15	11	7	5¾ mos.	1,500.00	3,568,062
Sunflower	100	100		65	90	2	5 mos.	1,800.00	16,769,572
Tallahatchie	70	88	1 mill	58	79	3	6½ mos.	1,800.00	10,705,116
Tate	68	54	1 mill	36	46	3	5 mos.	1,800.00	5,746,782
Tippah	105	24	1 mill	74	18		4 mos.	1,200.00	2,988,101
Tishomingo	94	7		63	8		4½ mos.	1,125.00	4,146,273
Tunica	21	51		18	30		9 mos.	1,800.00	10,043,343
Union	100	27		63	23	1	4½ mos.	1,800.00	4,565,035
Walthall	59	30	2½ mills	30	34	3	5½ mos.	1,200.00	3,108,408
Warren	32	65	1 mill	6	61	6	7½ mos.	1,800.00	17,234,792
Washington	76	141		29	80	2	7¼ mos.	2,300.00	25,087,866
Wayne	100	35	3 mills	68	32	8	6 mos.	1,800.00	7,242,544
Webster	130	23	2 mills	55	23	1	5 mos.	1,425.00	2,653,161
Wilkinson	60	55	¾ mill	45	50		6½ mos.	1,200.00	4,990,783
Winston	105	45		80	40	1	4½ mos.	1,200.00	3,679,773
Yalobusha	65	45	1 mill	50	43		5½ mos.	1,500.00	5,835,907
Yazoo	80	90	1 mill	67	90	4	7 mos.	1,800.00	12,090,552



# SCHOOL LAWS OF MISSISSIPPI

1918

## AGRICULTURAL HIGH SCHOOLS.

### CHAPTER 122.

#### LAWS 1910.

##### Sec. 3419 Hemingway's Code.

**County school board to establish county agricultural high schools.**—1. The county school board in each county in the state is hereby authorized and empowered to establish not more than two agricultural high schools in the county, and determine their location, one for white youths exclusively and the other for colored youths exclusively, in which instruction shall be given in high school branches, theoretical and practical agriculture, domestic science, and in such other branches as the board may hereafter provide for, may make a part of the curriculum, subject to review and correction by the State Board of Education.

If only one school be established at first, the school board shall have power at any subsequent time to establish an additional school whenever the necessity for the same shall arise.

### CHAPTER 196.

#### LAWS 1916.

##### Sec. 3420, Hemingway's Code.

**Tax levy—When election not necessary—When necessary.**—The board of supervisors of any county where an agricultural high school shall have been established by the school board, shall levy on the taxable property in the county at the time the annual tax levy is made for the support and maintenance of said school. In case there be two agricultural high schools in any county, the board shall levy a separate tax for the support of each school, and the taxes, when collected, shall only be used for the support and maintenance of the particular school for which the tax is levied; provided, that the tax levy for agricultural high school purposes for any one year shall not exceed two mills for each school established; and, provided further, that within twenty days after a levy has been made twenty per cent. of the qualified electors of said county may file with the clerk of the board of supervisors a petition asking that the tax for the support of either one or both agricultural high schools be not levied, then the question shall be submitted to an election of the qualified electors of the county within thirty days after the next meeting of the board of supervisors after the filing of the petition,

at which election said electors may vote against the tax levied for the support of either one or both schools, and should a majority of the votes cast be against the tax levied for the support of either one or both schools, then the levy of the board for the support of that school or of both schools, as the case may be, shall be null and void, and the tax collector shall refuse to collect such tax so voted against; but should a majority of the votes be for the tax levied in support of either or both schools, then the tax collector shall proceed to collect the tax so authorized as all other taxes are collected, receiving the lawful commission for such collections. The tax collected shall be deposited with the county treasurer, to be paid out by him on the order of the board of trustees for the high school or high schools. When a majority of the votes be for the tax levied in support of either or both schools, or if the school be established and the tax levied without an election, then another election shall not be held for the purpose of voting against the tax levied within a period of four years from the date of said election, and in no case shall the tax levy for an agricultural high school, which maintains an average boarding patronage of thirty-five pupils, be submitted to an election.

Amends Laws 1914, ch. 191, which amended Laws 1910, ch. 122, § 2.

## CHAPTER 186.

### LAWS 1914.

#### Sec. 3421 Hemingway's Code.

**Trustees, appointment.**—3. The government and control of county agricultural high schools in any county shall be vested in a board of five trustees, one from each supervisor's district, two of whom shall be elected by the board of supervisors, two by the county school board and the county superintendent of education shall constitute the fifth member; two of the number first elected shall serve for a term of two years, and their successors shall serve for a term of three years, and two shall serve for a term of four years; all regular terms shall be for a term of four years. The trustees shall have control of the property, elect and fix salaries of all teachers in the agricultural department of the school and shall have full power to do all things necessary to the successful operation of said school. And that each member of the board of trustees, county superintendent excepted, receive their actual expenses while on duty, provided said expenses do not exceed three dollars (\$3.00) per day, to be paid out of the county agricultural high school funds, on receipt of an itemized statement issued to county superintendent. When a common school

is taught in connection with an agricultural high school the election of teachers for the common school department shall be made by the common school trustees in the same manner as are required of other common school trustees.

Amends Laws 1910, ch. 122, § 3.

## CHAPTER 122.

### LAWS 1910.

#### Sec. 3422 Hemingway's Code.

**Joint school established in adjacent counties.**—4. In case the school boards of two adjacent counties shall so decide, the two adjacent counties may unite in establishing an agricultural high school or two schools, one for each race. The school boards of the two counties shall meet in joint session to determine the location of the school, or schools, and if no place can be agreed upon by a majority of the joint board for either school, the two highest places shall be certified by the board to the State Board of Education, who shall select one of them as the site for the school.

Chap. 122, Laws 1910.

Sec. 3423 Hemingway's Code.

**Joint school governed by eleven trustees—Terms of trustees—Each county to levy special tax.**—The government of the school shall be vested in eleven trustees, five to be selected by each county in the same manner designated in section 3 (§ 3421, this Code) Chapter 186, Laws 1914 of this act, and the eleventh to be chosen by the ten so selected; in case no one receives a majority of all the votes of the ten members, the eleventh man shall be selected by lot from the two highest in the voting. The terms of the five trustees from each county shall be as provided in section 3 (§ 3421, this Code), Chapter 186, Laws 1914), and the eleventh member shall serve for four years. In levying the taxes provided for in (§ 3420, this Code), Chapter 196, Laws 1916, each county shall act independently, but if one county joining another in establishing a school shall decline to levy the tax, the other county may nevertheless do so, in which event, the joint plan shall thereby be abandoned, and the county levying the tax may proceed independently as though the joint plan had never been begun. In case two counties join in establishing a joint school, and each county levies a special tax provided for in (§ 3420, this Code), Chapter 196, Laws 1916, the tax collector of each county shall collect the tax in his county and pay the same to the county treasurer of his county. In paying the expenses of either school the trustees shall draw on the funds of each county provided for that school equitably as near as may be in



proportion to the amount of tax collected for that school by each county; or if no tax is levied shall draw on any fund in the treasury of the respective counties provided by law for the support of that school in proportion to the number of educable children attending said school from each county. The board of trustees of a school established by the joint action of two counties shall have all the power and discharge all the duties appertaining to boards of trustees of schools where only one county is interested.

## CHAPTER 193.

### LAWS 1916.

Sec. 3424 Hemingway's Code.

**State superintendent to visit high schools and make report—State board of education to make requisition on auditor of public accounts for amount due schools.**—1. When the state superintendent of education shall have received from the county superintendent of education of any county a statement showing that an agricultural high school has been located by the county school board; that the land, as herein provided, has been acquired, necessary levy made by the board of supervisors, as heretofore provided for in this act, and suitable buildings have been erected, including a boarding department, where not less than forty students may have dormitory and dining-room facilities, then the state superintendent shall visit such school, and after a thorough inspection thereof shall make a full and complete report of said inspection to the state board of education. Should it appear to the state board of education that it would be to the interest of the state, the board shall draw an order on the auditor in favor of the county treasurer for the sum of fifteen hundred dollars (\$1,500.00) for the use of the trustees of the high school or schools, and the auditor shall issue his warrant annually on the treasurer for this amount, but not more than fifteen hundred dollars (\$1,500.00) shall be paid to any one county in one year for agricultural high school purposes, except in case of a joint school, when the amount shall not exceed three thousand dollars to joint counties except as hereinafter provided.

Chap. 193, Laws 1916.

Sec. 3425 Hemingway's Code.

Amends Laws 1910, ch. 122, § 5, and Laws 1912, ch. 254.

**Amount drawn by schools.**—When the number of boarding students shall exceed thirty pupils, then the school shall receive two thousand dollars (\$2,000.00) per year, and if the

number of boarding pupils shall exceed forty, then the school draw two thousand five hundred dollars (\$2,500.00) annually.

In case a school or schools shall be established by two counties, acting jointly, the sum of three thousand dollars (\$3,000.00) shall be paid to the trustees of the school or schools, and this sum shall be equally divided and one-half distributed to the treasurer of each county.

Provided, further, in case of a joint agricultural high school established by two counties acting jointly, that when the number of boarding students shall exceed sixty pupils, then such school shall receive three thousand five hundred dollars (\$3,500.00), and if the number of boarding pupils of such school shall exceed eighty, then such school shall receive four thousand dollars (\$4,000.00) annually.

Provided, that no aid shall be given an agricultural high school until the state board of education has approved the plans for the building and the course of study for the same. The appropriation from the state treasury shall be made annually, but the state aid may be withdrawn at any time, when the state board of education finds that a school is not being legally conducted for the purposes for which this act was established.

Amends Laws 1910, ch. 122, § 5.

## CHAPTER 122.

### LAWS 1910.

Sec. 3426, Hemingway's Code.

**Detailed statement made to board of supervisors of receipts and disbursements.**—6. The board of trustees of the schools provided for in this act shall make detailed statements of receipts and disbursements to the board of supervisors and county superintendent of education annually on the first Monday of July, and the county superintendent of education shall transmit to the state superintendent of education a copy of said detailed statement which shall be embodied in his biennial report to the legislature.

Chap. 122, Laws 1910.

Sec. 3427 Hemingway's Code.

**Trustees sole judges of eligibility of applicants.**—7. The board of trustees of each county shall be the judges of the eligibility of all applicants for admission to any agricultural high school in their respective counties and shall not permit any applicant to become a student therein when in the opinion

of said trustees the moral and mental characteristics of the applicant are such as would prove detrimental to the good morals of the institution.

Chap. 122, Laws 1910.

Sec. 3428 Hemingway's Code.

**Legislature to make appropriations.**—8. It shall be the duty of the legislature to make appropriations to meet the conditions of this act.

## CHAPTER 11.

### LAWS 1911.

Sec. 3429 Hemingway's Code.

**Municipalities to issue bonds for the purpose of procuring the establishment of, and aiding, and maintaining agricultural high schools.**—1. That the municipalities of Mississippi be and they are hereby authorized and empowered to issue municipal bonds to aid in procuring the establishment, location and maintenance of agricultural high schools, which have been or may hereafter be established, under chapter 122 of the Laws of 1910, entitled, "An act to provide for the establishment of county agricultural high schools, and to provide for the equipment and maintenance of same." Said bonds shall be issued in accordance with sections 3416, 3419 and 3420 of the Code of 1906, and acts amendatory thereto, which bonds shall not be included in computing any limit which is now placed by law on the amount of bonds to be issued by a municipality. Should there be a protest against said bonds sufficient to require an election, a majority of the votes cast in such election shall determine the result; if a majority of those voting in an election held for that purpose shall cast their vote for the said bond issue, then the bonds shall be issued. The proceeds of the sale of said bonds shall be used for the purchase of land, or erecting buildings, or in any way to aid in the establishment and maintenance of county agricultural high schools.

## CHAPTER 136.

### LAWS 1910.

Sec. 3430 Hemingway's Code.

**Establishing location of schools.**—1. The county school board, in counties where an agricultural high school has been established under and by virtue of chapter 102, Laws of 1908, shall, in locating the agricultural high school or schools, provided for in Senate Bill No. 4, passed at the 1910 session of the legislature, locate whichever school may first be established in the county at the place where the school so established under chapter 102, Laws of 1908, is located; provided that all

the conditions under which such school was located have been or shall be fully complied with. And the trustees of such school established under said Senate Bill No. 4 shall succeed to all the property and effects belonging to or appertaining to the school established under said chapter 102, Laws of 1908, for the purpose of conducting an agricultural high school as provided in said Senate Bill No. 4.

Laws 1908, ch. 102, was declared unconstitutional, as it provides for a school for whites only. *McFarland v. Goins*, 96 Miss. 67, 50 So. 493.

## CHAPTER 126.

### LAWS 1910.

Sec. 3431 Hemingway's Code.

**Funds of county agricultural high school to be paid out on order of board of trustees.**—2. All funds derived from taxes collected under the provisions of chapter 102, Laws of 1908, now in the hands, or hereafter coming into the hands of the county treasurer, may be paid out by the treasurer on the order of the trustees of the agricultural high school or schools of the county hereafter established, and expend the same as if collected under the provisions of Senate Bill No. 4, passed at the 1910 session of the legislature in relation to such high schools.

## CHAPTER 150.

### LAWS 1912.

Sec. 3432 Hemingway's Code.

**Authorizing county supervisors to issue bonds for agricultural high schools.**—1. The board of supervisors of any county which has resolved and determined to accept the terms of the law relative to the locating and establishing of agricultural high schools, may issue bonds upon the property of said county to aid in the building, equipment, and in any other way the establishment of agricultural high schools to an amount, which added to all its bonded indebtedness, shall not exceed ten per centum on the assessed value of the taxable property of the county appearing on the assessment rolls of the preceding year, and which shall mature not later than twenty-five years from the date of their issuance, and bearing interest at a rate not exceeding six per centum per annum, payable annually, and such bonds shall be payable after five years, at the option of the county. Said bonds shall be lithographed or engraved and printed in two or more colors to prevent counterfeiting, and shall be in sums not less than one hundred dollars nor more than two thousand dollars each and

shall be registered as they are issued, be numbered in regular series from one upward, be signed by the president of the board of supervisors and countersigned by the clerk, who shall impress the seal upon each bond as it is issued, and every such bond shall specify on its face the purpose for which it was issued and the total amount authorized to be issued, and each shall be made payable to bearer, and the bonds so issued shall not be sold for less than their face value. The board shall levy, annually, a special tax to be used exclusively in paying the interest on such bonds and in providing a sinking fund for their redemption. When a sufficient sum of said sinking fund shall have accumulated the board of supervisors may loan such accumulation at a rate of interest not less than six per cent. and on such terms and for such time not longer than the date fixed for the maturity of said bonds, such loan to be secured upon improved real estate at one-half of its assessed value, and upon abstract of such real estate as provided for the loan of funds arising from the sale or lease of sixteenth section lands. Provided, further, that within three weeks after notice by publication has been made of the intention to issue bonds ten per cent. of the adult taxpayers of the county, exclusive of those who pay poll tax only, shall petition against the issuance of said bonds, then the question shall be submitted to the qualified electors of the county within twenty days after the next meeting of the board of supervisors, after filing of the petition, and should a majority of the male taxpayers voting in such election vote against the bond issue the bonds shall not be issued and the order shall be null and void.

Chap. 150, Laws 1912.

Sec. 3433 Hemingway's Code.

**Proceeds of bonds, how used.**—2. That the proceeds of the sale of such bonds shall be used only for the establishment, equipment, erection of buildings, purchasing lands, live stock, or other necessary improvements and shall be disbursed by the board of trustees of the agricultural high schools and an itemized statement of all funds and disbursements shall be made to the board of supervisors.

## CONSOLIDATED SCHOOLS.

### CHAPTER 124.

#### LAWS 1910.

##### Sec. 3999 Hemingway's Code.

**Funds where more than four schools are to be consolidated.**  
—2. Should more than four schools be consolidated into one school, the salary of two teachers of the consolidated schools may be expended in the transportation of pupils to said school as above provided.

### CHAPTER 180.

#### LAWS 1916.

##### Sec. 4000 Hemingway's Code.

**To provide transportation for pupils of consolidated school districts**—1. Where two or more schools are consolidated into one school by the county school board, the board of public school trustees for said consolidated school, together with the county superintendent, are authorized and empowered to provide means for the transportation of pupils living two miles or more from the consolidated school to and from the school-house in the district, under such rules and regulations as may be prescribed by the state board of education; provided, that a consolidated school using a transportation wagon or wagons or levying a tax for school purposes which have been or may at any future time be formed can not have any of its territory released by the county school board, except on a petition of a majority of the qualified electors of said school district.

Amends Laws 1912, ch. 255, which amended Laws 1910, ch. 124.

Amends Laws 1914, ch. 196, which amended Laws 1912, ch. 255, § 3.

As to constitutionality of this section see *Bufkin v. Mitchell*, 106 Miss. 253, 63 So. 458, construing a similar act. Laws 1912, ch. 255.

##### Chap. 180, Laws 1916.

##### Sec. 4001 Hemingway's Code.

**Expense paid out of school fund on sworn itemized accounts**  
—**Duty of trustees and county superintendent.**—2. The expense necessary to carry this act into effect and provide for the transportation of the pupils, as provided in Section 1 of this act, shall be paid out of the school fund of the county. At the end of each scholastic month the person or persons employed to transport the pupils shall file with the county superintendent an itemized statement of his services, properly sworn to by him and approved by at least two of the trustees and certified to by him; and upon filing of such account with

him the county superintendent shall issue to such person a pay certificate, and such account shall be filed and preserved in his office. If the trustees, without good cause, refuse to approve said itemized account, such person may appeal to the county superintendent, who shall issue his pay certificate without the approval of the trustees, in case he decides, after full investigation, in favor of the person who transports the pupils. Upon the presentation of the pay certificate for services rendered, as herein set out, duly attested by the county superintendent, the clerk of the board of supervisors shall issue a warrant in the manner as directed for the issuance of teachers warrants in Section 4566 of the Mississippi code of 1906. The oath required to said account may be made before the county superintendent.

Chap. 180, Laws 1916.

Sec. 4002 Hemingway's Code.

**Tax levied for school purposes, manner of changing levy, assessment, collection of tax, bond issue.**—3. On petition of a majority of the qualified electors of a consolidated school district containing not less than twenty-five square miles, and on approval of the county school board, the board of supervisors shall, in the same manner as provided for separate school districts, annually levy a tax on the property of said district sufficient to pay for fuel, transportation wagons and other incidental expenses, erect and repair school buildings and teachers homes for the district, and shall levy a tax sufficient to maintain the school of said district after the expiration of the county public school term, or to supplement during the county public school term; provided, a free public school shall be maintained therein at least seven months in each scholastic year; and when the amount of the required tax shall be once fixed, it shall remain the same for each successive year or as long as the district is maintained, unless changed by a petition of the majority of the qualified electors of the district. And the board of supervisors may issue bonds for such consolidated districts, in the manner provided in the chapter on municipalities, to erect, repair and equip school buildings and teachers homes for said district; provided, the bonds issued for other purposes on the property of said school district shall not be included in calculating the limit on the amount to be issued for the purposes herein provided, but only such bonds as may be issued for said district as a separate taxing unit, shall be counted in calculating the limit of the amount. The tax assessor shall make a separate assessment of the property of such district and the county tax collector shall collect the taxes required each year of such districts, as other taxes are collected, and deposit the same with the county treasurer to the credit of the district for which it was levied.

Such funds shall be disbursed on pay certificates issued by the county superintendent, on the order of the trustees of the district. The expense of transporting the pupils shall be borne by the district after the expiration of the county public school term.

### Code 1906.

Acts 1912, ch. 255, § 3, provides that the tax for consolidated school districts shall be levied in the same manner as provided for separate school districts, while Laws 1910, ch. 217, provides for the levy of taxes for separate school districts in such a manner that it can not be doubted that the intention of the legislature was that the taxes should be levied and collected regardless of the date upon which the district was created. *Illinois &c. R. Co. v. Middleton*, 109 Miss. 199, 68 So. 146.

Under Code 1906, § 307, and under §§ 4255, 4257, a railroad's property, situated in two school districts of a county, was taxable for school purposes, although such school districts were created after the first day of February of the year in which the tax was levied, since the property was "subject to state taxes for the time being." *Illinois &c. R. Co. v. Middleton*, 109 Miss. 199, 68 So. 146.

Laws 1912, ch. 255, § 3, providing for the levying of a tax for the transportation of pupils and other expenses on a petition of a majority of the qualified electors of a consolidated school district containing not less than twenty-five square miles, does not require that such district shall contain twenty-five full sections of land in order that the specified tax may be levied, if it contains the required area. *Purvis v. Robinson*, 110 Miss. 64, 69 So. 673.

Chap. 180, Laws 1916.

Sec. 4003 Hemingway's Code.

**Privileges of consolidated schools.**—4. Such consolidated district may make its school a graded school and have all the privileges granted to separate school districts under section 4535 of the Mississippi code of 1906.

## CHAPTER 194.

### LAWS 1916.

Sec. 4004 Hemingway's Code.

**Consolidated school districts—Elections affecting, where to be held.**—1. That in any case where it becomes necessary to hold an election affecting any question to be submitted to the qualified electors in any consolidated school district in this state, as now provided by the laws of the state forming such consolidated school districts, that such elections shall be held at the schoolhouse of said district, or, if there is no schoolhouse, the election shall be held at a convenient place designated by the trustees of the school. And that the commissioners holding such election shall have the power and authority to use the poll-books of such county containing the names of the registered electors who may reside in said school district.

Amends Laws 1914, ch. 184.



**CHAPTER 182.****LAWS 1914.****Sec. 4005 Hemingway's Code.**

**Validating bonds issued under Laws 1912, chapter 255.—1.** In all cases where any bonds have been issued or are proposed to be issued, or may be hereafter issued by any school district or consolidated school district in any county in the state operating under House Bill No. 81, chapter No. 255, of the acts of the legislature of 1912, where all the preliminary conditions required by law have been complied with in all respects, and where there may be a question or doubt in respect to the sufficiency of the title to said statute, under which the bonds are issued and which provide for their issuance, said bonds shall be held and treated in all respects the same as if the title to said statute had been ample and sufficient; and the defect or irregularity arising out of the doubt in regard to the title of said statute, is hereby in all respects cured and ratified and the bonds are to be held valued for all purposes whatever; and it is further provided expressly that such defects or irregularities or such supposed defects or irregularities are hereby cured as fully and effectually and the condition of the issuance of said bond is hereby as effectually dispensed as if the full and proper statutory authority had existed in the first instance for the issuance of said bonds.

**CHAPTER 224.****LAWS 1914.****Sec. 4006 Hemingway's Code.**

**School bonds—To validate issues under Acts 1912.—1.** All bonds that have heretofore been issued or that may be issued or that are proposed to be issued by any consolidated school district under the act of February 9, 1912, chapter 255 of the Acts of 1912, are hereby validated in all respects so far as the supposed insufficiency of the title to said act is concerned, and also in respect to any irregularity in or want of conformity to law which could have been dispensed with by an act of the legislature enacted in advance of the issuance of, or proposed issuance of said bonds, provided that said bonds issued, or to be issued, shall have been, or shall be issued in substantial conformity to the provisions of said act of February 9, 1912. The purpose of this act is to ratify and validate by this act as a curative statute any and all irregularities in the issuance of said bond already issued under said act that can be cured by curative act, and that could have been dispensed with in advance by an act of the legislature, and to validate all bonds proposed to be issued that have been or that may be issued in substantial conformity with the provisions of said act of February 9, 1912.

**CHAPTER 234.****LAWS 1918.**

AN ACT to authorize any county in the state to sell any property heretofore used for school purposes, and to appropriate the proceeds thereof to the maintenance and support of the consolidated schools in the districts where the property is situated, or to convey said property to the said consolidated schools.

**Counties may sell certain school property for use of consolidated schools.**

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi,* That any county in this state owning lands or houses which have been used for school purposes, and in which consolidated school districts have been organized embracing the lands or houses heretofore so used, or where consolidated school districts any hereafter be organized, is hereby fully authorized and empowered upon petition of a majority of the qualified electors residing in the territory which comprised the former school district, acting through its board of supervisors, to sell and convey any or all of said property upon such terms as the board of supervisors may determine to be to the best interest of the county, and to appropriate the proceeds of said sales to the support and maintenance of the consolidated school which has been or which may be established in the district where said lands or houses may be situated, or to convey said property directly to said consolidated schools for the support and maintenance thereof, the provisions of this act shall operate to validate all sales heretofore made.

Sec. 2. This act shall take effect from and after its passage.

Approved March 20, 1918.

**CHAPTER 250.****LAWS 1918.**

AN ACT to validate all consolidated school district or separate school district bonds, notes, certificates of indebtedness and other obligations.

**Consolidated school obligations validated.**

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi,* That all bonds, notes, certificates of indebtedness and other obligations, which have been issued or ordered issued, by any and all consolidated school districts or separate school districts, under and by authority of any general, special, local or private act of the legislature be, and they are hereby in all things made valid and legal, and are binding obligations on the consolidated school district or separate school districts issuing the same, or ordering the same to be issued, regardless of defects, errors, omissions, or informalities in their issuance or orders of issuance, or in the organization of such school districts, or the failure of such consolidated school districts or separate school districts to

comply with any law or part of law providing for their issuance, or in the creation or organization of such district.

**Act applies to all outstanding obligations.**

Sec. 2. That this act shall apply to all such bonds, notes, certificates of indebtedness, or other such obligations already issued and outstanding, or ordered to be issued, and such obligations, bonds, notes and certificates of indebtedness are hereby made in all things valid and legal, provided, it shall not apply to bonds over which there is now a judicial contest and upon which no money has been paid.

Sec. 3. That this act shall take effect and be in force from and after its passage.

Approved March 20, 1918.

## CHAPTER 254.

### LAWS 1918.

AN ACT authorizing the payment of teachers who have taught public schools heretofore located in territory afterwards established as a consolidated school district, where because of a failure to erect a school building or for other causes the consolidated school has not been taught.

**Consolidated schools—regular schools may be taught pending opening of.**

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi,* That where public schools heretofore established have been formed into a consolidated school district, and because of a failure to erect the consolidated school building, or for other reasons, the consolidated school is not taught, then the county superintendent of education is hereby authorized and empowered to have the school taught as heretofore and so continue until said consolidated school is opened and in operation.

**Pay of teachers in such cases.**

Sec. 2. That in like manner the superintendent of education and proper authorities of the county are hereby authorized and empowered to pay teachers who have heretofore or are teaching in such public schools.

Sec. 3. That this act take effect and be in force from and after its passage.

Approved March 13, 1918.

## PUBLIC SCHOOLS.

### CODE 1906.

Sec. 7320 Hemingway's Code.

4485. **Uniform system of.**—There shall be maintained a uniform system of free public schools for all children between the ages of five and twenty-one years.

### State Board of Education.

Sec. 7321 Hemingway's Code.

4486. **Board of education—Its meetings.**—The board of education created by the constitution shall hold its sessions at the seat of government. It may appoint the time of meeting, and a called meeting of the board may be held at any time upon the call of a member thereof.

Sec. 7322 Hemingway's Code.

4487. **Board of education—To decide appeals.**—The board of education shall decide all appeals from the decisions of county superintendents, or from the decisions of the state superintendent; but all matters relating to appeals shall be presented in writing, and the board's decision shall be final.

Code 1906, §§ 4487, 4503, do not exempt the school authorities, acting beyond the scope of their powers and in violation of law, from interference by the courts, and equity has jurisdiction to enjoin the trustees and the teacher of a school district from enforcing an invalid rule. *Hobbs v. Germany*, 94 Miss. 469, 49 So. 515

Sec. 7323 Hemingway's Code.

4488. **Board of education—To remove them in certain cases.**—For continued neglect of duty for drunkenness, incompetency or official misconduct, the board of education may remove a county superintendent; but before removal the officer shall have ten days notice of the charge, and be allowed opportunity to make defense. The members of the board are authorized to administer oaths, and to take or cause depositions to be taken, and have the powers of a court to compel witnesses to attend and testify in all matters of investigation by the board.

## CHAPTER 142.

### LAWS 1918.

Secton 1. Be it enacted by the Legislature of the State of Mississippi, That section 4489 of the code of 1906, be, and the same is hereby amended so as to read as follows:

**The same; to audit claims.**—The board of education shall audit all claims against the common school fund, and

allow so much as may be justly due, not to exceed the amount allowed by law. The board of education shall have authority, and it shall be their duty, to hear and pass upon all appeals by trustees of public schools from the decision of county superintendents of education, as to the amount of money that shall be allowed for the payment of teachers' salaries and other expenses allowed by law to any county public school, not a separate school district from the funds received by the county from the county common school fund from the state common school fund and from county levies for the public schools. All appeals shall be in writing, and the board's decision shall be final.

Sec. 2. That the county superintendent of education shall, not later than the second Monday of September of each year, notify in writing the trustees of the various schools of his county, as to the amount of school funds each and any school will be allowed from the county common school fund, from the money received from the state distribution of school funds, and from funds arising from county levies, provided, that the written request be made of the county superintendent of education for such information by any board of public school trustees outside of separate school districts at least ten days before the second Monday of September.

Sec. 3. That this act take effect and be in force from and after its passage.

### CODE 1906.

#### Sec. 7325 Hemingway's Code.

4490. **Board of education—To fix expenses of state superintendent's office.**—The board of education shall determine the necessary contingent expenses of the superintendent's office, including stationery, postage, printing, furniture, and other things necessary, and shall examine the accounts therefor and certify the same for payment.

#### Sec. 7326 Hemingway's Code.

4491. **Board of education—Administration—Course of study—Arbor day.**—The board of education shall regulate all matters arising in the practical administration of the school system which are not otherwise provided for; and it may adopt a course of study to be pursued in the schools and may designate a day to be observed as arbor day, which shall be devoted to the planting of trees and otherwise improving the school grounds.

**CHAPTER 123.****LAWS 1910.****Sec. 7327 Hemingway's Code.**

**Board of education to have placards showing effects of alcohol on human system and for prevention of tuberculosis hung on walls of school rooms.**—1. The state board of education shall procure placards, to be hung on the walls of public school-rooms, setting forth the effects of alcohol on the human system and means for the prevention and cure of tuberculosis.

**County School Board.****CODE 1906.****Sec. 7330 Hemingway's Code.**

**4510. School boards—How appointed.**—There shall be a county school board, consisting of one member from each supervisor's district, to be appointed for a term of four years, by the superintendent, within ninety days after his term of office begins, the appointments to be subject to ratification by the board of supervisors. A majority of the members shall be a quorum for the transaction of business. For neglect of duty, the superintendent may remove a member of the school board; and he shall fill all vacancies occurring from any cause.

Under Code 1906, § 4530, interpreted in connection with §§ 4510, 4533 and 4534, each county has a right to act for itself in the creation of a separate district of unincorporated territory, and a separate school district of unincorporated territory can not be created unless it is wholly within one county, except that territory in different counties adjoining a municipality which is a separate school district may be included in such district. *Jones County v. Grisson*, 97 Miss. 193, 52 So. 629.

**Sec. 7331 Hemingway's Code.**

**4511. School boards—How to qualify—Compensation.**—Members of the county school board shall qualify by subscribing to the oath of office before the superintendent, and shall receive as compensation for their services three dollars for each day's actual service, to be paid as teachers' salaries are paid; but they shall not be paid for more than five days in any one year.

**Sec. 7332 Hemingway's Code.**

**4512. School boards—Ex officio president—Boundaries of school districts.**—The county superintendent shall be president of the school board, and shall convene it annually, prior to the first day of August, to define the boundaries of the school districts of the county outside of the separate school districts, or to make alterations therein, and to designate the location of the school-house in each district, if not already located.

Code 1906, § 4512, relative to meetings of the county school board to define boundaries of school districts, did not prevent holding more than one such meeting in the same year. *Purvis v. Robinson*, 110 Miss. 64, 69 So. 673.

**Sec. 7333 Hemingway's Code.**

**4513. School boards—Certain institutions of learning considered.**—In districts containing not more than one chartered institution of learning the board shall locate the public school, if it be so desired by the authorities of the chartered institution, with the consent of the trustees of the chartered institution, at the site thereof; and the public school shall be conducted in accordance with the rules and regulations of the chartered institution of learning, and the local trustees of public schools, and the trustees of the chartered school shall, in joint session, elect teachers for the public school.

**CHAPTER 184.**

**LAWS 1916.**

**Sec. 7334 Hemingway's Code.**

**4514. School boards—Separate districts for the races—Descriptions of districts—Interstate line schools.**—Separate districts shall be made for the schools of the white and the colored races, and the districts for each race shall embrace the whole territory of the county outside the separate school districts. A regular school district shall not contain less than forty-five educable children of the race for which the district is established, except where too great distance or impassable obstructions would debar children from school privileges, in such cases the school board may, in its discretion, establish a regular district containing not less than fifteen educable children. In places where swamps, large streams, or other bodies of water or marsh, not crossed by foot bridges, render it impracticable to establish regular districts as above provided, the school board may establish special districts for such children as live in the forks or bends of streams or other bodies of water, or who are prevented from attending school by other impassable obstructions; provided that a special district shall not be established for less than ten educable children, but such special district may contain less than nine square miles of territory, and the whole number of such special districts in a county shall not exceed one-fifth of the number of regular districts. Adjacent parts of counties may by the county school board be embraced in a line school district, the superintendent previously consenting thereto, and reporting to the board of the territory to be so included. Trustees of such districts may reside in either county. The teacher may be licensed in either county, but the superintendent must pre-

viously agree upon the amount of salary to be paid and each must contract with the teacher for the proportionate part of the salary, and shall require teachers monthly to report to him to show the statistics of the whole school and also separately of his county. In defining boundaries of school districts the school board shall pay due regard to the larger water courses of the county, using part of them as boundary lines whenever practicable. In counties not laid off into townships the metes and bounds of the school districts shall be defined by streams by lines of farms or otherwise.

“In localities where the state line between Mississippi and adjoining states divides the school community the school board may establish an interstate line school in the same manner that county line schools are established, trustees of such schools may reside in either state, but the new trustee shall be so elected as to give each state the majority of trustees alternately. Teachers may be licensed in either state and the amount of salary to be paid by each superintendent shall be adjusted as in county line schools, due consideration being given to any difference in the relative amount of school fund available in the counties in which the interstate line school is located. The text-books used shall be as equally divided between the adopted books of the two states as possible, the teacher and trustees of the school making the apportionment and reporting the same to the superintendent for approval.”

Sec. 7335 Hemingway's Code.

**4515. School boards—Districts so made that all children can attend.**—The districts shall be so arranged as to place all children within reasonable distance of a school-house; and one public school shall be maintained in each district; but when less than five children attend school in a district, the school shall be discontinued by the superintendent at the end of any scholastic month.

Sec. 7336 Hemingway's Code.

**4516. Attendance out of proper distance.**—Children residing in one district may attend school in another, with the consent, in writing, of the trustees of both districts and of the county superintendent; but pupils shall not be allowed to attend more than one term during a scholastic year.

### Public School Trustees.

Sec. 7338 Hemingway's Code.

**4518. Trustees—Qualifications—How elected.**—There shall be three trustees for each of said school districts, each to be chosen for a term of three years, but so chosen that one will



be selected every year. They shall be persons of good character, patrons of the school, and able to read and write. The trustees shall be elected by the patrons of the school, except in separate school districts.

## CHAPTER 187.

### LAWS 1914.

#### Sec. 7339 Hemingway's Code.

4519. **Trustees—When and how elected and certified.**—On the first Saturday in May of each year, the patrons of each district not constituting a separate school district shall meet at the school-house at two o'clock p. m., organize and elect a chairman and secretary, and elect by ballot, one trustee for three years. At every such meeting the holding over trustees shall have prepared and present a list of names and patrons entitled to vote for trustees. The chairman and secretary shall forthwith certify the result of the election to the county superintendent, and cause the certificate thereof to be delivered to him on or before the following Saturday. If, from any cause, a vacancy occurs in the office of trustee, outside of a separate school district, the county superintendent shall fill the same by appointment, unless the patrons thereof shall fill the same by an election within ten days after such vacancy occurs.

### Code 1892.

Though the majority of the trustees of a school are among those permitted by the board of trustees to erect a boarding-house on the school property, with an agreement that it shall remain their property, the agreement as to its remaining the builders' property is not void as an abuse of trust, the boarding-house being essential to the successful conduct of the school and being built for that reason and not to enable them to make a profit out of their trust. *Decell v. McRee*, 83 Miss. 423, 35 So. 940.

### CODE 1906.

#### Sec. 7340 Hemingway's Code.

4520. **Trustees—Vacancy—How filled.**—If from a failure to qualify, or from other cause, there be a vacancy in the office of trustee, outside of a separate school district, the county superintendent shall fill the same by appointment, in writing; and the trustee so appointed shall hold office until the end of the vacant term, and until his successor be elected.

#### Chap. 187, Laws 1914.

#### Sec. 7341 Hemingway's Code.

4521. **Trustees—Quorum—Executive officer—Removals.**—Two of the trustees constitute a quorum to transact business. Upon organization, the trustees shall select a secretary, whose duty it shall be to preside at all meetings, to make reports,

and to perform all other duties required by law. If a trustee refuse to discharge the duties of the office or refuse to patronize the school, the office shall become vacant, and the county superintendent shall appoint another person to be trustee.

### Code 1892.

While this section providing that existing trustees of certain separate school districts should remain in office according to the terms of their appointment did not supersede Laws 1888, ch. 148, appointing and conferring extraordinary powers upon the trustees of the Hazlehurst public school, yet such act was and is violative of Const. 1869, art. 8, § 1 (Const. 1890, § 201), requiring a uniform system of public schools. *Ellis v. Greaves*, 82 Miss. 36, 34 So. 81.

A deed conveying land to the trustees of a township for school purposes and for no other use is not forfeited by a nonuser for two and one-half years, even if the deed be assumed to be upon a condition subsequent. *Buck v. Macon*, 85 Miss. 580, 37 So. 460.

Chap. 187, Laws 1914.

Sec. 7342 Hemingway's Code.

**4522. Trustees to select teacher.**—2. The trustees shall meet annually on or before the fifteenth day of July to select a teacher, if the school be opened during the winter term, and they shall at once notify the county superintendent of their selection if the trustees fail so to report, or if the teacher fail to obtain a license, the superintendent shall appoint a licensed teacher and have the school taught during the winter term.

### Code 1892.

The election of a school trustee, though subsequent to the date fixed by law, imparts color and right to the office and a contract with a teacher made through his participation in the proceedings of the board, of which he was a de facto member, is valid, and the county superintendent of education can be compelled by mandamus to give the same official recognition. *Whitman v. Owen*, 76 Miss. 783, 25 So. 669.

In mandamus by a teacher to enforce her rights under such a contract it is competent to show that the trustee had been recognized as such by the county superintendent and others. *Whitman v. Owen*, 76 Miss. 783, 25 So. 669.

### Code 1906.

A false report of a public school, purporting to be signed by one who had neither been elected by the trustees nor appointed nor contracted with by the superintendent as a teacher of the school, did not authorize the superintendent to issue a pay warrant thereon, and hence, though false in fact, and though the superintendent issued a certificate for the payment of salary thereon, could not be the subject of forgery. *Moore v. State*, 107 Miss. 181, 65 So. 126.

Sec. 7343 Hemingway's Code.

**4523. Trustees—To examine enumeration.**—The trustees shall scrutinize carefully the enumeration of educable children who attend the school made by the teacher, see that the children of the district and none others are included in the list,

and certify the same over their official signatures placed in the teacher's register at the end of the list; and the enumeration thus reported and certified shall guide the superintendent in determining the salary of the teacher for the ensuing year.

**Sec. 7344 Hemingway's Code.**

4524. **Trustees—Other duties.**—The trustees may suspend or expel a pupil for misconduct, and shall look after the interests of their schools, visit the same at least once during each month by one or more of their number, see that fuel is provided, protect the school property and care for the same during vacation, and arbitrate difficulties or disputes between teachers and pupils; but either party feeling aggrieved by their decision, may appeal to the county superintendent, and from him to the state board of education. And the trustees may make provision for the comfort and welfare of the pupils; but the same shall not involve an expenditure of money not already appropriated for the purpose by the proper authorities.

**CHAPTER 185.**

**LAWS 1916.**

**Sec. 7345 Hemingway's Code.**

4525. **Trustees of separate school districts.**—1. The powers and duties of separate school districts are as follows:

“(a) To prescribe and enforce rules, not inconsistent with law or those prescribed by the state board of education, for their own government and government of schools, and to transact their business at regular or special meetings called for such purpose, notice of which shall be given each member.

“(b) To manage and control the school property within their district, and to employ janitors.

“(c) To enforce in schools the course of study and the use of text-books prescribed and adopted by the proper authority.

“(d) To appoint librarians therefor, and enforce the rules prescribed for the government of school libraries.

“(e) To exclude from school and school libraries all books, or papers, of a sectarian, partisan, denominational or immoral character.

“(f) To suspend and expel pupils for misconduct.

“(g) To visit every school in their district at least once in each month, and examine carefully into its management, condition and wants.

“(h) To maintain all the schools under their control for an equal length of time during the year.

“(i) To furnish blackboards and other necessary furniture for the use of the schools.

“(j) To elect a superintendent, if one be required, and a principal for each of the schools, and prescribe their powers and duties.

“(k) To elect teachers, fix salaries, terms of service, contract with them and impose fines and penalties for neglect of duty, but they can not contract with a principal or teacher who does not hold a license from the county superintendent.

“(l) To require the principal of each school to keep the records thereof in such manner as to show, by age, race and sex, the educable children who attend the school, the enrolment and the average attendance, and at the end of the term to make complete term report to the trustees, showing the above statistics and such others as may be required of the county superintendent for his annual report to the state board of education. The secretary of the trustees shall, within ten days after the close of the term, transmit their report to the county superintendent; and it shall be unlawful for the superintendent to issue pay certificates for the last month's attendance of county pupils until said report is filed with him.

“(m) To determine annually the amount of money required for the support of the public schools and for carrying into effect all the provisions of the law in reference thereto; and in the pursuance of this provision the trustees shall, on or before the fifteenth of July of each year submit in writing to the mayor and board of aldermen a careful estimate of the whole amount of money to be received from the state and county and the amount required from the municipality for the above purpose.

“(n) That the board of trustees shall also have authority, and it shall be their duty to suspend or dismiss pupils, when the best interest of the schools make it necessary.”

### Code 1892.

The election of a school trustee, though subsequent to the date fixed by law, imparts color and right to the office and a contract with a teacher made through his participation in the proceedings of the board, of which he was a *de facto* member, is valid, and the county superintendent of education can be compelled by mandamus to give the same official recognition. *Whitman v. Owen*, 76 Miss. 783, 25 So. 669.

In mandamus by a teacher to enforce her rights under such a contract, it is competent to show that the trustee had been recognized as such by the county superintendent and others. *Whitman v. Owen*, 76 Miss. 783, 25 So. 669.

**Code 1906.**

Code 1906, §§ 4525, 4623, do not authorize the adoption of a rule requiring all pupils of the school to remain in their homes and study between designated hours in the evening: *Hobbs v. Germany*, 94 Miss. 469, 49 So. 515.

**CHAPTER 186.****LAWS 1916.**

Sec. 7346 Hemingway's Code.

**Transportation of public school children into a separate district.**—8. On petition of a majority of the qualified electors of a county public school district and on approval of the trustees of a municipal separate school district or the trustees of a rural separate school district, the board of trustees of the said county public school, together with the county superintendent, may provide transportation for the children of said county public school to said separate district under rules and regulations of the state board of education; provided, that the cost to the county of tuition and transportation shall not be materially more than the average cost of county pupils. Tuition and transportation expenses shall be paid by the county superintendent from the public school fund.

Chap. 186, Laws 1916.

Sec. 7347 Hemingway's Code.

**4526. Trustees of separate school districts—How chosen.**—The schools of a separate district shall be under control of five trustees, elected in a municipal separate district by the board of mayor and aldermen, on the second Monday in April or at the first regular meeting prior thereto; for rural separate districts the county superintendent shall appoint the trustees. When a majority of the qualified electors of a rural district shall petition by the first day of April for the appointment of certain patrons as trustees, the county superintendent shall appoint those recommended. For line separate school districts, the trustees shall be appointed by the county superintendent of the county in which the school building is situated. Trustees shall be patrons of the school. The conditions of eligibility imposed and powers granted trustees, under the general law, shall apply to the trustees of separate school districts, and they shall be subject to the same penalties, and to removal from office by the board for neglect of duty, but no member of the board of aldermen, trustee of a private or sectarian school or college in the same separate school district shall be eligible to the office of trustee. They shall be chosen for a term of three years; two being chosen each year for two successive years, and one the third year as vacancies occur.

**Code 1906.**

Code 1906, §§ 4526, 4527, were not retroactive so as to cause the removal of trustees who were competent to serve at the time of their appointment prior to the adoption of the code. *Tucker v. State*, 89 Miss. 363, 42 So. 798.

Chap. 186, Laws 1916.

Sec. 7348 Hemingway's Code.

**Power of trustee.**—10. Trustees of all separate districts are custodians of the school property and shall have charge of the erection, repairing or equipping of buildings, and they are hereby authorized to write orders to the clerk of the municipality or to the county superintendent, to issue warrants or pay certificates on any available school funds of such school districts.

They may add the high school department and may or may not charge tuition in said department at their discretion. In co-operation with the principal of the school they may prescribe the course of study for the high school department.

**Code 1906.**

Code 1906, §§ 4526, 4527, were not retroactive so as to cause the removal of trustees who were competent to serve at the time of their appointment prior to the adoption of the code. *Tucker v. State*, 89 Miss. 363, 42 So. 798.

Sec. 7349 Hemingway's Code.

4528. **As to all school trustees.**—The trustees have the power to exclude from the schools children of filthy or vicious habits, or children suffering from contagious or infectious diseases.

Sec. 7350 Hemingway's Code.

4529. **As to all school trustees—Nepotism forbidden.**—It shall be unlawful for a trustee of any school to vote for any person as a teacher who is related to him by blood or marriage within the third degree, or who is pecuniarily dependent upon him.

**CHAPTER 195.****LAWS 1916.**

Sec. 7352 Hemingway's Code.

**Taxation.**

**Rural school districts—Tax levy in.**—1. That on petition of the majority of the qualified electors of any rural school district, the board of supervisors shall in the same manner as provided for separate school districts, annually levy a tax on the property of said district for the purpose of supplementing the salaries of the teachers of the district, or for extending the school term thereof; or for both purposes.

This section purports to amend Laws 1914, ch. 189, § 2. It amends § 1 instead. Laws 1914, § 1, follows.

**CHAPTER 189.****LAWS 1914.**

Sec. 7353 Hemingway's Code.

**Tax levy in districts not less than twelve square miles in territory.**—1. On petition of the majority of the qualified electors of any school district containing not less than twelve square miles, the board of supervisors shall in the same manner as provided for separate school districts, annually levy a tax on the property of said district for the purpose of supplementing the salaries of the teachers of the district, or for extending the school term thereof; or for both purposes.

Chap. 189, Laws 1914.

Sec. 7354 Hemingway's Code.

**Collection and disbursement of such taxes.**—2. The tax collector shall collect the taxes of such districts as other taxes are collected, and deposit same with the county treasury to the credit of the several districts, respectively, for which said taxes are levied. Such funds shall be disbursed on pay certificates issued by the county superintendent, on the order of the trustees of the district.

**CHAPTER 127.****LAWS 1908.**

Sec. 7355 Hemingway's Code.

**Municipality not in a separate school district may levy special tax.**—1. Any municipality not composing a separate school district, on petition of a majority of the taxpayers in such municipality, may levy an annual tax, not exceeding three mills on the dollar, for the purpose of aiding, as the mayor and board of aldermen may see fit, in the education of the children of educable age living within such municipal limits.

**CHAPTER 172.****LAWS 1918.**

Section 1. Be it enacted by the Legislature of the State of Mississippi, That House Bill No. 92, chapter 197, of the acts of the legislature of 1914, be amended so as to read as follows:

That the board of supervisors of any county is authorized to issue bonds of the county, a supervisors' district or a school district containing not less than sixteen (16) square miles, or of any school district with an assessed valuation of not less than one hundred thousand dollars (\$100,000.00) excluding in

each case, the territory embraced within separate school district, for the purpose of erecting, repairing and equipping school buildings for the county, a supervisors district, or a school district as the case may be.

Sec. 2. Whenever a majority of the resident tax payers of a county, of a supervisors' district or of a school district containing not less than sixteen (16) square miles, or of any school district with an assessed valuation of not less than one hundred thousand dollars (\$100,000.00), shall petition the board of supervisors to issue bonds for the purpose hereinbefore stated, the board of supervisors of such county shall issue bonds of the county of a supervisors' district or of a school district, according to the direction of the petitioners, not to exceed five per centum (5%) of the assessed value of the county, if it be for the county; or of the district if it be for a supervisors' district; or of a school district, if it be for a school district, said bonds to be issued in the manner provided in the chapter on municipalities.

When a county, a supervisor's district or a school district shall become obligated through the sale of bonds as indicated herein, it shall be the duty of the board of supervisors to levy a tax annually on the taxable property of the county, or supervisors' district, or school district, as the case may be, sufficient to pay the interest on said bonds and to create a sinking fund for their redemption.

Sec. 3. On petition of a majority of the qualified electors of any public school district in a county, the board of supervisors shall levy a tax on the property of that district for the purpose of supplementing salaries of teachers, extending school term, buying furniture for the school, repairing school building, or for fuel and other incidental expenses of the school in said district.

Sec. 4. The tax collector shall collect the taxes levied under the provisions of this act as other taxes are collected and deposit the same with the county treasurer to the credit of the county or district for which it was levied. Such funds shall be disbursed on pay certificates issued by the county superintendent on the order of the county school board for the county or supervisors' district, and the order of the school trustees for the school district.

Sec. 5. That this act take effect and be in force from and after its passage.



**CHAPTER 257.****LAWS 1918.**

AN ACT providing for the levying of a per capita fuel tax in any public school district on the patrons of the school.

Section 1. Be it enacted by the Legislature of the State of Mississippi, That upon the presentation of a petition signed by a majority of the patrons of any public school district to the board of supervisors on or before the first Monday in September of any year, asking that a per capita tax for fuel for the use of the school be assessed upon the patrons of the school, the board of supervisors shall authorize and empower the board of trustees of said school district to assess upon the patrons of the school of the district and collect from them a fuel tax sufficient to meet the needs of the school for the ensuing session, the same to be prorated according to the number of educable children in the district; provided that any patron shall be allowed to pay this fuel tax in wood or other suitable fuel if same is delivered at the school building by the end of the first scholastic month of the said school term. Provided, further that the trustees shall have power in their discretion to exempt from the provisions of said tax patrons who are dependent widows, and other patrons whose financial or physical condition may render them incapable of paying said tax. In collecting the tax as authorized by the above provision the trustees shall have the same powers as are now given the sheriff in the collection of the commutation road tax.

Sec. 2. That this act take effect and be in force from and after its passage.

**CHAPTER 197.****LAWS 1914.**

Sec. 7358 Hemingway's Code.

**Tax Levy For Fuel For School Purposes**—On a petition of a majority of the qualified electors for the public school district in a county, the Board of Supervisors shall levy a tax on the property of that district to provide fuel and other incidental expenses of the school in said district.

**CHAPTER 186.**

## LAWS 1916.

**Sec. 7351 Hemingway's Code.**

4530. **Separate school districts.**—1. Any municipality, by an ordinance of the mayor and board of aldemmen thereof, or any unincorporated district with an assessed taxable valuation of not less than two hundred thousand dollars (\$200,000.00), or any unincorporated district of not less than sixteen square miles, by the county school board or county school boards, on a petition of a majority of the qualified electors therein, may be declared a separate school district, but shall not be entitled to the rights and privileges of a separate school district unless a free public school shall be maintained therein for a term of at least seven months in each scholastic year; provided, that there is an average attendance of twenty-five pupils.

**Code 1906.**

Under Code 1906, § 4530, interpreted in connection with §§ 4510, 4533 and 4534, each county has a right to act for itself in the creation of a separate district of unincorporated territory, and a separate school district of unincorporated territory can not be created unless it is wholly within one county, except that territory in different counties adjoining a municipality which is a separate school district may be included in such district. *Jones County v. Grisson*, 97 Miss. 193, 52 So. 629.

It is not necessary, in order that a separate school district be created by a municipality, that it be shown that the district can maintain a school for a term of seven months, or that it be petitioned by a majority of the qualified electors. *Mebane v. Hickory Flat*, 99 Miss. 592, 55 So. 359.

In Const. 1890, § 90, par. "p," the word "incorporating" was not used in a technical sense as signifying a corporation, but was applicable to common and private schools alike, and since Code 1906, § 4530, provides the method whereby separate school districts may be established, Laws 1912, ch. 288, authorizing the school board of Harrison County to establish a separate school district in that county, was unconstitutional as a special law, and invalid. *Hewes v. Langford*, 105 Miss. 375, 62 So. 358.

Declaration by a mayor and board of aldermen of a municipality that its territory should constitute a separate school district was inoperative where the territory had been formerly incorporated with a district formed by another municipality. *Carrollton v. North Carrollton*, 109 Miss. 344, 69 So. 483.

**CHAPTER 180.**

## LAWS 1918.

Section 1. Be it enacted by the Legislature of the State of Mississippi, That section seven (7), chapter 186, laws of 1916, be amended to read as follows:

County children may attend the schools of a separate school district and the county shall pay to the separate school district they attend an amount per child equal to the cost per child to the county in the county public schools for the preceding session, each race being calculated separately, but a child in the county shall not attend school in a separate school district without the consent in writing of the trustees thereof, the trustees of the school in his district, and the county superintendent of education.

Sec. 2. That this act take effect and be in force from and after its passage.

## CHAPTER 186.

### LAWS 1916.

#### Sec. 7361 Hemingway's Code.

**4533. Territory to be added to separate school district.—2.** Any part of a county or counties adjoining a municipality which is a separate school district may be added to such district by the county school board upon petition of a majority of the qualified electors of the territory proposed to be added, provided such petition shall have been approved by the trustees of the separate district.

### Code 1892.

Code 1892, § 3018 (Code 1906, § 3421), has no reference to railroads, and a municipality, being a separate school district, can not assess taxes for school purposes on a railroad track and right of way outside its corporate limits, though such property is embraced in an extension of territory made under this section. *New Albany v. Kansas City & C. R. Co.*, 76 Miss. 111, 23 So. 546.

### Code 1906.

Under Code 1906, § 4530, interpreted in connection with §§ 4510, 4533 and 4534, each county has a right to act for itself in the creation of a separate district of unincorporated territory, and a separate school district of unincorporated territory can not be created unless it is wholly within one county, except that territory in different counties adjoining a municipality which is a separate school district may be included in such district. *Jones County v. Grisson*, 97 Miss. 193, 52 So. 629.

Under Code 1906, § 4533, an ordinance of the mayor and board of aldermen of a town adding additional territory to a separate school district was not invalid because not published or recorded in the ordinance book, there being no such requirement in the statute. *Wallace v. State*, 104 Miss. 83, 61 So. 162.

Under Laws 1912, ch. 129, the ordinance attempting to release territory from the district was void where it did not recite that it was passed pursuant to a petition of the resident freeholders of the territory, since the board was exercising a limited and special jurisdiction,

and the existence of all facts necessary to confer such jurisdiction must affirmatively appear from the ordinance. *Wallace v. State*, 104 Miss. 83, 61 So. 162.

Laws 1912, ch. 129, providing that the board of aldermen "may" release territory added to a separate school district, is mandatory. *Carrollton v. North Carrollton*, 109 Miss. 494, 69 So. 179.

## CHAPTER 254.

### LAWS 1918.

Section 1. Be it enacted by the Legislature of the State of Mississippi, That where public schools heretofore established have been formed into a consolidated school district, and because of a failure to erect the consolidated school building, or for other reasons, the consolidated school is not taught, then the county superintendent of education is hereby authorized and empowered to have the school taught as heretofore and so continue until said consolidated school is opened and in operation.

Sec. 2. That in like manner the superintendent of education and proper authorities of the county are hereby authorized and empowered to pay teachers who have heretofore or are teaching in such public schools.

Sec. 3. That this act take effect and be in force from and after its passage.

## CHAPTER 181.

### LAWS 1918.

Section 1. Be it enacted by the Legislature of the State of Mississippi, That section 3 of chapter 186 of the laws of 1916 be amended so as to read as follows:

**Added territory released from municipal separate school districts.**

Sec. 3. That the mayor and board of aldermen of any municipality in this state constituting a separate school district shall release from such districts any part of the added territory lying outside of the corporate limits on a petition of the majority of the qualified electors of the territory proposed to be released, provided, that said municipal separate school district has no outstanding bonded indebtedness. An order shall be entered on the minute of the board of aldermen describing that part of the added territory that is released.

Sec. 2. That this act take effect and be in force from and after its passage.

**CHAPTER 179.****LAWS 1918.**

Section 1. Be it enacted by the Legislature of the State of Mississippi, That section 4 of House Bill No. 161, chapter 186 of Laws 1916, be and the same is hereby amended to read as follows :

**Sec. 4. Municipal separate districts; tax levy, bond issued.**—The mayor and board of aldermen of a municipality constituting a separate school district, whether such district is composed alone of the corporate limits or the corporate limits and added territory, shall annually levy a tax on the entire separate district sufficient to pay for fuel and other necessities for the public schools of the district, also for maintaining the school after the four months term provided by the state, or to supplement during said four months. The mayor and board of aldermen of such municipality may also levy a tax on the entire school district, including added territory, to erect, repair and equip school buildings including teachers' homes, and may issue bonds on the separate district for that purpose in the manner provided in the chapter on municipalities. The taxable property of such added territory to such municipality shall be assessed and the tax collected for all school purposes, including bond issues for schools (whether issued in the name of the municipality or of such school district), in the same manner as on the property within the corporate limits; on the question of levy for school and of issuance of school bonds provided for in this section the qualified electors and the tax payers have the same rights and benefits as those within the corporate limits of such municipality. For the purpose of an election on a question pertaining to schools, such municipality shall cause the qualified electors in such added territory to be registered in like manner as those within the corporate limits, and governed by the same laws as far as applicable.

**Sec. 2.** That this act take effect and be in force from and after its passage.

**CHAPTER 256.****LAWS 1918.**

Section 1. Be it enacted by the Legislature of the State of Mississippi, That all municipal and unincorporated separate school districts, and all consolidated school districts, which have exercised the privileges and franchises of a school district for a period of two years shall in all cases conclusively presumed to have been legally established and organized.

**Sec. 2.** That this act take effect and be in force from and after its passage.

**CHAPTER 255.****LAWS 1918.**

Section 1. Be it enacted by the Legislature of the State of Mississippi, That children of educable age residing in separate school districts may attend any county public school within reach of their homes, and be enrolled as pupils in said county public school and paid for out of the public school fund of said separate school district in such manner and under such regulations as may be prescribed by the board of trustees of said separate school district; provided, that no children shall be so enrolled and paid for except with the consent in writing of the trustees of both the separate school district and the county public school, and also of the county school supervisor, or county superintendent.

Sec. 2. That this act take effect and be in force from and after its passage.

**CHAPTER 260.****LAWS 1918.**

Section 1. Be it enacted by the Legislature of the State of Mississippi, That in a county or counties where there are Indian children, or children of any race not otherwise provided for by law with educational advantages sufficient to form a school, the county school board or boards may locate one or more schools exclusively for Indians, or children of such other race, and pay salaries of teachers for same under rules and regulations prescribed by the state board of education. Special licenses may be provided by the state board of examiners for teachers of Indian schools and other schools mentioned in this section.

Sec. 2. That trustees of municipal separate school districts are authorized and empowered to provide schools for Indian children living within the district in the same manner and under the same regulations as schools are provided for the children of other races.

Sec. 3. That this act take effect and be in force from and after its passage.

**CHAPTER 259.****LAWS 1918.**

**AN ACT** authorizing the transportation of children within a separate school district.

Section 1. Be it enacted by the Legislature of the State of Mississippi, The trustees of all separate school districts are

authorized and empowered to provide transportation when necessary for the children in their respective districts who live two miles or more from the school house, and pay for same out of the school funds of the district, as teachers' salaries are paid.

Sec. 2. That this act take effect and be in force from and after its passage.

## CHAPTER 186.

### LAWS 1916.

Sec. 7364 Hemingway's Code.

**Rural separate district—Tax levy—Bond issues.—5.** For separate school districts having no municipal organization, the board of supervisors on petition of a majority of the qualified electors shall levy a tax sufficient to pay for fuel and other necessities for its public schools, and shall make such levy of taxes as may be necessary to maintain the schools after the expiration of the four months' term provided for by the State, or to supplement during the four months' term. The supervisors may also levy taxes to erect, repair and equip school buildings and houses, and may issue bonds for that purpose in the manner provided in the chapter on municipalities. In separate school districts lying in two or more counties the board of supervisors of each county shall levy the required tax in their respective counties on such petition, and it shall not be necessary that a majority of the qualified electors of such district in each county shall sign the petition, but a majority of all the qualified electors of district, regardless of county lines, shall be sufficient to require the several boards of supervisors to levy the tax, and when the amount of the required tax shall be once fixed, it shall remain the same for each successive year so long as the district is maintained, unless changed by a petition of a majority of the qualified electors of the district. The tax assessor or assessors shall make a separate assessment of such districts, and the county tax collector or collectors, shall collect the same each year and deposit it with the county treasurer, or treasurers, to the credit of the district for which it was levied. Provided, however, where separate school districts be created after the assessor's roll shall have been completed for the year, that the tax collector for such year shall collect the tax on said district basing the same on previous assessment. Such funds shall be disbursed on pay certificates issued by the county superintendent or superintendents when he or they shall have received an order from the trustees of the district, pay certificates to be prorated according to the amount in each treasury to the credit of such district.

**Code 1906.**

Under Code 1906, § 4530, interpreted in connection with §§ 4510, 4533 and 4534, each county has a right to act for itself in the creation of a separate district of unincorporated territory, and a separate school district of unincorporated territory can not be created unless it is wholly within one county, except that territory in different counties adjoining a municipality which is a separate school district may be included in such district. *Jones County v. Grisson*, 97 Miss. 193, 52 So. 629.

A railroad could not enjoin the collection of a tax for the support of school districts created after February 1st under Laws 1910, ch. 217. *Illinois &c. R. Co. v. Middleton*, 109 Miss. 199, 68 So. 146.

Chap. 186, Laws 1916.

Sec. 7365 Hemingway's Code.

**To provide for the consolidation of municipal separate school districts.**—6. That where two or more municipalities lying adjacent to or near each other desire to do so, they may join in forming and maintaining a joint separate school district, that where the people of such municipalities desire to come under the provisions of this bill, separate petitions may be circulated in each municipality, praying the mayor and board of aldermen or the municipal commissioners where the municipality is operating the commission form of government, praying for the uniting of the said municipalities in one separate school district; and if the said petition be signed by a majority of the qualified electors of such municipality, in each of the municipalities respectively the mayor and board of aldermen shall pass an ordinance adopting this chapter. When said chapter is adopted as aforesaid the boards of each municipality shall meet in joint session at a place to be agreed upon or in case they can not agree then at the place of meeting of the board of mayor and aldermen of the larger municipality and shall make a joint levy of taxes for the support of the joint separate school, which tax shall be collected in each municipality by its local tax collector and paid into its local treasury subject to the order of trustees herein provided for in support of the joint separate school. The said separate school shall be governed and controlled by a board of five trustees to be elected on the second Monday in April or at the first regular meeting prior thereto, the said trustees to be apportioned between the said municipalities according to the number of educable children in said entire separate school district, the board of mayor and aldermen or commissioners of each municipality to elect the number of trustees to which it is entitled. The said board of trustees shall have the powers and be charged with the duties of other municipal separate school district trustees.



**CHAPTER 183.**

## LAWS 1914.

Sec. 7366 Hemingway's Code.

**Teachers' salaries—Supervisors may borrow money to pay in certain cases.**—1. The boards of supervisors in the various counties be and the same are hereby authorized to borrow money to pay teachers' salaries during the fall months of the session when there is no school funds in the treasury for this purpose.

Chap. 183, Laws 1914.

Sec. 7367 Hemingway's Code.

**Interest and principal of sum borrowed—How to be paid.**—2. That whatever interest is necessary shall be taken care of by an appropriation out of the general county fund, or out of the funds of separate school districts, when money is borrowed for their account. The principal of the amount borrowed as indicated in the first section of this act, shall be refunded out of the common school fund of the county or out of the funds of the separate school districts after it has been distributed by the state, or collected by legal levies in the county or separate school districts.

**CHAPTER 195.**

## LAWS 1914.

Sec. 7368 Hemingway's Code.

**School districts lying in two or more counties may issue bonds—For buildings.**—1. On petition of a majority of the qualified electors of a rural separate, consolidated, or other school districts, organized under the laws of the State of Mississippi, and having territory lying in two or more counties, the boards of supervisors of the several counties may issue bonds for the erection, repair, and equipment of school buildings in the following manner:

Chap. 195, Laws 1914.

Sec. 7369 Hemingway's Code.

**Proportionate share of each county ascertained and certified to supervisors.**—After the county superintendents of the several counties, together with the trustees of each separate consolidated or public school districts, have certified to the boards of supervisors the proportionate amount of the bond issue to be borne by each county based on the proportionate amount of property in each county lying within the said school districts, each board of supervisors shall proceed to issue bonds on that part of the territory lying in its county respectively to cover its part of said bond issue for the entire district and in the same manner as provided in the chapter

on municipalities. The petition for the bond issue as indicated hereinbefore shall require a majority of the qualified electors of the entire school district regardless of county lines presented to the board of supervisors in each of the several counties.

### CODE 1906.

Sec. 7370 Hemingway's Code.

**4535. Territory added—Graded schools.**—A separate school district may make either or both of its schools graded schools; and graded schools may be of two kinds—a graded grammar school and a graded high school. In every graded school there shall be a graded grammar school, in which the common school curriculum shall be included; and the graded high school shall be composed of pupils who have passed through the grammar grades, or who shall pass an examination therein; and the course shall be completed in four years. The trustees may fix reasonable tuition fees for the graded high school department, or it may be free; and they may prescribe what other studies shall be taught in the graded high school.

### CHAPTER 125.

#### LAWS 1910.

Sec. 7371 Hemingway's Code.

**Separate school district may introduce music, drawing, in grammar school grades.**—1. That separate school districts be allowed to introduce public school music, drawing, and manual training into the grammar school grades, when a majority of the school trustees so vote.

### CODE 1906.

Sec. 7372 Hemingway's Code.

**4556. Salaries of teachers and assistants.**—The salaries for schools requiring one teacher shall be fixed by the county superintendent between the following units: For a third grade teacher, between fifteen dollars and twenty dollars; for a second grade teacher, between eighteen dollars and thirty dollars; for a first grade teacher, between twenty-five dollars and seventy-five dollars; provided, that in counties having a surplus in the school fund the county superintendent of education may pay teachers in schools employing two or more teachers as much as one hundred dollars to the principal and sixty-five dollars to the assistant teachers; such salaries to continue only so long as said counties may have an unexpended surplus in the school fund. In fixing the salary the superintendent

must take into consideration the executive and teaching capacity of the teacher, and the size of the school, to be determined both by the educable population of the district and the average attendance of the two preceding years. The salary of the assistant shall not exceed by more than five dollars the minimum fixed for the grade of license he holds, if the teacher be of the second or third grade, nor more than twenty dollars if the teacher be of the first grade, but the salary of any assistant may be lower than the minimum. In schools requiring more than one teacher the salary of the principal shall be regulated so that the cost per pupil shall not materially vary from the average cost of pupils in schools with single teachers. This section shall not be construed to prohibit the employment of competent teachers of the several grades for a less compensation than that mentioned. The salaries of principals and assistant teachers in separate school districts shall be fixed by the trustees.

## CHAPTER 244.

### LAWS 1918.

#### **How a Separate School District Abolished.**

Section 1. Be it enacted by the Legislature of the State of Mississippi, That any separate school district, on which no bonded indebtedness exists, may be discontinued or abolished by the county school board if the school be a rural separate school district, or by the mayor and board of aldermen, if the school be a municipal separate school district, upon presentation of a petition seeking such action, signed by a two thirds majority of the patrons of said separate school district.

Sec. 2. That this act take effect and be in force from and after its passage.

### CODE 1906.

#### Sec. 7375 Hemingway's Code.

4559. **Grade of license of a principal of a school.**—A teacher with a third-grade license shall not be principal of a school which requires an assistant; and in schools requiring more than two assistants, the principal must have a first-grade license.

#### Sec. 7376 Hemingway's Code.

4560. **Contracts with teachers.**—It shall be the duty of the superintendent to make a contract, in the form prescribed by the board of education, with every duly licensed teacher who has been selected by the trustees according to law or appointment by himself. The contract shall be signed in duplicate by the superintendent and by the teacher, each retaining one

part; and it shall show the name of the school, the position of the teacher, whether principal or assistant, and the monthly salary. In addition to the fixed salary, there shall be stated in the contract two successively smaller amounts, which shall be the salary in case the attendance decreases to a number for which the conditional amounts would be the fixed salary. Contracts shall be valid for the number of months the school is to be taught during the scholastic year, and it shall be unlawful to issue a certificate for services rendered before the contract is made and signed; provided, that in years when the state appropriation is made after the beginning of the fall school term, that it shall be lawful for a county superintendent of education to cause the schools to be taught without contracts until he shall have officially ascertained the amount of the common school fund that will be distributed to his county for that scholastic year; and provided, further, that where contracts have been made before the amount of school fund to be distributed to his county is known, the same may be changed when he ascertains the amount his county will receive, teachers agreeing thereto; but the county superintendent shall have the right, after the expiration of the four months required by the constitution, to make new contracts with teachers in counties making a special levy to carry on the schools for a longer term than four months, and all such contracts shall be made as the law provides, so that the amount to be paid in salaries for maintaining all of the schools one month shall not exceed that fractional part of the whole school fund, as provided by such special levy, which one month is of the whole number of months the schools are to be taught.

**Sec. 7377 Hemingway's Code.**

4561. **Pupils attending high schools.**—Educable children may attend a high school or college in their county and they shall be enrolled, reported and paid for as resident pupils of the district, if the school has been established as a free public school of the county. Such school shall receive all educable children of the race for which it was established, but tuition may be charged for all pupils who pursue studies beyond the public-school curriculum, to be paid by the pupil based on number of such studies pursued, to be regulated by the authorities of the institution.

**Sec. 7379 Hemingway's Code.**

4563. **School registers—Pay certificates.**—The principal teacher in a public school shall keep a daily record of facts pertaining to the school, in such form as the school register requires, and he shall be responsible for the safe keeping and delivery of the register to the county superintendent at the close of the school term, or of the period of service of the

teacher; and the county superintendent shall not issue to a teacher a pay certificate for the last month taught until the teacher shall have delivered to him the register in good order and properly filled out. In the register the teacher shall set down the name, age, and sex of each pupil in attendance, and the names of absentees for each day. At the end of every scholastic month the teacher shall make out from the register a report to the county superintendent of the name, age, and sex of each pupil in attendance during the month, and the number of days such pupil has attended. The report shall be approved by at least two of the trustees, and certified to by them; and upon the filing of such report with him the county superintendent shall issue to the teacher and the assistants, if any, a pay certificate, and the report shall be carefully preserved in his office. If the trustees, without good cause, refuse to sign the report, the teacher may appeal to the county superintendent, who shall issue the pay certificate without the approval of the trustees, in case he decides in favor of the teacher.

#### Code 1906.

In a prosecution for forging the school trustees' certificate required by Code 1906, § 4563, the persons whose names are forged to such certificates must be trustees of the public school and this fact must be alleged in the indictment and proved, and the mere recital of such a fact in the certificate is not sufficient. *Griffin v. State*, 96 Miss. 309, 51 So. 466.

#### Sec. 7380 Hemingway's Code.

4564. **Enumeration of children during the first month.**—The principal teacher, not in a separate school district, shall, during the first month of the term, make a complete enumeration of the educable children in the district, and enter in the register the name, color, age, and sex of each child and the names and place of residence of the parents of each child, the same to be examined and approved by the trustees, and a copy thereof delivered to the superintendent with a report of the first month.

#### Sec. 7381 Hemingway's Code.

4565. **Term reports.**—With the last monthly report of the session the teacher shall make a term report containing such facts and statistics as the blanks furnished may require. If the final monthly report be not made to the superintendent by the fifth of October annually, it shall be unlawful to issue to the teacher a pay certificate for more than eighty per centum of his salary for that month.

#### Sec. 7382 Hemingway's Code.

4566. **How warrants for salaries issued to teachers—Back pay.**—Upon the presentation of a pay certificate for services

rendered as a teacher, duly attested by the superintendent, the clerk of the board of supervisors, or of the municipality being a separate school district, shall issue a warrant on the treasury for the amount stated in the certificate, the warrant to state upon its face the number of the month of the term during which the services were rendered—as, first month, second month, etc.—and to specify the fund upon which it is drawn; the clerk shall keep a file of the certificates so received as part of the official records of his office, and shall be governed in every respect by the same laws that regulate the issuing of county or municipal warrants for other purposes, except that the warrants for teachers' salaries shall be issued directly upon the certificates of the county superintendent, without any action thereon by the board of supervisors or the mayor and board of aldermen by way of allowance or approval. For services rendered by teachers in public schools before the time when this chapter becomes operative, and for which a pay certificate or warrant has not been issued because of a want of funds in the treasury out of which to pay it, the board of supervisors or municipal authorities, as the case may be, are authorized to make proper allowances upon proof of such services rendered in good faith.

### Code 1892.

School warrants which fail to contain upon their face the statements required are void, and mandamus will not lie to enforce a levy of a tax for their payment. *Tunica County v. Rhodes*, 85 Miss. 500, 37 So. 1005.

### Code 1906.

Code 1906, § 4627, is mandatory, and requires the board of supervisors to provide for the payment of warrants issued upon pay certificates attested by the superintendent of education under § 4566. *Hebron Bank v. Lawrence County*, 109 Miss. 397, 69 So. 209.

## CHAPTER 187.

### LAWS 1914.

Sec. 7383 Hemingway's Code.

4567. **Scholastic year, month and day.**—The scholastic year shall begin on the first day of September and end on the thirty-first day of August. Twenty days of actual teaching shall constitute a school month, and the number of hours of actual teaching that shall constitute a school day shall be fixed and determined by the board of trustees thereof, at not less than five nor more than eight hours.

**CHAPTER 250.****LAWS 1914.****Sec. 7384 Hemingway's Code.**

**4568. School term, winter and summer—Time for opening.**—There shall be a winter term and a summer term, during either of which a school may be taught, at the option of its trustees. The county school board shall fix the day for the opening of the winter term between the first Monday of September and the second Monday in January, and for the opening of those of the summer term on the first Monday in April, or as soon thereafter as they deem suitable. These dates may be fixed by the county school board at their annual meeting, or at any called meeting, or by their written consent to a date proposed by the superintendent, who, when the dates are fixed, which shall in all cases be done at least twenty days prior to the opening of the term, shall notify the secretary of the trustees of each school in the county. This section shall not prevent the trustees of the schools in a separate school district from fixing the time at which their schools may begin and end.

**CODE 1906.****Sec. 7385 Hemingway's Code.**

**4569. Continuous session, unless.**—The schools shall be kept in continuous session four months, and as much longer as the school fund of the scholastic year will maintain them. Trustees may, however, with the consent of a majority of the patrons, divide the session, and have such portion of it as they deem proper taught in either term; but in that case they shall notify the superintendent of such division and of the scholastic month at the beginning of which they wish their school to open. The county superintendent may close all the schools for the Christmas holidays, for an equal period of time, not to exceed two weeks, and, upon application from the trustees, may close any school because of an epidemic prevailing in the school district, or on account of the death, sickness, resignation or dismissal of the teacher; but such schools shall be allowed their full time after being reopened during the scholastic year.

**Sec. 7386 Hemingway's Code.**

**4570. Bond and duties of county treasurers.**—The county treasurer and the treasurer of every municipality constituting a separate school district, shall be required to give additional bonds, to be fixed by the board of supervisors and the mayor and board of aldermen, respectively, in an amount not less than the amount of school funds likely to be in their hands at

any one time, for the faithful performance of their duties; and the county treasurers of the Chickasaw cession counties shall be required to give additional bonds for the amount of the Chickasaw school fund to be distributed to their counties, equal to the amount to be distributed for the year; but the additional bonds shall be cumulative security, and the treasurers shall be liable on their official bonds for all school funds coming into their hands. It is the duty of the county treasurers to make to the auditor of public accounts, reports, on the second Mondays of January and June of each year, of all moneys accruing to the common school fund from polls collected in their respective counties; to keep on their books separate and distinct accounts of the moneys arising from poll-taxes, from taxes levied by the board of supervisors for the maintenance of public schools, from the distributive share of the common school fund, from Chickasaw school fund, and from interest on funds derived from the sixteenth sections, and funds arising from leases of those sections, and funds from any other source; to receive and receipt for all moneys on account of school funds of the county; to pay money out of the common school fund upon the order of the county superintendent of education, approved by the board of supervisors, except in case of teachers' salaries, which shall be paid upon warrants issued by the clerk, on the certificate of the county superintendent; and to make, on or before the fifteenth of October, an annual report to the state board of education, a duplicate of which shall be furnished to the county superintendent, showing the amount received for public schools from each source during the preceding fiscal year, the disbursements for the several purposes, and the amount of school warrants unpaid. The treasurer shall compare this report with the account kept by the county auditor, who shall certify that the report agrees with the account kept by him, if found to be correct. The treasurer shall, at the same time, make a special report of the receipts and disbursements of township funds belonging to each township. These reports shall be made in the form prescribed on blanks furnished by the state superintendent. It shall be the duty of the county superintendent to report a treasurer failing to make any such report to the district attorney, who shall proceed against the treasurer criminally and by suit on his bond.

Sixteenth Sections, see § 6656.

Sec. 7387 Hemingway's Code.

4571. **Duties of separate school district treasurers.**—The county treasurer shall, immediately upon receipt thereof by him, pay over to the treasurer of a municipality in his county which is a separate school district, all money to which the



separate school district may be entitled; and the treasurer of each municipality which is a separate school district, shall perform like duties as are devolved on county treasurers, as far as applicable, in reference to money for the support of schools; and they shall be subject to the same penalties for failure to make the reports required to be made to the board of education and to the county superintendent.

## CHAPTER 251.

### LAWS 1914.

Sec. 7388 Hemingway's Code.

4572. **Counties may levy ad valorem and poll-tax to carry on schools before and after four months.**—The board of supervisors are empowered to levy annually for public schools a tax upon the taxable property of the county, which is outside the limits of any separate school district, and may levy an additional poll-tax of not exceeding one dollar on each male inhabitant liable to pay a poll-tax; all to be collected as other taxes for general purposes, and at the same time, and to be paid into the county treasury to the credit of the school fund; and such taxes shall be receivable only in lawful currency of the United States, and shall be used for the maintenance of the public schools before, during or after the expiration of the four months required by the constitution. When two hundred qualified electors, outside of separate school districts, shall petition the board of supervisors to levy a certain tax for the extension of the school term of the county, the board of supervisors, within not less than twenty days nor more than forty days, shall submit the proposition to the qualified electors, outside of separate school districts, of the county at an election, and if a majority of those voting shall vote for the tax the board of supervisors shall levy said tax at the time other county taxes are levied, on all property in the county subject to taxation which is not situated within a separate school district, and shall continue from year to year to levy the same tax until another election is held, as is provided for in this section; provided, the boards of supervisors in those counties where the tax is now being levied shall have the power to continue levying the tax without an election. And every municipality, being a separate school district, may in like manner levy and collect such taxes for the maintenance of schools.

### CODE 1906.

Sec. 7389 Hemingway's Code.

4573. **Funds to be used only for year of receipt—Deficit not allowed.**—All school funds received and collected during the scholastic year shall constitute the school fund of the

county for that scholastic year; and the salaries of the teachers shall be so fixed as not to allow a deficit in any year. It shall be unlawful for the superintendent to issue pay certificates to teachers in excess of the amount of money received on account of the public schools for the current year, and any certificate so issued shall be illegal and void; but the superintendent shall be responsible on his bond to the holders for the face value of such certificate, and shall be so liable to any person whom he may cause to teach in a public school and for whose payment there is no money in the treasury.

Sec. 7390 Hemingway's Code.

**4574. How school fund to be distributed in counties.**—The county common school fund shall be divided between the separate school districts of a county and that portion of a county not included in separate school districts. Within thirty days after every legal enrollment of the educable children of the state, and within thirty days after the organization of a separate school district, or a change has been made in the limits of one already organized in the county, the county superintendent of education shall certify to the clerk of the board of supervisors the number of educable children, to be determined from the official roll of educable children on file in the chancery clerk's office, in each separate school district in the county, and the number of educable children outside the limits of separate school districts. At each regular meeting of the board of supervisors it shall be the duty of the clerk of the board of supervisors to apportion the amount of undivided county common-school fund in the county treasury among the separate school districts of the county and the county outside of separate school districts, on the basis of the number of the educable children in each, as furnished by the county superintendent of education, and to certify the said apportionment to the board of supervisors, who, if the apportionment is found to be correct, shall order that a warrant be issued in favor of the treasurer of each separate school district for the amount due each district. At the first meeting of the board of supervisors after the passage of this act, all the poll-tax collected since the last official report of the same to the auditor shall be divided as provided in this section. (Laws 1906).

### Code 1906.

Under Const. 1890, § 206, the distribution of poll-tax collections is governed by Code 1906, § 4574, and not by § 4254, which was inadvertently adopted as part of the code. *Jackson v. Hinds County*, 104 Miss. 199, 61 So. 175.

## Sec. 7391 Hemingway's Code.

4575. **Tax collector to turn over poll-taxes to county treasurer.**—The tax collector shall turn over all poll-tax collected to the county treasurer, at the time and in the manner now provided by law for paying to the county treasurer county taxes collected by him.

**CHAPTER 189.**

## LAWS 1916.

## Sec. 7392 Hemingway's Code.

4576. **Balances—How and when used—Funds not loaned.**—If there shall remain a balance in the treasury to the credit of the school fund of the several counties and separate school districts on the thirtieth day of September in any year, the board of supervisors and trustees of separate school districts during the month of October following may apply such balance to the building, repairing or furnishing with school furniture or apparatus such schoolhouses which belong to the county or separate school districts, not appropriating to any school located in the county or separate school district an amount greater than one hundred and fifty dollars, unless an amount equal to any excess of this sum, to be appropriated by the county, be contributed and paid into the county treasury by the patrons of the public schools making such application and receiving such appropriation. All balances not so appropriated shall be carried forward to the school fund for the next scholastic year; and this shall apply to any fund that may have been levied by the county to carry on the schools for a longer term than four months. It shall be lawful to loan for a period of one year any portion of the school fund to any other county or city fund in which the separate school district may lie.

This act does not refer to Laws 1912, ch. 248, which also amends Code 1906, § 4576.

**CHAPTER 157.**

## LAWS 1914.

## Sec. 7393 Hemingway's Code.

**Supervisors may transfer surplus county funds to school fund.**—1. That the board of supervisors of any county may in their discretion transfer any surplus funds that may accumulate in the general county fund to the common-school fund of the county.

Sec. 7394 Hemingway's Code.

4577. **Two and three per centum funds—How used.**—The board of supervisors shall appropriate all receipts from the distribution of the two and three per centum funds to the building, repairing, and furnishing school-houses on the conditions prescribed in the last section for the appropriation of balances of the school fund.

## CHAPTER 191.

LAWS 1916.

Sec. 7395 Hemingway's Code.

4578. **When school fund distributed.**—1. That on the first Monday of October of each year, or as soon thereafter as practicable, the auditor of public accounts shall distribute to the counties and separate districts one-third of the common-school fund for the scholastic year and the balance on the second Monday in January following. The distribution shall be made by the issuance of auditor's warrants on the state treasury, payable to the treasurers of the several counties and separate school districts, the superintendent of education supplying the data for distribution.

## CHAPTER 202.

LAWS 1908.

Sec. 7396 Hemingway's Code.

4579. **Enumeration of educable children.**—During 1908, and every four years thereafter, within the time authorized by law for taking the assessment, the assessor in person or by-sworn deputy or deputies shall enumerate the educable children of his county, including all separate school districts in it.

## CODE 1906.

Sec. 7397 Hemingway's Code.

4580. **State superintendent to supply blanks.**—Blanks for the enumeration shall be prepared by the state superintendent. The enumeration shall be taken by townships, and shall show the names, ages, and sex of the educable children therein, and the names of their parents or guardians. Separate lists are to be made for the white, negro, and Indian races.

Sec. 7398 Hemingway's Code.

4581. **Separate enumerations of municipalities.**—The enumeration of each municipality shall be separate; and the children shall be listed under the names of parents and guardians

alphabetically arranged, by wards, and the street and number of residence shall be given where practicable.

Sec. 7399 Hemingway's Code.

4582. **Every domicile to be visited.**—The tax assessor shall receive names of children having a living parent or guardian, and being in the care of such, only from the parent or guardian. Any person proposing to give the names of children not his or her own, shall first be required to make oath that he or she knows all the particulars in reference to the children whose names are proposed to be given in; that the children have no parent or guardian, or are not under the care of such.

Sec. 7400 Hemingway's Code.

4583. **Affidavit to enumeration.**—The assessor shall make an affidavit before the clerk of the chancery court that the enumeration has been taken in accordance with and in the manner prescribed by law, and that it contains a true and correct list of all the educable children in the county. The affidavit shall be appended to each copy of the enumeration.

Sec. 7401 Hemingway's Code.

4584. **Two copies of the enumeration—When and where filed.**—The assessor shall make two copies of the enumeration, which copies shall be examined and approved by the board of supervisors at their July meeting if found correct; and if incorrect, the assessor shall not receive any compensation for his services until the same is so corrected that the board of supervisors will approve them, and on or before the first Monday in August the assessor shall file one of said copies in the office of the clerk of the chancery court as a public record, and the other copy in the office of the state superintendent of education to be by him preserved as a basis of apportionment of the common-school fund of the state for the four years next succeeding. In case the county superintendent should believe that said roll, after being so approved by the board of supervisors, is inaccurate, he may appeal to the state superintendent within four months after the approval by the board of supervisors, giving his reason for such appeal in writing, verified by affidavit, whose decision in the matter shall be final.

Sec. 7402 Hemingway's Code.

4585. **Compensation for enumerating children.**—As compensation for the enumeration of the educable children the assessor shall receive out of the county school fund upon allowance made by the board of supervisors, two cents for each child enumerated in the county outside separate school dis-

tricts, and the assessor shall receive out of each separate school district fund, upon allowance made by the board of mayor and aldermen of the municipality, two cents for each child enumerated in said district; but it shall be unlawful to make any allowance therefor until the assessor shall present to the board of supervisors and board of mayor and aldermen certificates from the state superintendent showing that the copies to be filed in his office have been received, approved and accepted.

## CHAPTER 141.

### LAWS 1918.

Section 1. Be it enacted by the Legislature of the State of Mississippi, That section 4586 of the code of 1906 be amended to read as follows:

#### Sec. 4586 Hemingway's Code.

7403. **Failure of assessor; penalty; how enumeration made.**—If the assessor shall fail to have the enumeration of educable children of his county made and filed as provided, and at the time specified, he shall be liable on his bond for all damages accruing by the failure, and if the enumeration so made by the assessor and returned, is found to be incorrect and indefinite, so much so as to work an injustice on the county or any school district therein, that the board of supervisors shall employ some other competent person, to make a new enumeration of the educable children in the entire county or any school district therein, and such person shall be entitled to receive the compensation for the services herein provided, and the assessor shall not be paid for any condemned enumeration.

Sec. 2. That this act take effect and be in force from and after its passage.

### CODE 1906.

#### Sec. 7404 Hemingway's Code.

4621. **General provisions—Obedience to teachers.**—All pupils must comply with the regulations, pursue the required course of study, and submit to the authority of the teachers of schools.

#### Sec. 7405 Hemingway's Code.

4622. **Damage to school property.**—A pupil who wilfully cuts, defaces, or otherwise injures any schoolhouse or the fences or outbuildings or shade trees thereof, is liable to suspension or expulsion; and the parents or guardians of such pupils shall be liable for all damages.

## Sec. 7406 Hemingway's Code.

4623. **General rules for teachers.**—Every teacher in a public school must, before taking charge of a school and one week before closing a term, notify the county superintendent of the fact, naming the day of opening or closing; must enforce the course of study, the use of text-books, and the rules and regulations prescribed for schools; and must hold pupils to a strict account for disorderly conduct on the way to or from school, on the playgrounds, or during recess; suspend for good cause any pupil from the school, and report such suspension to the board of trustees for review. If his action be not sustained by them, the teacher may appeal to the county superintendent, whose decision, if against the teacher, shall be final.

## Code 1906.

Code 1906, §§ 4525, 4623, do not authorize the adoption of a rule requiring all pupils of the school to remain in their homes and study between designated hours in the evening. *Hobbs v. Germany*, 94 Miss. 469, 49 So. 515.

## Sec. 7407 Hemingway's Code.

4624. **Trustees not interested in contracts.**—Neither a school trustee nor a member of the board of education, county school board, or committee to select text-books must be interested in any contract made in pursuance of this chapter; and any contract made in violation of this provision is void.

## Sec. 7408 Hemingway's Code.

4625. **Criminal to abuse teachers or disturb school.**—A parent, guardian, or other person who shall insult or abuse any teacher in the presence of the school shall be guilty of a misdemeanor, and be liable to a fine of not less than ten dollars nor more than fifty dollars. Any person who shall wilfully disturb any public school or any public school meeting shall be guilty of a misdemeanor, and liable to a fine of not less than ten dollars nor more than fifty dollars.

## Sec. 7409 Hemingway's Code.

4626. **Officers, trustees and teachers not to speculate in books.**—If a public officer of this state, or of any district, county, county district, city, town, or village thereof, or any teacher or trustee of any public school shall be interested in the sale, proceeds or profits of any books, apparatus, or furniture to be used in any public school of this state, he shall be guilty of a misdemeanor, and, on conviction, shall be fined not less than two hundred dollars nor more than five hundred dollars.

## Sec. 7410 Hemingway's Code.

4627. **Outstanding school indebtedness.**—In any county where there are outstanding school warrants or indebtedness

due teachers for teaching in the public schools, the board of supervisors shall inquire into the justness of such unpaid claims, and if they believe it to be right and proper for the same to be paid, they may take up and cancel the same and cause a warrant to issue to the proper person on any county funds in the treasury for such amount as they may determine to be justly due. In counties where such outstanding indebtedness exists, and no funds on hand to pay it, the boards of supervisors of such counties may make a special levy, not to exceed one mill in any one year to pay the same.

#### Code 1906.

Code 1906, § 4627, is mandatory, and requires the board of supervisors to provide for the payment of warrants issued upon pay certificates attested by the superintendent of education under § 4566. *Hebron Bank v. Lawrence County*, 109 Miss. 397, 69 So. 209.

#### Sec. 7411 Hemingway's Code.

4628. **To pay school teachers where deficit occurs in school funds in certain cases.**—In any county where public schools have been taught and the teachers have not all been paid, and the sureties on the official bond of the county superintendent of public education have paid the full penalty of the bond into the county treasury, any teacher who has taught a school under employment of the county superintendent, and has not been paid in full for services as such teacher, may file with the board of supervisors a claim against the county for the balance due, and the board of supervisors may examine all such claims and allow such as it may deem just, and authorize the same to be paid out of any general county funds in the hands of the county treasurer.

#### Sec. 7412 Hemingway's Code.

4629. **School libraries.**—When any public free school in this state shall raise ten dollars by subscription or otherwise for a library for such school, and shall furnish a suitable bookcase with lock and key, the superintendent of education of the county where such subscription is raised may issue his certificate for ten dollars in favor of said school, to be paid out of the common-school fund of that county; but in no case shall the amount given by the county in any year exceed one hundred dollars; provided, that no school shall receive a second donation from the school fund for library purposes so long as there are any new applications from schools that have not been supplied.

#### Sec. 7413 Hemingway's Code.

4630. **Library commission.**—The county superintendent of education shall name two first-grade teachers, who, together with the county superintendent of education, shall constitute



a county library commission, and it shall be the duty of this commission to name a list of books suited for school libraries, and all books purchased under this provision shall be selected from this list. It shall be the duty of this commission to make rules and regulations to govern and control the use of such libraries in the county, and shall name a local manager for each library, who shall make a report every year to the county commission of all books purchased during the year, of the money on hand at the time of the report, together with the amount expended for library purposes. The county superintendent shall keep a list of books purchased by the several libraries of his county and make a library report to the state superintendent of education biennially with the county school report.

## CHAPTER 29.

### LAWS 1917.

Section 1. Be it enacted by the Legislature of the State of Mississippi, That the state of Mississippi hereby accepts the provisions of the acts of congress, approved February 23, 1917, entitled: "An act to provide for the promotion of vocational education to provide for co-operation with the states in the promotion of such education in agriculture and trades and industries; to provide for co-operation with the states in the preparation of teachers of vocational subjects; and to appropriate money and regulate its expenditures;" (Public No. 347, 64th congress). The good faith of the state is hereby pledged to make available for the several purposes of said act funds sufficient at least to equal the sums allotted, from time to time, to this state from the appropriations made by said act and to meet all conditions necessary to entitle the state to the benefits of said act.

#### **State treasurer made custodian of funds.**

Sec. 2. The state treasurer is hereby designated custodian of funds allotted to this state from the appropriations made by said act, and he shall receive and provide for the proper custody and disbursement of the same in accordance with said act.

#### **State board of vocational education created; to co-operate with federal board.**

Sec. 3. There is hereby created a state board for vocational education, to consist of the state superintendent of education, assistant superintendent of education, the acting supervisor of white rural schools, the acting supervisor of negro rural schools, and one citizen of the state, to be appointed by the governor, by and with the advice and consent of the Senate, who shall hold

office for a term of four years, and until his successor is appointed and has qualified. Members of the board shall receive no salary nor traveling expenses, save the member appointed by the governor, who shall receive actual and necessary traveling expenses in attending board meetings. It shall be the duty of said board, and it is hereby empowered to co-operate, as provided in and required by the aforesaid act of congress, with the federal board for vocational education in the administration of the provisions of said act and to do all things necessary to entitle the state to receive the benefits thereof.

Sec. 4. That this act take effect and be in force from and after its passage.

### CHAPTER 256.

#### LAWS 1918.

Section 1. Be it enacted by the Legislature of the State of Mississippi, That the board of trustees of any public school in the state may in their discretion, maintain evening or part-time schools for persons in need of such instruction and pay for same from school funds raised by local levy.

Sec. 2. That the state board of vocational education is hereby authorized and empowered to establish qualifications for and to examine and legally license all teachers who are to be employed in vocational schools or departments established under the provisions of the act of congress approved February 23, 1917, entitled, "An act to provide for the promotion of vocational education, etc."

Sec. 3. That this act take effect and be in force from and after its passage.

### CHAPTER 253.

#### LAWS 1918.

Section 1. Be it enacted by the Legislature of the State of Mississippi, That the boards of supervisors of the various counties in Mississippi, which are entitled to share in the distribution of the Chickasaw school funds, be and are hereby authorized and empowered to make settlement with any separate school district in said counties which has received more or less than its proportionate part of said funds and the boards of supervisors may appropriate any money now on hand or that may be allotted to said counties in the future in the payment of any amount due to such separate school districts.

Sec. 2. That this act take effect and be in force from and after its passage.

**CHAPTER 250.**

## LAWS 1918.

Section 1. Be it enacted by the Legislature of the State of Mississippi, That all bonds, notes, certificates of indebtedness and other obligations, which have been issued or ordered issued, by any and all consolidated school districts or separate school districts, under and by authority of any general, special, local or private act of the legislature be, and they are hereby in all things made valid and legal, and are binding obligations on the consolidated school district or separate school districts issuing the same, or ordering the same to be issued, regardless of defects, errors, omissions, or informalities in their issuance or orders of issuance, or in the organization of such school districts, or the failure of such consolidated school districts or separate school districts to comply with any law or part of law providing for their issuance, or in the creation or organization of such district.

Sec. 2. That this act shall apply to all such bonds, notes, certificates of indebtedness, or other such obligations already issued and outstanding, or ordered to be issued, and such obligations, bonds, notes and certificates of indebtedness are hereby made in all things valid and legal, provided, it shall not apply to bonds over which there is now a judicial contest and upon which no money has been paid.

Sec. 3. This act shall take effect and be in force from and after its passage.

**CHAPTER 234.**

## LAWS 1918.

Section 1. Be it enacted by the Legislature of the State of Mississippi, That any county in this state owning lands or houses which have been used for school purposes, and in which consolidated school districts have been organized embracing the lands or houses heretofore so used, or where consolidated school districts may hereafter be organized, is hereby fully authorized and empowered upon petition of a majority of the qualified electors residing in the territory which comprised the former school district, acting through its board of supervisors, to sell and convey any or all of said property upon such terms as the board of supervisors may determine to be to the best interest of the county, and to appropriate the proceeds of said sales to the support and maintenance of the consolidated school which has been or which may be established in the district where said lands or houses may be situated, or to convey said property directly to said consoli-

dated schools for the support and maintenance thereof, the provisions of this act shall operate to validate all sales heretofore made.

Sec. 2. This act shall take effect from and after its passage.

## CHAPTER 258.

### LAWS 1918.

AN ACT to compel the attendance at school of children within certain ages in the state of Mississippi; to fix exceptions to such provisions; to provide means for the enforcement of this act; to require reports from private or parochial schools; to make it unlawful for any parent, guardian or other person occupying the place of parent to violate the provisions of this act.

Section 1. Be it enacted by the Legislature of the State of Mississippi, That on and after the first day of September, 1918, every parent, guardian or other person in the state of Mississippi having control or charge of any child or children between the ages of seven and fourteen years, inclusive, shall be required to send such child or children to a public school or to a private, denominational or parochial school taught by a competent instructor, and such child or children shall attend school for at least sixty days during each and every scholastic year; provided that the county school board, or in case of a separate school district, the board of trustees shall have power to reduce the period of compulsory attendance to not less than forty days for any individual school; provided further, that the period of compulsory attendance for each school shall commence at the beginning of the school, unless otherwise ordered by the county school board or by the board of trustees of a separate school district, as the case may be.

Sec. 2. That any and all children who have completed the common school course of study or the equivalent thereof, shall be exempt from the provisions of this act, and in case there be no public school within two and one half miles by the nearest traveled road of any person between the ages of seven and fourteen years inclusive, he or she shall not be subject to the provisions of this act unless public transportation within reasonable walking distance is provided; provided further, that the teacher of any school with the approval of the trustees of the school shall have the authority, in the exercise of their discretion, to permit the temporary absence of children from the school, between the ages of seven and fourteen, inclusive, in extreme cases of emergency or domestic necessity.

Sec. 3. That any and all children who are physically or mentally incapacitated for the work of the school are exempt

from the provisions of this act, but the school authorities shall have the right, and they are hereby authorized, when such exemption, under the provisions of this act, is claimed by any parent, guardian or other person having control of such child or children, to require from a practicing physician a properly attested certificate that such child or children should not be required to attend school on account of some physical or mental condition which renders his attendance impractical or inexpedient.

Sec. 4. That in case where because of extreme poverty, the services of such children are necessary for their own support, or the support of their parents, as attested by an affidavit of said parents, the teacher shall, with the consent of the trustees, spare such child or children from attendance; or in case where such parent, guardian or other person having control of the child, shall show before an officer by affidavit, that the child is without necessary books and clothing for attending school and that he is unable to provide them, the said child may be excused from attendance, until through charity or other means, books and clothing have been provided, and thereafter the child shall no longer be exempt from such attendance.

Sec. 5. That it shall be the duty of the principal teacher of all schools to report to the county superintendent all cases of non-enrollment and non-attendance in accord with section 1 of this act. In all cases investigated by the county superintendent, where no valid reason for non-enrollment or non-attendance is found, it shall be the duty of the county superintendent to give written notice to the parent, guardian or other person having control of the child, which notice shall require the attendance of said child at such school within three days from date of said notice.

Sec. 6. That if within three days from date of service of such notice, the parent, guardian or other person having control of such child, does not comply with the requirements, the county superintendent may, if he deem it necessary, make affidavit against such parent, guardian or other person having control of such child, before any justice of the peace, mayor or police justice of any town or city as the case may be, in which such offense shall be committed, which court is hereby clothed with jurisdiction over all offenders with full power to hear and try all complaints, and on conviction, punish by a fine of not less than one dollar (\$1.00) nor more than ten dollars (\$10.00) for each offense and enforce their collection.

Sec. 7. All school officers, including those in private, denominational or parochial schools in this state, offering instruction to pupils within the compulsory attendance ages, are

hereby required to make and furnish all reports that may be required by the state superintendent of education and by the county superintendent of education, or by the trustees of any municipal separate school district, with reference to the working of this act. Every teacher employed in the public schools of the state of Mississippi is hereby required to make a report to the county superintendent or principal of a municipal separate school district in which he may be employed, showing the names and addresses of all pupils who have been truant or habitually absent from school during the previous month, and stating the reason for such truancy or habitual absence, if known.

Sec. 8. That in case any pupil has become habitually truant or a menace to the best interests of the school which he is attending, or should attend, then it shall be the duty of the teacher to report such fact and condition to the parent, guardian or other person having control of such child, who shall be held liable, under the provisions of this act, for the regular attendance and good conduct of such child, unless such parent, guardian or other person having control of such child shall state in writing to the teacher that he or she is unable to control such child, whereupon said teacher shall proceed against such incorrigible pupils as a disorderly person before a court of competent jurisdiction, and said child upon conviction may be sentenced to any custodial institution that may be open to such children. If there be no available institution, then such incorrigible child shall be expelled from school.

Sec. 9. That in order that the provisions of this act may be more definitely enforced, the county superintendent of education shall, not later than ten days before the annual compulsory attendance term, furnish to each principal of a rural school and to the superintendent or principal teacher of the school or schools in any municipal separate district, a list of all the children from seven to fourteen years of age, inclusive, who should attend the school or schools under the charge of the said principal teacher of the rural school, or of the superintendent or principal of the school or schools in any municipal separate district, as the case may be, giving the name, date of birth, age, race, sex and estimated distance from the school house by the nearest traveled road, the name and address of parents, guardian or other person in parental relationship.

Sec. 9. (a) The provisions of this act shall not be applicable to any county in the state, unless and until an election shall have been held to determine whether or not the people of said county, or of any supervisors district, separate school district or consolidated school district shall vote to come in under same.

Sec. 9. (b) The board of supervisors of any county shall, upon petition signed by twenty per cent of the qualified electors of said county, or twenty per cent of the qualified electors of a supervisors district, or by twenty per cent of the qualified electors of any separate school district, or by twenty per cent of the qualified electors of any consolidated school district of said county, order an election to be held in the county at large, or in a separate school district, or in a consolidated school district, as the case may be, to determine the will of the people as to whether said county or separate school district, or consolidated school district shall come under the provisions of this act. In the event a majority of those voting in said election shall vote for compulsory school attendance, then the provisions of this act shall apply, and not otherwise.

Sec. 9. (c) Provided, that in any county, or supervisors district, or consolidated school district, or separate school district where a special election shall have been held and carried in favor of the provisions of this act, no subsequent election on the subject of compulsory school attendance shall be held within four scholastic years after the date of such election.

Sec. 10. That this act take effect and be in force from and after September 1, 1918.

### CODE 1906.

Sec. 4639 Hemingway's Code.

2272. **Doors to open outwardly.**—All the doors for ingress and egress to public schoolhouses, theatres, assembly rooms, halls, courthouses, churches, factories with more than twenty employes, and all other buildings and places of public resort whatever, where people are wont to assemble, excepting schoolhouses, courthouses, and churches of one audience-room, and that on the ground floor, shall be so swung as to open outwardly from the audience-rooms, halls, or workshops; but such doors may be hung on double-jointed hinges, so as to open with equal ease outwardly or inwardly.

## COUNTY SUPERINTENDENT.

Sec. 7566 Hemingway's Code.

4809. **Designation and qualifications.**—There shall be a superintendent of public education in each county, who shall be elected by the people, whose term of office shall be for four years. Before any one shall be elected to the office he shall have attained the age of twenty-one years, and shall be a qualified elector and a resident citizen of the state for four years and of the county for two years immediately preceding his election, and shall have passed the examination provided for in the section following the next one and have received a certificate accordingly.

Sec. 7567 Hemingway's Code.

4810. **Elected in all counties.**—County superintendents of education shall be elected at the same time and in the same manner as other county officers are elected, and a vacancy occurring in said office shall be filled in the manner provided by law for the filling of vacancies in other county offices.

### CHAPTER 249.

#### LAWS 1912.

Sec. 7568 Hemingway's Code.

4811. **How examined.**—All applicants or candidates for the office of county superintendent shall pass an examination on the branches required for the first grade license, and in addition on the art of teaching. The examination shall be held in the county of the applicant, and at such time as may be suggested by said applicant, by the state board of examiners, under regulations passed by the state board of education, and the result of such examination shall be speedily made known to said applicant by said board of examiners. Candidates or applicants who prefer to take the examination at Jackson can do so by giving the state superintendent of education ten days' notice, by registered letter, and having taken said examination at Jackson the applicant shall, as speedily as practicable, be informed of the result thereof.

#### CODE 1906.

Sec. 7569 Hemingway's Code.

4812. **Oath of office and bond.**—The county superintendent shall, before entering upon the duties of his office, take the oath of office, and give bond with two sureties, in the penal sum of not less than five hundred dollars nor more than two



thousand dollars, payable to the state, conditional for the faithful performance of his duties, the amount of said bond to be fixed by the board of supervisors; and in case the superintendent fail to give the required bond within thirty days after his term of office begins, when appointed, the office shall be vacant.

**Sec. 7570 Hemingway's Code.**

**4813. Shall have an office.**—The county superintendent shall keep an office at the county seat of the county, which shall be provided for him, and furnished with such furniture as may be needed, by the board of supervisors, and allowed and paid for out of the school fund.

Schools, see § 7576.

**Sec. 7571 Hemingway's Code.**

**4814. Shall keep records.**—The county superintendent shall keep a record of all of his official acts, in the manner and form prescribed by law, and conform the manner of its keeping to the recommendations and directions of the state superintendent of education; and he shall preserve faithfully all reports of school officers and teachers, and, at the close of his official term, deliver to his successor all records, books, documents, and papers belonging to the office, taking a receipt for the same, which shall be filed in the office of the clerk of the circuit court; and he shall perform such other duties as may be prescribed by law.

**Sec. 7572 Hemingway's Code.**

**4815. Not to teach school.**—A county superintendent of public education shall not teach in any school during his term of office.

**Sec. 7573 Hemingway's Code.**

**4816. Office expenses.**—The cost of the necessary books, fuel, office furniture, printing, stationery, and postage used by the superintendent of education in the discharge of his official duties, shall be paid for on the allowance of the board of supervisors out of the county treasury; but an allowance therefor shall not be made until an itemized account is presented, with the affidavit of the superintendent attached averring its correctness.

**Sec. 7574 Hemingway's Code.**

**4497. County superintendent—Duties generally.**—It shall be the duty of the county superintendent:

(a) To employ for each school under his supervision, such teacher or teachers as may be recommended by the local trustees; but the teacher shall hold his certificate of proper date and grade and execute the required contract;

(b) To examine the monthly reports of teachers and require the signatures of a majority of the trustees certifying to the accuracy of the report, and upon the report thus certified to issue a pay certificate showing the amount of salary due, and the scholastic month for which it is issued. The pay certificate must be in the form prescribed by the board of education, and a stub duplicate made out and preserved in his office;

(c) To fix the salaries of teachers and to make contracts with them;

(d) To enforce the course of study adopted by the board of education, and the uniform text-books adopted for the county;

(e) To enforce the law and the rules and regulations in reference to the examination of teachers;

(f) To visit the schools and require teachers to perform all their duties;

(g) To select and employ teachers for public schools whose trustees fail to report a selection within ten days of the time fixed by the county school board for the beginning of the term;

(h) To administer oaths in all cases of teachers, trustees, and others relating to the schools, and to take testimony in appeal cases under the school law;

(i) To keep on file and preserve in his office the biennial report of the superintendent of public education and all circular letters sent out by him, and a copy of the school law;

(j) To distribute promptly all reports, laws, forms, circulars, and instructions which he may receive for the use of school officers and teachers, from the state superintendent of public education;

(k) To carefully preserve all reports of school officers and teachers, and, at the close of the term of office, deliver to his successor all records, books, documents, and papers belonging to the office, taking a receipt for the same, which shall be filed in the office of the chancery clerk;

(l) To make annually, on or before the first day of October, a written report to the board of supervisors and mayor and board of aldermen of the municipality constituting a separate school district, showing the name, sex and color of the teachers employed during the preceding scholastic year, the number of months taught by each, and the aggregate amounts of pay certificates issued to each and to all; and the report shall be

filed in the office of the chancery clerk or the municipal clerk, as the case may be, and be compared by said officer with the pay certificates of the county superintendent for the period embraced in the report;

(m) To file with the chancery and municipal clerks, before issuing any pay certificate for the current term, lists of the teachers employed, and the monthly salary of each as shown by the contract, and to add to the list any teachers subsequently employed;

(n) To keep in his office and carefully preserve the public school record provided; to enter therein the proceedings of the county school board, the decisions of appeal cases, and other official acts; a list of the teachers examined, licensed, and employed; and, within ten days after they are rendered, to record the data required from the monthly and term reports of teachers, and the annual reports of county and separate school district treasurers; and from the summaries of records thus kept, to render, on or before the twentieth of October, an annual report to the state superintendent in the form and containing the particulars required;

(o) To observe such instruction and regulations as the board of education may from time to time prescribe, and make special reports to those officials whenever required; and

(p) To perform such other duties as may be required of him by law or the rules and regulations of the board of education; and in no case shall he receipt for a teacher's warrant or collect the money on the same.

### Code 1906.

A false report of a public school, purporting to be signed by one who had neither been elected by the trustees nor appointed nor contracted with by the superintendent as a teacher of the school, did not authorize the superintendent to issue a pay warrant thereon, and hence, though false in fact, and though the superintendent issued a certificate for the payment of salary thereon, could not be the subject of forgery. *Moore v. State*, 107 Miss. 181, 65 So. 126.

Since the county superintendent has control of the educational system of the county and is required to employ teachers selected by the local trustees and enter into contracts with them and pay for their services, neither he nor his bondsmen are liable for errors of judgment and discretion in the absence of fraud, though by reason of such errors he paid to the teachers, etc., a greater remuneration than they were entitled to. *State v. Green*, 111 Miss. 32, 71 So. 171.  
Sec. 7373 *Hemingway's Code*.

**4557. Monthly salaries to be proportionate to the whole school fund.**—Superintendents shall fix the salaries of teachers so that the amount to be paid in salaries for maintaining all the schools one month shall not exceed that fractional part of the whole school fund which one month is of the whole number of months the schools are to be taught.

**CHAPTER 247.****LAWS 1912.****Sec. 7374 Hemingway's Code.**

4558. **When assistants allowed.**—Superintendents shall have power to allow one teacher to every fifty educable children in a school district. When a school is in operation, and has more than thirty-five children in actual attendance, in as many as five different grades, none of which shall contain less than three pupils, upon application of the trustees of the district for an assistant the superintendent shall visit the school and, after conferring with the trustees and examination of the daily register, he may grant one assistant if, in his judgment, such is needed. In the same manner he may grant the second assistant, where there is in actual attendance as many as seventy pupils in as many as eight different grades. But in schools of over one hundred in actual attendance only one teacher shall be allowed for every thirty pupils. In all cases those pupils who are entitled to attend the public schools in the district shall be counted in making up the actual attendance.

**Code 1892.**

An indictment against a teacher for making a false report to the county superintendent for the second month, upon which he was allowed a second assistant teacher for the third month, and charging that with intent to defraud he obtained a teacher's pay certificate for such assistant, is demurrable in the absence of a charge that the attendance on the school for the third month did not entitle him to the second assistant during such month and that the certificate was not compensation for services actually rendered by such assistant during the third month. *State v. Mortimer*, 82 Miss. 443, 34 So. 214.

**CHAPTER 182.****LAWS 1916.****Sec. 7575 Hemingway's Code.**

4498. **County superintendent—Penalty for failure to report.**—1. If a county superintendent fails to make his annual report to the state superintendent by the fifteenth day of September, he forfeits fifty dollars on his salary; and the board of supervisors, upon receiving from the state superintendent of public education notice of such failure, must deduct the amount forfeited from his salary.

**CODE 1906.****Sec. 7576 Hemingway's Code.**

4499. **County superintendent—Office days.**—The county superintendent shall be at the county seat on Saturdays of

each scholastic month of the term to receive monthly reports, issue pay certificates, and attend to other official duties. If absent, without leave previously granted by the board of supervisors, the board shall deduct from his salary ten dollars for each day's absence, unless prevented by illness or other unavoidable cause. And when there are two judicial districts in his county, the superintendent shall alternate, going to the courthouse of the districts alternately.

Officers, see §§ 2820, 7570.

Sec. 7577 Hemingway's Code.

4500. **County superintendent—Reports.**—The county superintendent shall make to the board of supervisors and mayor and board of aldermen of a municipality constituting a separate school district, reports for each scholastic month, which shall show the amount of pay certificates issued for that month, together with a statement showing the schools visited, the date of visitation, and the time he spent in each school during his visit; and it shall be unlawful to allow the salary of the superintendent until said report be on file.

## CHAPTER 183.

### LAWS 1916.

Sec. 7578 Hemingway's Code.

4501. **County superintendent—Salary, how paid—Must devote time to duties.**—1. The salary of the county superintendent shall be paid out of the county common-school fund, on allowance of the board of supervisors after it has approved the report required to be made to it every month by the superintendent, and the salary is fixed at five per centum of the total school fund received by the county and separate school districts annually; but a county superintendent shall not receive more than eighteen hundred dollars nor less than one thousand dollars per annum, and in fixing the salary for any year it shall be based on the amount of school fund received by the county and separate school districts, and other taxing districts, during the preceding scholastic year; provided, further, that the board of supervisors may fix the salary of the county superintendent at any amount greater than five per centum of the school fund as hereinbefore stated not to exceed eighteen hundred dollars and in no case shall the county superintendent pursue any other secular profession or business of a public nature, but shall devote his entire time to the duties of his office. Municipalities constituting separate school districts and rural separate school districts shall pay their proportionate part of salary, estimated upon the amount of funds received from the state distribution. Pro-

vided that the provisions of this act requiring the time of the county superintendent may in the discretion of the board of supervisors of any county be suspended until January 1, 1920.

Sec. 7579 Hemingway's Code.

**4502. County superintendent—Visiting schools.**—The county superintendent shall visit all the schools in his county at least once during the term. On the first visit he shall remain at least two hours, and shall, in county schools, correct any deficiency which may exist in the classification of the pupils or the government of the school; and in separate school districts he shall call the attention of the trustees to such deficiencies for correction by them. He shall note down the condition and value of the building and lot, and of the furniture, the methods of instruction, the branches taught, and his estimate of the ability of the teacher to conduct a school. He shall give such directions and make such recommendations as he deems expedient and needful to secure the best results in the instruction of the pupils, and shall examine the classes to see that thorough work is done. He shall urge patrons to provide their children with comfortable and well-furnished school-houses. For every school not so visited, the board of supervisors must, on proof thereof, deduct ten dollars from his salary.

Sec. 7580 Hemingway's Code.

**4503. County superintendent—To settle disputes in schools.**—In all controversies arising under the school law, the opinion and advice of the county superintendent shall first be sought, from whose decision an appeal may be taken to the state board of education upon a written statement of the facts, certified by the county superintendent or by the secretary of the trustees.

### Code 1906.

Code 1906, §§ 4487, 4503, do not exempt the school authorities, acting beyond the scope of their powers and in violation of law, from interference by the courts, and equity has jurisdiction to enjoin the trustees and the teacher of a school district from enforcing an invalid rule. *Hobbs v. Germany*, 94 Miss. 469, 49 So. 515.

Sec. 7581 Hemingway's Code.

**4504. County superintendent—May suspend or remove a teacher or trustee—Fill vacancies.**—For incompetency, neglect of duty, immoral conduct, or other disqualification, the county superintendent may suspend or remove any teacher or trustee from office, except in separate school districts. And for the purpose of conducting inquiries and trials, the superintendent has the same power as a justice of the peace to issue subpoenas for witnesses, and to compel their attendance and

the giving of evidence by them. When from such cause, or from death, resignation, or other cause, a vacancy in either of the above-named offices occurs, it shall be the duty of the county superintendent, within ten days after the vacancy occurs, or as soon thereafter as practicable, to supply the same by appointment.

### Code 1892.

A public school teacher, under the school laws, has a valid right, for the protection of which he is entitled to a mandamus. Section 2533 does not deny such remedy. *Brown v. Owen*, 75 Miss. 319, 23 So. 35.

Though the county superintendent, under this section, may in proper cases suspend or remove a teacher, yet he can do so only for the causes and in the mode herein prescribed. *Brown v. Owen*, 75 Miss. 319, 23 So. 35.

In a proceeding to suspend or remove a teacher by the county superintendent, the proceeding must be upon specific written charges, after due notice. *Brown v. Owen*, 75 Miss. 319, 23 So. 35.

#### Sec. 7582 Hemingway's Code.

**4505. County superintendent—May revoke teachers' license.**—For intemperance, immoral conduct, brutal treatment of a pupil, or other good cause, the county superintendent may revoke the license of a teacher; but the teacher shall be allowed an appeal to the state board of education, to whom statements, under oath, of the facts may be made by the superintendent and other interested parties. The teacher must be notified of the charges ten days before the trial, by the county superintendent.

#### Sec. 7583 Hemingway's Code.

**4506. County superintendent—Duty to successor.**—The county superintendent, when he resigns, vacates, is removed, or goes out of office, shall, within ten days thereafter, deliver to his successor, or to the clerk of the chancery court for him, all money, property, books, effects or papers remaining in his hands.

#### Sec. 7584 Hemingway's Code.

**4507. County superintendent—Record of names of trustees—Official notices.**—The county superintendent shall attend at his office on the fourth Saturday in September of every year to receive the certificates of election of trustees. He shall make a record of the names of trustees, showing the districts in which they were elected, and the post-office of each. He shall at that time deliver to the trustees of each district such blanks as they will need for the coming school year, and give them such information with regard to their duties as may be required. He shall address all official correspondence to the trustees; and notice to them shall be regarded as notice to the people of the district, and it shall be the duty of the trustees to notify the people.

## Sec. 7585 Hemingway's Code.

**4508. County superintendent—Not to speculate in teachers' warrants.**—Any county superintendent, or other county officer, his agent or deputy, who shall purchase any teacher's warrant or pay certificate at less than the amount for which the same shall be drawn, or at a discount, or shall cause another person so to purchase the same, or shall in any way, directly or indirectly, realize a profit from any transaction in teachers' warrants or pay certificates, or any trade or speculation therein, or loan or advance thereon, shall be guilty of a misdemeanor, and, upon conviction, shall be fined not less than one hundred dollars nor more than five hundred dollars, to be deducted from any money due him as salary, or recoverable on his bond; and one-half of said fine shall be paid to the person giving information of the misdemeanor, and the guilty superintendent shall be removed from office.

Crimes and Misdemeanors, see § 1048.

County Treasurers, see § 4160.

## Sec. 7328 Hemingway's Code.

**County superintendent to secure placards.**—2. It shall be the duty of the county superintendent of education in each county to secure from the state board of education such placards and have them placed on the walls of the public school-rooms in the various counties. (See Chap. 123, Laws 1910, Sec. 2.)

## Sec. 7586 Hemingway's Code.

**4509. Deputies—When appointed—Compensation.** — The county superintendent of education may, when prevented by sickness from attending to the duties of the office, appoint a deputy who shall be authorized to discharge all duties pertaining thereto. The qualifications of the deputy shall be the same as the qualifications of a first grade teacher. The deputy superintendent shall be paid not less than seventy-five per centum of the salary the county superintendent shall receive for an equal period of time, and shall be paid out of the salary of the superintendent of education.

**CHAPTER 171.**

## LAWS 1918.

**Section 1.** Be it enacted by the Legislature of the State of Mississippi, That chapter 188, of the acts of 1914 be amended so as to read as follows:

Boards of supervisors of this state may offer as prizes to corn clubs of the public schools of the county an amount of



money not exceeding fifty dollars, (\$50.00) in any one year in any county. The sum may be divided into three prizes of twenty five dollars for the first prize, fifteen dollars for the second prize, and ten dollars for the third prize, or in that proportion.

Sec. 2. That county superintendents of education, with the approval of the county boards of examiners, may appropriate an amount of money not exceeding seventy five (\$75.00) dollars, in any one year, in any county from the county school fund, in addition to that provided under section 1 of this act, to be offered as prizes to the corn clubs, pig clubs, baby beef clubs or other agricultural clubs that may hereafter be organized to the public schools of the county.

That said sum to be divided into prizes in such proportion for the corn clubs, pig clubs, baby beef clubs, or other agricultural clubs that may hereafter be organized, as the county superintendent, with the approval of the county board of examiners, may see fit.

Sec. 3. That this act take effect and be in force from and after its passage.

Chap. 184, Laws 1916.

Sec. 7337 Hemingway's Code.

4517. **Teachers' register and outline map.**—It shall be the duty of the county superintendent to prepare, on township blanks, an outline map, showing the numbers of the sections and parts of sections embraced in each school district outside of the separate school district, and to paste the same in the school register for the district before delivering it to the teacher thereof. It shall be unlawful to issue a pay-certificate to the teacher of any district not established and recorded in accordance with the provisions of the law.

**STATE SUPERINTENDENT.****CODE 1906.****Sec. 7593 Hemingway's Code.**

**4817. Official bond.**—The superintendent of public education shall keep his office in the capitol, and shall give bond in the penalty of five thousand dollars, with two or more sufficient sureties, to be approved by the governor, conditioned according to law; and said bond, when approved, shall be filed and recorded in the office of the secretary of state.

**Sec. 7594 Hemingway's Code.**

**4818. Official bond—Seal of office.**—He shall provide and keep a seal having around the margin the words, "State Superintendent of Public Education of Mississippi," with such device in the center as he may select; and all of his official acts shall be authenticated thereby.

**Sec. 7595 Hemingway's Code.**

**4819. General supervision of schools—To preside—To visit schools.**—The superintendent of public education shall have general supervision of the public free schools, and may prescribe such rules and regulations for the efficient organization and conducting of the same as he may deem necessary. He shall preside over all meetings of the board of education, and shall solicit reports from all the public and private educational institutions of the state.

**Sec. 7596 Hemingway's Code.**

**4820. To preserve books.**—He shall have bound and preserve in his office, as the property of the state, all such school documents from other states and governments, books or pamphlets on educational subjects, school-books, apparatus, maps, charts, and the like as shall be or have been purchased or donated for the use of his office.

**Sec. 7597 Hemingway's Code.**

**4821. To apportion the state school fund.**—The superintendent of public education shall apportion the state common-school fund to the several counties and separate school districts. The apportionment shall be made semiannually, and shall be based upon the number of educable children enumerated, as provided by law, in the counties and separate school districts respectively. He shall furnish the auditor with a certified copy of the apportionment, and he shall also give a copy thereof to the state treasurer, the superintendent of public education of each county, each county treasurer, and treasurer of each separate school district.

## Sec. 7598 Hemingway's Code.

4822. **Not to be interested in school books.**—The superintendent of public education shall not act as agent for any author, publisher, or bookseller, nor directly or indirectly receive any gift, emolument, or reward for his influence in recommending or procuring the use of any books, school apparatus, or furniture, of any kind whatever in any of the public schools of the state; and should the superintendent of public education violate this section, he shall be removed from office, and forfeit all moneys due him from the state.

## Sec. 7599 Hemingway's Code.

4823. **Reports to be made to the legislature.**—On or before the tenth day of January in each year in which the legislature meets in regular or special, not extraordinary, session, the superintendent of public education shall prepare and have printed a biennial report, showing—

(a) The receipts and disbursements of the common-school fund;

(b) The number of school districts, schools, teachers employed, and pupils taught therein, and the attendance of pupils, and studies pursued by them;

(c) The financial condition of the schools, their receipts and expenditures, value of schoolhouses and property, cost of tuition, and salaries of teachers;

(d) The condition, educational and financial, of the normal and higher institutions connected with the school system of the state, and, as far as it can be ascertained, of the private schools, academies, and colleges; and

(e) Such general matters, information, and recommendations relating to the educational interests as he may deem important.

**CHAPTER 192.**

## LAWS 1916.

## Sec. 7600 Hemingway's Code.

4824. **To keep record of official acts—May employ stenographer and assistant.**—1. The state superintendent of public education shall keep a complete record of all his official acts, and the acts of the board of education. He may employ two stenographers and one assistant, who shall be under his control and direction, and may be removed by him for cause, and others employed; provided, that the assistant's salary shall be eighteen hundred dollars (\$1,800.00) and the clerks' salaries shall each be nine hundred dollars (\$900.00) per year.

## CODE 1906.

## Sec. 7601 Hemingway's Code.

4825. **A trustee of university and colleges.**—The state superintendent of education shall be and is hereby made a trustee, ex officio, of the state university, the agricultural and mechanical college, the industrial institute and college, and Alcorn A. and M. college. And he shall have the same powers and perform the same duties as other trustees of said institutions of learning.

## Sec. 7602 Hemingway's Code.

4492. **State superintendent—To require reports from county superintendents.**—The superintendent of public education shall require annually, and as often besides as he may deem proper, of the county superintendents detailed reports of the educational business of his county, and shall give him all necessary instructions.

## Sec. 7603 Hemingway's Code.

4493. **State superintendent—To prepare, have printed and furnish the laws, blanks and books to school officers.**—The superintendent of public education shall prepare, have printed, and furnish all officers charged with the administration of the laws pertaining to the public schools, such blank forms and books as may be necessary to the proper discharge of their duties, and the questions for the examination of teachers. He shall have the laws pertaining to the public schools printed in pamphlet form, and publish therein forms for conducting school business, the rules and regulations for the government of schools that he or the board of education may recommend, and such other matters as may be deemed worthy and of public interest pertaining to the subject.

## Sec. 7604 Hemingway's Code.

4494. **State superintendent—Conference with county superintendents.**—The state superintendent may meet the county superintendents of each judicial district or of two or more districts combined, at such time and place as he shall appoint, giving them due notice of such meeting. The objects of such meetings shall be to accumulate facts relative to schools, to compare views, to discuss principles, to hear discussions and suggestions relative to the examinations and qualifications of teachers, methods of instruction, text-books, institutes, visitation of schools, and other matters embraced in the public school system.

## Sec. 7329 Hemingway's Code.

4495. **State superintendent—Official opinions.**—The state superintendent shall, at the request of any county superin-

tendent, give his opinion, upon a written statement of the facts, on all questions and controversies arising out of the interpretation and construction of the school laws in regard to the rights, powers and duties of school officers and county superintendents, and shall keep a record of all such decisions. Before giving any opinion, the superintendent may submit the statement of facts to the attorney-general for his advice thereon, and it shall be the duty of the attorney-general forthwith to examine such statement, and suggest the proper decision to be made upon such facts.

Sec. 7605 Hemingway's Code,

**4496. State superintendent—To advise county superintendents.**—The state superintendent shall advise county superintendents upon all matters involving the welfare of the schools.

Superintendent of Education (County), see §§ 7566-7573.

## TEACHERS' INSTITUTE.

### CHAPTER 190.

#### LAWS 1916.

Sec. 7775 Hemingway's Code.

4587. **Teachers' institutes.**—A teachers' institute for each race, separate, shall be held each year in the several counties of the state, or in such groups of counties as the state board of education, with the consent of the county superintendents, may designate; said institutes shall continue in session not less than five days.

Chap. 190, Laws 1916.

Sec. 7776 Hemingway's Code.

4588. **Institute conductors.**—All teachers' institutes shall be under the direction of the state board of education, which is hereby authorized, with the approval of the county superintendent, to appoint persons of recognized ability to conduct and teach said institutes.

Chap. 190, Laws 1916.

Sec. 7777 Hemingway's Code.

4589. **Board of education to prescribe—Payment of expenses—Reports of.**—The state board of education shall prepare outlines for the work and shall prescribe regulations for the management of the institutes; shall fix the amount to be paid the conductors and instructors and the incidental expenses thereof, and shall require such reports of the conductors as may be deemed necessary.

Chap. 190, Laws 1916.

Sec. 7778 Hemingway's Code.

4590. **How expenses paid.**—To defray the cost of institutes, the county superintendent shall, before examining applicants to teach, collect a fee of fifty (50) cents for each and fifty (50) cents additional for each additional year of which license may be issued and fifty (50) cents a year from each exempt teacher teaching in the county.

#### Code 1906.

The institute fee of fifty cents should not be collected by the superintendent on special examinations where he received the fee of \$2.50, for such special examinations are authorized only in emergency cases, and the certificate is good only until the next regular examination. State v. Green, 111 Miss. 32, 71 So. 171.

Chap. 190, Laws 1916.

Sec. 7779 Hemingway's Code.

4591. **How expenses paid—Where deposited and how paid out.**—The institute fund shall be deposited as collected, with the county treasurer on receipt warrant of the clerk of the

board of supervisors, and a separate account thereof shall be kept; and it shall be paid only for the purpose mentioned in this act, upon the requisition of the county superintendent, on warrants issued by the clerk of the board of supervisors.

Chap. 190, Laws 1916.

Sec. 7780 Hemingway's Code.

4592. **When fund insufficient.**—If the amount of the institute fund be insufficient to defray the cost of holding institutes, the state superintendent of education may authorize the county superintendent to issue a pay certificate on the common-school fund of the county to make up the deficit not to exceed fifty-five dollars for one scholastic year.

Sec. 7781 Hemingway's Code.

4593. **Surplus funds—How used.**—In counties having a surplus of institute fund, the county superintendent and examiners may expend annually twenty per centum of such fund in the purchase of works on teaching, which the superintendent shall keep in his charge for the use of teachers.

## TEACHERS' LICENSE.

### CHAPTER 133.

LAWS 1908.

Sec. 7787 Hemingway's Code.

**How teacher in one county may transfer license to another.**  
—1. Any teacher in any county holding a license, wishing to transfer to another county, may direct the superintendent of his county to forward such license, and such other proof of his qualifications, and of the burning of his examination papers, as the state board of examiners may require, and as may be reasonable; and if, on such proof, the state board should be of opinion that such teacher was properly graded by the county board, the license may be transferred to any county the appointee may designate.

### CHAPTER 252.

LAWS 1912.

Sec. 7788 Hemingway's Code.

**State teacher's license to be issued in certain cases where examination papers lost or destroyed.**—2. Any teacher of this state heretofore exempt from examination may forward his license to the state board of examiners, with such proof as said state board may require, and which is reasonable, that his examination papers were destroyed in the burning of the courthouse of his county, or otherwise destroyed, and that such teacher is entitled to a state license, and upon payment of one dollar and fifty cents (\$1.50) to said board of examiners, such board may issue to such teacher a state license in lieu of the license granted by such county.

### CHAPTER 163.

LAWS 1912.

Sec. 7789 Hemingway's Code.

**Graduates of Industrial Institute and College entitled to professional teacher's license.**—1. A diploma held by either a collegiate or a normal graduate of the Mississippi Industrial Institute and College shall be so recognized as to warrant the granting of a teacher's professional license to said graduate by the state board of examiners. Provided, that this act applies only to those graduates of the college department who have taken not less than nine hours of college work in teach-



ers' professional courses, and who obligate themselves to teach three years in the public schools of the state. The provisions for nine hours professional work shall not be enforced until after the session of 1911 and 1912. Provided, further, that the graduates of the normal department shall not have the benefits of this act unless they obligate themselves to teach three years in the public schools of the state, two years of which shall be in the rural schools. And, after the sessions of 1911 and 1912, those who enter the normal department of said college shall give, upon entrance into said department, a written pledge to teach three years in the public schools of the state, two of which shall be in the rural schools of the state.

## CHAPTER 181.

### LAWS 1916.

Sec. 7790 Hemingway's Code.

**Professional teacher's license granted to graduates of university and colleges.**—1. That the state board of examiners is hereby authorized to grant teachers' professional licenses without further examination to graduates of the University of Mississippi, the agricultural and mechanical college, the collegiate and normal departments of the industrial institute and college, and of such other institutions of higher learning in this state as may maintain a standard four-year college course, approved by the state board of examiners; provided, that licenses shall be issued only to such graduates of the different institutions as have successfully passed nine hours of college work in education designated and approved by the state board of examiners.

Chap. 181, Laws 1916.

Sec. 7791 Hemingway's Code.

**License and diplomas of other states recognized—When.**—2. That the state board of examiners is hereby authorized to grant first grade licenses to teach in the public schools of this state to any person holding a certificate, license or diploma, authorizing said person to teach in the public schools of any other state; provided, that the certificate, license or diploma shall have been originally issued, and in consideration of qualifications at least equal to those required for a certificate of the same grade in this state; provided, further, that the certificate, license, or diploma shall be valid in this state for the period for which it shall have been issued in the state where it was originally granted, unless in the discretion of the state board of examiners a shorter period shall be specified. The state board of examiners, on the approval of the state board of education, shall make provisions and regulations for carrying out the purpose of this section.

Chap. 181, Laws 1916.

Sec. 7792 Hemingway's Code.

**First and second grade license may be renewed—Conditions.**

—3. That the state board of examiners is hereby authorized to extend or renew consecutively from year to year, for a period of one year at a time and for a total of not more than four consecutive years, any first grade license or any second grade license; provided, that the holder of any such certificate shall have attended some institution of higher learning or summer school for at least six weeks, and shall have pursued a course of professional study designed and approved by the state board of examiners during the year next preceding the one for which extension of license for one year is sought to be granted.

Chap. 181, Laws 1916.

Sec. 7793 Hemingway's Code.

**Fee to be paid by applicants.**—4. An applicant for a license or for the extension of any license under the provisions of this act shall pay the same fee as is now required for the transfer of licenses from one county to another through the state board of examiners; provided, that the fees for professional licenses and those based on licenses or diplomas from other states shall be the same as are provided in section 4554 of the Code of 1906 for such licenses.

**CODE 1906.**

Sec. 7794 Hemingway's Code.

**4536. Examination of teachers—Board of examiners.**—Two first grade teachers, to be appointed annually prior to the fall examination by the county superintendent shall, with the county superintendent, constitute an examining board for each county; provided, the members of said board shall not be related by affinity or consanguinity (but a teacher of a normal or training school shall not be appointed by the board). A majority of said board shall be present and conduct all examinations of teachers, as herein provided, and they shall as a board, and not individually, review and grade the examination papers submitted by applicants for license to teach. The teachers comprising the board shall each receive two dollars and one-half for each day of actual service in holding the examinations and twenty-five cents additional for grading the papers of each applicant, to be paid out of the school fund in the same manner as teachers' salaries are paid. The examiners shall qualify by taking and subscribing the oath of office before the county superintendent, who shall file it in his office; and for violations of any section of this law which refers to examinations, they shall be subject to the same penalties as the county superintendent.

## Sec. 7795 Hemingway's Code.

4537. **Examination of teachers—Vacancies in board—How filled.**—Should a vacancy occur in the office of examiner, the same shall be filled by appointment by the county superintendent of education.

## Sec. 7796 Hemingway's Code.

4538. **Examination of teachers—When examinations held.**—On Friday and Saturday of the first four weeks of September, and of the first four weeks of April, the examining board shall hold, under regulations prescribed by the board of education, a written examination of applicants to teach. The examination shall be held at the county site, and in the public-school building or in the courtroom whenever practicable. In counties having two court districts the examination shall be held alternately at the places of holding court, if the convenience of the teachers requires it. The superintendent shall exclude from the rooms all persons who are not examiners or applicants for license. There shall be separate examinations for the two races.

## CHAPTER 187.

## LAWS 1916.

## Sec. 7797 Hemingway's Code.

4539. **Examination of teachers—How conducted.**—The examinations shall be held upon questions prepared by the state superintendent of education and sent, sealed, to the county superintendent to be opened by him in the presence of the teachers after they had assembled in the examination room and after the seals have been inspected by the examiner. The questions on one subject at a time shall be written upon a blackboard and the answers thereto shall be written in ink in the presence of the examiners and delivered to the superintendent before the questions on the next subject are given out. Each applicant shall occupy a separate table or desk which shall be so arranged that the applicants can not read each other's papers. It shall be the duty of the county superintendent to provide the accommodations necessary to carry out these provisions, and he shall not receive more applicants at one time than he can provide accommodations for.

No applicant shall stand the examination in any county for the purpose of having the license transferred to the resident county of the applicant, unless authorized by the state board of examiners.

## Code 1906.

Under Code 1906, §§ 4539, 4546, a conviction for offering to sell examination questions could not be sustained, where the proof did not show that the questions offered for sale were prepared by the state

superintendent of education and sealed and sent to the county superintendent of education as provided. *Bryant v. State*, 92 Miss. 822, 46 So. 247.

Chap. 187, Laws 1916.

Sec. 7798 Hemingway's Code.

**4540. Examination of teachers—Curriculum.**—The curriculum of the free public schools shall consist of spelling, reading, arithmetic, geography, English grammar, composition, literature, U. S. history, history of Mississippi, elements of agriculture, civil government with special reference to local and state government, physiology and hygiene, with special reference to the effect of alcohol and narcotics on the human system and home and community sanitation, general science and elementary algebra.

Provided, that literature, general science and elementary algebra shall only apply to those schools that require three or more teachers. Except with the consent and advice of the county superintendent of education.

See §§ 7801, 7802.

### CODE 1906.

Sec. 7799 Hemingway's Code.

**4541. Examination of teachers—All teachers must be licensed.**—It shall be unlawful for a county superintendent, or the trustees of a separate school district, to contract with a teacher who does not hold a license valid for the scholastic year in which the school is to be taught, and of a grade sufficiently high to meet the requirements of the school.

Sec. 7800 Hemingway's Code.

**4542. Examination of teachers—Good character.**—Before a license to teach shall be granted, the applicant must furnish the superintendent satisfactory evidence of good moral character, and of ability to govern a school.

## CHAPTER 188.

### LAWS 1916.

Sec. 7801 Hemingway's Code.

**4543. Examination of teachers—What examined on—First and second grades.**—To obtain a first grade license, the applicant must be examined on spelling, reading, practical and mental arithmetic, composition, United States history, history of Mississippi, elements of agriculture, civil government, elements of physiology and hygiene, with special reference to the effects of alcohol and narcotics on the human system, theory and practice of teaching, elementary algebra, advanced Eng-

lish; provided, that theory and practice of teaching and elementary algebra be added in September, 1917, and advanced English, general science and modern history in September, 1918, and such other subjects as the state board of education may prescribe; and to obtain a second grade license the applicant must be examined on spelling, reading, mental arithmetic, practical arithmetic, elementary geography and composition, United States history, physiology, with special reference to the effects of alcohol and narcotics on the human system, and health and sanitation in homes and communities, history of Mississippi and civil government, elementary agriculture. The state board of examiners, on the approval of the state superintendent of education, is hereby authorized to provide examinations and make regulations for licensing teachers of music, manual training, domestic science, and of such other special subjects as may be deemed necessary.

Provided, that the provisions of this act shall not apply in the case of teachers who are exempt from examinations under laws now in force.

See § 7798.

Sec. 7802 Hemingway's Code.

**4544. Examination of teachers—Third grade.**—To obtain a third-grade license the applicant must be examined on the subjects required for second grade, and must make thereon an average of not less than sixty per centum, with not less than forty per centum on any subject.

See § 7798.

Sec. 7803 Hemingway's Code.

**4545. Examination of teachers—Grading and marking papers.**—Immediately after each examination the examiners shall carefully grade the papers and mark thereon their estimate of the value of each answer; and the papers shall be filed in the office of the superintendent, and be subject to the inspection of the applicant or his authorized agent.

Sec. 7804 Hemingway's Code.

**4546. Examination of teachers—Penalty for receiving assistance.**—If an applicant in any way receive assistance, he shall be denied a license and not permitted to teach or stand another examination in the county for a period of two years. Any person who sells or offers to sell, or give away, or offers to give away the examination questions, or answers to the same prepared by the proper authorities for the examination of teachers of the public schools, before the date for the examination, at which time such questions are to be used, shall be guilty of a misdemeanor, and on conviction shall be fined not more than one hundred dollars nor less than ten dollars.

or imprisoned in the county jail not exceeding sixty days, or both, at the discretion of the court.

### Code 1906.

Under Code 1906, §§ 4539, 4546, a conviction for offering to sell examination questions could not be sustained, where the proof did not show that the questions offered for sale were prepared by the state superintendent of education and sealed and sent to the county superintendent of education as provided. *Bryant v. State*, 92 Miss. 822, 46 So. 247.

#### Sec. 7805 Hemingway's Code.

4547. **Examination of teachers—How long licenses good.**—License shall be granted to applicants who make a general average of seventy-five per centum with not less than fifty per centum on any one subject, and shall not be valid unless filled out according to the form prescribed by the state superintendent. Licenses of second and third grade shall be valid for one year. Licenses for the first grade, with a general average of eighty-five per centum, shall be valid for two years; and licenses for the first grade, with a general average of ninety per centum, shall be valid for three years; and the second three-years license obtained after the expiration of the first shall be renewable in the county where issued as long as the holder continues to teach; but any teacher who has taught under a first grade license for five years consecutively, shall be exempt from further examination.

### Code 1892.

This section is prospective, and applies only to persons teaching five years under a first-grade license, issued after examination under the curriculum prescribed by Code 1892. *Doss v. Wiley*, 72 Miss, 179, 16 So. 902.

#### Sec. 7806 Hemingway's Code.

4548. **Examination of teachers—Age of teacher.**—A license to teach shall not be granted to an applicant under seventeen years of age; nor shall a license for more than one year be issued to an applicant who has had less than six months' experience in teaching.

#### Sec. 7807 Hemingway's Code.

4549. **Examination of teachers—Special examinations.**—In counties where the number of licensed teachers is insufficient to supply the schools, the board of education may grant a special examination but the examination fee in such cases shall be two dollars and the licenses issued shall be valid only until the next regular examination. Special examinations shall be granted teachers who are under contract to teach in a public school in the county, if at the time of the general examination they were unable to attend or were teaching or attending school

more than fifty miles away. The superintendent may require each teacher so examined to pay him a fee of two dollars and fifty cents.

#### Code, 1906.

The institute fee of fifty cents should not be collected by the superintendent on special examinations where he received the fee of \$2.50, for such special examinations are authorized only in emergency cases, and the certificate is good only until the next regular examination. State v. Green, 111 Miss. 32, 71 So. 171.

#### Sec. 7808 Hemingway's Code.

4550. **Indorsement of licenses.**—A teacher holding a license in one county and wishing a transfer to another county may direct the superintendent of education of the county where the examination was held to forward his papers and license issued thereon to the state board of examiners, and if the grading of the county board is sustained by the state board of examiners, the license may be transferred to any county which the applicant may designate. Applicants for transfer license shall pay a fee of one dollar and fifty cents to the state board of examiners for grading their papers.

### CHAPTER 185.

#### LAWS 1914.

#### Sec. 7809 Hemingway's Code.

**Agricultural high schools—Teachers—Examinations of.**—1. All teachers in agricultural high schools shall pass an examination in the free-school studies and in addition thereto an examination on the subjects they are required to teach in said schools. Such examinations shall be held at the same time and places and under the same regulations as required of other applicants to teach in public schools.

#### CODE 1906.

#### Sec. 7810 Hemingway's Code.

4551. **State board of examiners.**—There shall be a state board of examiners which shall consist of three members, who shall be first grade teachers of scholarly attainments, and of successful experience, to be appointed by the state superintendent of education.

#### Sec. 7811 Hemingway's Code.

4552. **State board of examiners—Duties.**—It shall be the duty of the state board of examiners to aid the state superintendent of education in preparing all examination questions for the teachers of the state, to grade papers of applicants for

professional and state licenses, to hear and decide all appeals from teachers or county superintendents regarding examinations; to examine all applicants or candidates for the office of county superintendent under regulations passed by the state board of education.

Sec. 7812 Hemingway's Code.

**4553. Licenses—How secured.**—Any teacher wishing to secure a professional license shall pass a satisfactory examination in the presence of the county superintendent, or other authorized agent of the state board of examiners, on the following subjects Algebra, geometry, rhetoric, English literature, the science of teaching, civil government, Caesar and Virgil, and on such other subjects as the state board of examiners may add. Any teacher may secure a state license by passing a satisfactory examination in the presence of the county superintendent, or other authorized agent of the state board of examiners, in spelling, reading, practical and mental arithmetic, geography, English grammar and composition. United States history, Mississippi history, elements of agriculture, civil government, elements of physiology and hygiene, with special reference to the effects of alcohol and narcotics on the human system; provided applicants for state licenses shall have their papers forwarded to the state board of examiners by county superintendent and graded by state board of examiners. The state board of examiners may grant licenses of a grade lower than that for which the applicant applies; provided that the percentage reaches that fixed by law. On all licenses granted the board shall indicate on the face of the license the percentage made by the applicant on each subject. A state license shall be valid for one, two or three years, according to the value of applicant's papers; but any applicant receiving the second three-years state license from the state board of examiners shall be exempt from further examinations, and a state license from said board of examiners shall be valid in every county of the state, but the state board of examiners may revoke licenses for cause and where teachers discontinue to teach. All teachers heretofore exempt from examination in the counties in which they reside may forward their papers to the state board of examiners upon the payment of one dollar and fifty cents to said board of examiners, and the board of examiners may issue to said teachers state licenses in lieu of licenses granted by county superintendents.

#### State Board of Examiners.

Sec. 7813 Hemingway's Code.

**4554. Compensation and term of office.**—The state board of examiners shall receive as compensations for their services



five dollars from each applicant for professional license; five dollars from each applicant or candidate for county superintendent of education in the several counties of the state, and fifty cents for each applicant for state license, which sum shall be paid by the county superintendent of education to the state board of examiners, as teachers are paid, and as is now paid to county examiners. The state board of examiners shall serve for four years each, unless removed by the state superintendent for cause.

## CHAPTER 201.

### LAWS 1908.

Sec. 7814 Hemingway's Code.

4555. **Professional licenses.**—The board of education shall have power to issue professional licenses to teachers of recognized ability, moral character and scholarly attainments, who shall pass a satisfactory written examination, held as prescribed by the board, on algebra, geometry, physics, rhetoric, English literature, the elements of botany and chemistry, the science of teaching, civil government and Latin, through Caesar and Virgil. The manuscripts of examination shall be kept on file in the office of the state superintendent, and the licenses shall be valid for life in any part of the state.

## CHAPTER 226.

### LAWS 1918.

Section 1. Be it enacted by the Legislature of the State of Mississippi, That the state board of examiners shall have authority to grant, under rules and regulations, to be formulated by the said state board of examiners, a state teachers license to graduates of those institutions of higher learning as maintain a full four year college course under rules and regulations to be formulated by the said state board of examiners, provided that license shall be issued only to such graduates as have taken nine session hours of college work in education designated by the state board of examiners. This license shall be valid for a period of three years, and on expiration shall be renewable by an attendance on an approved summer school, and when so renewed shall become valid for life. Provided further, that the state board of examiners shall also have authority to grant, under rules and regulations to be formulated by the said state board of examiners, a state license to students who have finished the sophomore year in any college in the state requiring 14 Carnegie units for entrance to the freshman class. Such students having completed

six session hours in education, as provided for by the state board of examiners. This license shall be valid for two years and on expiration, shall be renewed as other licenses are renewed.

Provided further, that the state board of examiners is authorized to grant, without examination, a first grade teacher's license to graduates of agricultural high schools, in this state, provided such graduates have included in their course of studies two units of work of matter relative to organization and methods of teaching in the elementary school, and provided students receiving such license shall not be employed for the following scholastic year in the school from which they graduated. This license shall be valid for one year, subject to renewal as other first grade licenses are renewed, and such license, so conferred, shall be conditioned on satisfactory work in an approved summer school, immediately following high school graduation.

Sec. 2. That this act shall take effect and be in force from and after its passage.

**TEXT-BOOKS.****CHAPTER 179.****LAWS 1916.****Sec. 7820 Hemingway's Code.**

All school text-books to be filed with state superintendent whether included in uniform adoption or not.—1. All publishers of school text-books, or persons desiring to offer school text-books, other than those provided for under the uniform text-book law now in force in this state, for the use of pupils in the public schools of Mississippi, as hereinafter provided, before such books may legally be adopted and purchased by any public-school authorities, shall file in the office of the state superintendent of education a copy of each book proposed to be so offered, together with the published list price as shown by the publisher's catalogue. No revised or different edition of any such book shall be used in the public schools of Mississippi unless a copy of such edition has been filed in the office of the state superintendent of education, together with the publisher's list price thereof. The state superintendent of education shall carefully preserve in his office all such sample copies of books filed and the prices thereof.

**Chap. 179, Laws 1916.****Sec. 7821 Hemingway's Code.**

Sworn statement also to be filed showing lowest wholesale price on same.—2. That each publisher of any such books filed shall also file in the office of the state superintendent of education a sworn statement giving the lowest net wholesale price at which each book is sold anywhere in the United States; the said sworn statement shall also give the list price and the lowest exchange price given anywhere in the United States when old books on the same subject and of like kind and grade, but of a different series, are received in exchange.

**Chap. 179, Laws 1916.****Sec. 7822 Hemingway's Code.**

**Publisher to give security bond—Conditions of same.—3.** That each publisher shall file with the state superintendent of education a bond payable to the State of Mississippi with some surety company authorized to do business in the State of Mississippi as surety thereon, in a sum to be determined by the state superintendent of education, said sum being not less than two thousand dollars (\$2,000.00) nor more than ten thousand dollars (\$10,000.00), according to the number of books filed, and the bond to be conditioned as follows:

First. That the publisher will furnish any of the books listed in said statement, and in any other statement subse-

quently filed by him within five years, to any county school board, any board of trustees of separate school district, or agricultural high schools, in the State of Mississippi, at the lowest net wholesale prices contained in said statement, which price must not exceed seventy-five (75) per cent. of the publisher's list price thereof, and that he will maintain said prices uniformly throughout the State of Mississippi on all books filed under the provisions of this act.

Second. That the publisher will reduce such price automatically to the State of Mississippi whenever reductions are made elsewhere in the United States, so that at no time shall any book so filed and listed be sold to school authorities in Mississippi at a higher net price than is received for such books elsewhere in the United States.

Third. That all such text-books offered for sale, adoption or exchange in the State of Mississippi shall be equal in quality to those filed in the office of the state superintendent of education as regards to paper, binding, print, illustrations, subject-matter, and all other particulars that may affect the value of such school text-books.

Fourth. That the publisher shall not enter into any understanding, agreement or combination to control the prices or restrict competition of the sale of school text-books in the state of Mississippi.

Chap. 179, Laws 1916.

Sec. 7823 Hemingway's Code.

**Bond to be approved by attorney-general.**—4. That such bond shall be approved by the attorney-general, and shall continue in force for a period of five years after its filing, at or before the expiration of which period a new bond shall be given, or the right to continue selling such text-books in the State of Mississippi shall be forfeited.

Chap. 179, Laws 1916.

Sec. 7824 Hemingway's Code.

**State superintendent to furnish list of books to county and school officers.**—5. That the state superintendent of education shall, within thirty days after the filing of any such school text-books and bond for same, send a list of such books to each county superintendent of education and to the superintendent or trustees of each separate school district and the chairman of the board of trustees of each agricultural high school in the state. And the state superintendent of education shall, on or by January 1, 1917, and on or by the first of January of each following year, publish and send to each county superintendent of education and to the superintendent or trustees of each agricultural high school a printed copy of all such lists then in force in his office.

Chap. 179, Laws 1916.

Sec. 7825 Hemingway's Code.

**Publisher failing to supply copies of books to pay forfeit.—6.** That if any publisher shall comply with the foregoing sections and then fail or refuse to furnish such books to any board of trustees, county superintendent, superintendent or trustees of separate school districts, trustees of agricultural high schools, upon the terms herein provided, said school authority shall at once notify the state superintendent of education of such failure or refusal, and he shall at once cause an investigation of such charge to be made. If the state superintendent of education finds such charge to be true, he shall at once notify such publisher and notify each county superintendent of education, each state educational institution, each board of trustees of separate school districts and agricultural high schools in the State of Mississippi that such book or books shall not thereafter be adopted or purchased by any of the school authorities in the State of Mississippi. Said publisher shall forfeit and pay to the State of Mississippi the sum of five hundred dollars (\$500.00) for each failure or refusal to furnish said book or books, to be recovered in the name of the State of Mississippi in an action to be brought by the attorney-general in any proper court, the amount when collected to be paid into the treasury to the credit of the common-school fund of the State of Mississippi.

Chap. 179, Laws 1916.

Sec. 7826 Hemingway's Code.

**School trustees to meet and determine what books to be used in the county schools.—7.** That each county school board and the board of trustees of each separate school district in the State of Mississippi, at a regular meeting to be held between the first Monday in each January and the first Monday in August following each year until a complete list of school text-books is adopted covering the whole school course of study, not otherwise provided for by law, by a majority vote of the entire membership of said board, shall determine which of said books so filed shall be used in the schools under its control it being distinctly understood that such list of books selected by the county school boards shall apply to all public high schools in the county, except separate school districts and agricultural high schools; provided, that the county school board shall make selection of books from a list recommended by a committee of five high-school teachers appointed by the county superintendent of education. And after such books have been selected and adopted by said school board or boards of trustees of separate districts, no basal book shall be changed nor any other books substituted therefor for a period of five years after the date of its selection and adoption, as shown

by the official records of the board provided, that any of such school text-books as may be in use in the schools of Mississippi when this act goes into effect may be continued at the pleasure of the authorities in charge of such schools, but that when said books are changed, or other books substituted for those in use, the books adopted shall be used for a full period of five years. That this act shall not affect any existing contracts for text-books now in force in this state.

Chap. 179, Laws 1916.

Sec. 7827 Hemingway's Code.

**Uniform course of study for agricultural high schools to be selected.**—8. That it shall be the duty of the state superintendent of education to appoint four agricultural high school principals or teachers, who, with himself, shall constitute a committee to select from books listed, as hereinbefore provided, a uniform course of study for the agricultural high schools of the state, and said schools shall be required to use the books so selected. The price and manner of handling and adopting books for separate school districts and other high schools shall apply to agricultural high schools also, except books on agriculture and other industrial subjects.

Chap. 179, Laws 1916.

Sec. 7828 Hemingway's Code.

**Prices at which books to be bought and sold to pupils.**—9. That all school text-books adopted, as provided for in this act, shall be bought by the various school authorities direct from the publishers at the prices listed with the state superintendent of education, as herein provided, and sold to the pupils and patrons of such schools at said listed prices, or at such prices as will include the cost of transportation and cost of handling said books, but in no case shall a greater price be charged any pupil or patron than fifteen (15) per cent. advance over the net wholesale price.

Chap. 179, Laws 1916.

Sec. 7829 Hemingway's Code.

**How books to be ordered and paid for.**—10. That each board of trustees of separate school districts and each county school board shall, at a regular meeting, cause to be ascertained the number of each of such books the schools under its charge require or the amount already due publishers for books. The secretary of each board of trustees and each county superintendent of education shall order the books so agreed upon by the board from the publishers, who, on receipt of such order, shall ship the books as directed without delay. It shall be the duty of the secretary or other person named by the board for such purpose to examine the books when received, and if found to be right and in accordance with the order, a warrant, payable out of the school fund, for the proper amount

shall be issued and remitted to the publisher within thirty days. Each county school board and board of trustees shall pay all charges for the transportation of books.

It shall be the duty of each county school board and board of trustees to make all necessary provisions and arrangements to place the books so purchased within easy reach and accessible to all the pupils in the schools under their control. For this purpose each county school board and board of trustees may make contracts, and take such security as it deems necessary, for the custody, care and sale of such books, and accounting for the proceeds. The proceeds from the sale of the books shall be used to replace the money used by the county school board and board of trustees in purchasing the necessary supply of books or send direct to the publisher in settlements of accounts due. The county school boards and boards of trustees may also contract with local or retail dealers to sell the books to the pupils and patrons of the schools at prices to be specified by the county school board and board of trustees, each board being responsible to the publishers for all books purchased by it. All orders for books under this act shall be made by the secretary of the board of trustees or by the county superintendent.

Chap. 179, Laws 1916.

Sec. 7830 Hemingway's Code.

**Retailer not to advance price of books.**—11. That no retail dealer selling said school text-books as the agent of any school authority shall sell the same at a greater price than the price agreed upon between such dealer and said school authorities; provided, that in no case shall said books be sold to the school children at a price to exceed fifteen (15) per cent. advance on the wholesale price of such books.

Chap. 179, Laws 1916.

Sec. 7831 Hemingway's Code.

**Pupils removing into new districts—How books disposed of.**—12. That when pupils remove from any county or separate school district, and have text-books of the kind adopted in such school district, and not of the kind adopted in the district to which they removed; and wish to dispose of them, the school board of the county or separate school district from which they remove, if requested, shall purchase such text-book at the fair value thereof and resell them to other pupils. (Laws 1916, ch. 179. In effect May 1, 1916).

Chap. 179, Laws 1916.

Sec. 7832 Hemingway's Code.

**School boards may provide for free books if desired.**—13. That nothing in this act shall prevent the school board of any county or separate school district in the State of Mississippi

from furnishing free text-books to the pupils in the schools under its control, or from buying books and renting them to pupils in such schools.

Chap. 179, Laws 1916.

Sec. 7833 Hemingway's Code.

**Publisher not to give money or gifts to members of school boards.**—14. That no publisher of school books nor agent of such publisher shall offer or give any emolument, money or other valuable things, or any other inducement to any member of the board of trustees or school official connected with any of the public schools of Mississippi, for his vote or promise of vote, or for the use of his influence for the adoption of any school text-book to be used in any of the schools of this state; nor shall any member of a board of trustees or school official connected with any of the public schools of Mississippi accept emolument, money or other valuable thing, or any other inducement from any publisher or agent of any publisher for his vote or promise of vote, or for the use of his influence for the adoption of any school text-book. Provided, that nothing in this section shall be construed to prevent any person, publisher or publisher's agent from sending a reasonable number of sample copies of school text-books to any member of a board of trustees or school official for examination of such book or books before any adoption of books, as provided for in this act, and nothing shall be construed to prevent such member of a board of education or school official from receiving such sample copies.

Chap. 179, Laws 1916.

Sec. 7834 Hemingway's Code.

**Violations of this act—How punished.**—15. That any publisher of school text-books or agent of such publisher, or any member of any board of trustees, or public-school official of the State of Mississippi who violates any of the provisions of this act, on conviction thereof, shall be punished as for a misdemeanor; and any member of the board of trustees or school official shall, in addition, be removed from his official position. Any retail dealer of school text-books acting as agent for any board of trustees who violates any of the provisions of this act shall, upon conviction, be punished as for a misdemeanor.

Chap. 179, Laws 1916.

Sec. 7835 Hemingway's Code.

**County superintendent to order books and employ agents.**—16. That the county superintendent of education shall act for the county school board in ordering books for the schools in his county, except for separate school districts and agricultural high schools, and he shall employ agents at such places as he deems necessary for the proper distribution of said books.



Section 1. Be it enacted by the Legislature of the State of Mississippi, That section 4617 of the code of 1906 be amended so as to read as follows:

### CHAPTER 143.

#### LAWS 1918.

4617. **Exchange price of books.**—The exchange price between old books and new books of the same or similar grade shall not be more than the lowest exchange price of said books anywhere in the United States.

Sec. 2. That chapter 168 of the laws of 1912, entitled, "An act to limit the number of text books changed at any regular state adoption," be and the same is hereby repealed.

Sec. 3. That all laws and parts of laws in conflict herewith are repealed, and that this act shall take effect and be in force from and after its passage.

#### State Textbook Commission.

#### CODE 1906.

##### Sec. 7837 Hemingway's Code.

4594. **Commission to select a uniform series of text-books—Qualifications of its members.**—The governor shall select and appoint eight educators of known character and ability in their profession, and engaged in public-school work as teachers, not more than one to be selected from each congressional district, who, together with the state superintendent of education, shall constitute the text-book commission of Mississippi. The state superintendent of education shall be an ex officio member of said commission, and in no case shall the person selected be related to the ex officio member by affinity or consanguinity.

##### Sec. 7838 Hemingway's Code.

4595. **Books selected to be used for five years.**—It shall be the duty of the said commission to select and adopt a uniform system or series of text-books for use in the public schools of the state. Said commission is hereby authorized, empowered, and directed to select and adopt said uniform series of text-books for use in the public schools of the state, and when so selected, said books shall be used for a period of five years in all the public schools of the state, and it shall be unlawful for any teacher of any public school in this state to use any book or books upon the same branch other than those adopted by said text-book commission, except as hereinafter provided.

Said uniform series shall include the following branches of study, to-wit: Orthography, reading, writing, intellectual arithmetic, practical arithmetic, geography, English grammar, composition, history of the United States, physiology, civil government, elements of agriculture, and history of the State of Mississippi; that no history in relation to the late civil war between the states shall be used in the schools of this state, unless it be fair and impartial, and such other branches of school books as may be added to the above curriculum by statute. Provided, that none of said text-books so selected or adopted shall contain anything of a partisan or sectarian character; and provided, further, that all text-books adopted for use in the public schools of the state shall be printed in English, except such books as shall be adopted as text-books in the study of a foreign language.

Sec. 7839 Hemingway's Code.

**4596. Members to be sworn—Must not be directly or indirectly interested in contracts.**—Before transacting any business relating to the duties incumbent on the said commission, the members thereof shall each take and subscribe an oath to faithfully discharge all the duties devolving upon them as members of said commission; that he has no interest, direct or indirect, in any contract that may be made hereunder; that he will receive no personal benefit of profit therefrom; that he is not in any manner interested in any books or publishing concern publishing any books of the kind contemplated for use in the public schools of this or any other state; that he will carefully, faithfully, and conscientiously examine all books submitted for inspection, and will, to the best of his knowledge and ability, make the best selection possible of any and all books to be used in the public schools of the state.

Sec. 7840 Hemingway's Code.

**4597. Separate school districts may adopt supplemental books.**—The trustees of any separate school district may select such other supplemental books in addition to the books selected and adopted by the school-book commission, for use in such separate school districts, and the trustees of the separate school district may raise the curriculum above that which may be prescribed by law or act of the school-book commission.

Sec. 7841 Hemingway's Code.

**4598. How choice of books made.**—The said text-book commission shall, in making up their choice for books to be used, take into consideration the merit of each book as to the subject-matter, the printing, binding, material, mechanical qualities, and general suitability for the purpose intended, as well

as the price of said books. Said commission shall select and adopt such books as will, in their best judgment, accomplish the ends desired, and they are hereby authorized, empowered and directed in case they deem any of the books suitable and more desirable than other books of the same class submitted, but the price is unreasonably high, and that they should be offered at a lower price, they may use their discretion and judgment whether they shall adopt said book or books, or adopt the books next best in the list of books submitted.

Sec. 7842 Hemingway's Code.

4599. **When commission to meet and organize—To advertise for bids.**—The said text-book commission shall immediately after their selection meet and organize, and a majority of said commission shall constitute a quorum for the transaction of business. As soon as the commission shall organize it shall advertise in such a manner and in such places as is deemed desirable, that at a time and place fixed definitely in said advertisement, sealed bids will be received from the publishers of school text-books for furnishing books as herein provided to the public schools of the State of Mississippi, through agencies established by said publishers in the several counties of the state, for a period of five years from the date and execution of the contract. The bids or proposals shall be for furnishing the books for a period of five years and no longer.

### Code 1892.

The anti-trust law of 1900 has no application to the state or its public agencies in letting a contract for copyrighted school-books in the manner provided by law and as the result of competitive bidding by the terms of which new books are for a time to be exchanged without cost, book for book, in the place of old books then in use, after which the prices agreed on are to be paid for all books furnished during the continuance of the contract. *B. F. Johnson Pub. Co. v. Mills*, 79 Miss. 543, 31 So. 101.

A public contract for an article below cost is not "inimical to the public welfare" within Const. 1890, § 198. *B. F. Johnson Pub. Co. v. Mills*, 79 Miss. 543, 31 So. 101.

Sec. 7843 Hemingway's Code.

4600. **What bids shall specify—To be accompanied by specimen copies—Bidders to put up forfeits—Opening of bids.**—All bids shall state definitely the price at which the books will sell at wholesale and retail, and shall be accompanied by one or more specimen copies of each and every book to be furnished; it shall be required of each bidder to deposit with the state treasurer such a sum of money as the commission may require, according to the number of books each bidder may propose to furnish, and notice shall be further given in said advertisement that such deposit shall be forfeited to the

state if the bidder making the deposit shall fail or refuse to make and execute such contract and bond as is hereafter required, the time to be fixed by the commission and so stated in such advertisement. All bids shall be sealed and deposited with the secretary of the commission to be delivered by him to the commission when it meets for the purpose of considering said bids, and shall be opened by the secretary in the presence of the commission.

Sec. 7844 Hemingway's Code.

4601. **Bids to be opened and considered in executive session—Attorney-general to draw up contracts.**—It shall be the duty of the commission at the time and place designated in the said advertisement in executive session to open and examine all sealed proposals submitted and received in pursuance of the notice or advertisement as hereinbefore provided; to examine and carefully consider all such bids or proposals and determine in the manner provided for what book or books shall be adopted, taking into consideration the size, quality as to subject-matter, material, printing, binding, and the mechanical execution and the price and general suitability for the purpose desired and intended. After their selection shall have been made, the commission shall, by registered letter, notify the publishers to whom the contracts have been awarded, and it shall be the duty of the attorney-general to prepare said contract or contracts in accordance with the terms and provisions of the law on the subject of text-books, and all contracts shall be executed by the governor and secretary of state, with the seal of the state affixed thereto on the part of the State of Mississippi, and the said contracts shall be executed in triplicate, one copy to be kept by the contractor, one copy by the secretary of the commission, and copied in full in the minute-book of the commission, and one copy to be filed in the office of the secretary of state. At the time of the execution of the aforesaid contract, the contractors shall enter into bond in the sum of not less than ten thousand dollars, payable to the State of Mississippi, conditioned for the faithful, honest and exact performance of all the terms of said contract, together with the payment of reasonable attorney's fees in case of recovery in any suit upon the same, to be approved by the governor and the attorney-general. Any guarantee company authorized to do business in the State of Mississippi may become surety on said bond, and there shall be five or more sureties on the said bond who are citizens of this state and residents of different counties therein, and in the event suit is brought on said bond in any of the state courts, and the defendants, or any of them, have the case removed or attempt to have the case removed to the federal court, the said

school-book commission may immediately cancel the contract and continue the suits on the bond, and it shall be the duty of the attorney-general to so write it in the contract. And it shall be the duty of the attorney-general to prepare said bonds and approve same; provided, that said bond shall not be exhausted by a single recovery, but may be sued on from time to time until the full amount thereof shall have been recovered, and the commission may, at any time, by giving due notice thereof, require additional security, if, in their judgment, it is necessary.

Sec. 7845 Hemingway's Code.

4602. **Forfeit money returned to unsuccessful bidders.—**Contract must be executed within thirty days.—When any firm or corporation shall have been awarded a contract and submitted therewith the bond as required, the commission shall inform the treasurer of the state, and it shall then be his duty to return to such contractor the cash deposit made by him, and the commission shall furnish the treasurer the names of the unsuccessful bidders, when he shall return to them the amount deposited by them at the time of the submission of their bid, but should any firm, person, or corporation fail or refuse to execute the contract and submit the bond as required hereby, within thirty days after the awarding of the contract to him, and the mailing of the registered letter containing the notice, the said cash deposit will be deemed and is hereby declared forfeited to the state, and it shall be the duty of the treasurer to place said deposit in the treasury of the state to the credit of the general school fund; and, provided further, that any recovery on the bond of any contractor shall be placed to the credit of said fund, and be prorated among the several counties of the state.

Sec. 7846 Hemingway's Code.

4603. **Books furnished to be equal to specimen copies.—**The books furnished under any contract shall at all times during the existence of the contract be equal to, in all respects, the specimen or sample copies furnished with bids; and it shall be the duty of the state superintendent of education to preserve in his office as the standard of quality and excellence to be maintained in such books during the continuance of said contract, sample copies of all books which have been the basis of any contract, together with the original bid, and the contractor shall furnish like samples or specimen copies of books to the different county superintendents of education, which shall be preserved by them in like manner, and the same shall always be open to inspection by the public. The retail price and the exchange price of each book adopted shall be either printed on the back or indelibly stamped on

the first page. And the commission shall not in any case contract with any person or publisher for books to be used in the public schools of the state at a price above or in excess of the price at which such book or books are furnished by said person or publisher to any state, county, or school district in the United States under like condition prevailing in the state and under this chapter, as to the method of distributing the books to the consumer. And it shall be stipulated in each contract that the contractor is not now furnishing under contract any state, county, or school district in the United States where like conditions as are now prevailing in this state and under this chapter, as to the method of distributing the books to the consumers, the same book or books at a price less than the price stipulated in the said contract, and the commission is hereby authorized and directed, at any time that they may find that any book is being furnished at a lower price under contract to any state, county, or school district as aforesaid, to sue upon the bond of said contractor for the recovery of the difference between the contract price and the lower price at which they find the book or books have been sold, and should any contractor fail to execute the terms and provisions of his contract specifically, said commission is hereby authorized, empowered and directed to bring suit in the name of the State of Mississippi upon the bond of such contractor for the recovery of all damages for the benefit of the public school fund, but nothing herein provided shall be construed so as to prevent said commission and any contractor from agreeing in any manner to change, alter or amend any contract, provided eight members of said commission shall agree and think it advisable and for the best interests of the public schools of the state to make such change, alteration or amendment.

**Sec. 7847 Hemingway's Code.**

**4604. State not liable to any contractor.**—It shall always be a part of the terms and conditions of every contract made in pursuance of this chapter that the State of Mississippi shall not be liable to any contractor, in any manner, for any sum whatsoever, but all such contractors shall receive their pay and compensation solely and exclusively from the proceeds of the sale of books as herein provided.

**Sec. 7848 Hemingway's Code.**

**4605. Bids may be rejected.**—The said text-book commission shall have and reserve the right to reject any and all bids or proposals if they shall be of the opinion that same should be rejected. And in case they fail to select or adopt any book or books upon any of the branches mentioned in a previous section of this chapter from among the bids or pro-

posals submitted, they may readvertise for sealed bids or proposals under the same terms or conditions as before, and proceed in their investigation in all respects as they did in the first instance and as required in the terms and provisions herein set forth. And it is provided further that any person, firm or corporation now doing business or proposing to do business in the State of Mississippi shall have the right to bid for the contract to be awarded under this chapter, and may submit in writing bid or bids to edit or have edited, published and supply for use in the public schools in this state any book or books herein provided for, or they may submit books the equal of which in every way they propose to furnish, and they shall accompany their bid with the cash deposit, and execute a contract and bond and be subject to the same conditions and restrictions as hereinbefore provided.

## CHAPTER 219.

### LAWS 1910.

Sec. 7849 Hemingway's Code.

4606. **Contractor to establish book depositories.**—The successful bidder or contractor shall establish and maintain one or more depositories in this state, to be designated by the commission, where a stock or supply of the books sufficient to meet all the immediate demands shall be kept. There shall also be maintained in each county in this state two or more agencies for the distribution of the books contracted for and one of the distributing points shall be the county site, and where there are two county sites in a county a distributing point shall be maintained at each; and said agencies shall sell to all persons desiring to purchase said books, to the patrons of the public schools; and the contractor shall make arrangements with two or more booksellers or merchants in towns of two thousand or more inhabitants that may apply for agencies to handle and distribute the books at said places, provided that such applicant for any agency shall execute and tender to said contractor a valid contract and bond conditioned for the faithful and efficient performance of his trust as the agent of said contractor, and provided further, that said contractor and said applicant for said agency agree as to the terms and conditions of said agency, or contract, and the amount of said bond; and it shall be unlawful for said contractor, either directly or indirectly, to give to any applicant complying with the provisions of this act any advantage over another in the contract or terms of such agency. All books shall be sold to the consumer at the retail contract price and in each book shall be printed the following: "The price

fixed hereon is by state contract and any excess thereon shall be reported to the county superintendent, or the state superintendent of education at Jackson, Mississippi."

Chap. 219, Laws 1910.

Sec. 7850 Hemingway's Code.

**Apply only to future contracts.**—2. That this act shall apply to all contracts hereafter made by the commission, but that it shall have no force and effect as to contracts now in existence.

### CODE 1906.

Sec. 7851 Hemingway's Code.

**4607. Damages for failure to meet demand for books.**—It is expressly provided that should any contractor fail to furnish the books sufficient to meet the demand and at the prices designated, or otherwise fail to comply with the contract, in addition to the right of the state to sue on the bond as hereinbefore required, the county superintendent of education in any county of the state where such breach of contract may be made, may bring suit for damages in the name of the State of Mississippi in the proper court of the county wherein he resides, for the use and benefit of the school fund of the county, and in all cases arising hereunder service of process may be had and deemed sufficient on any agent of the contractor in this state.

Sec. 7852 Hemingway's Code.

**4608. Commission to enforce provisions.**—Said commission may make any necessary regulations not contrary to the provisions herein mentioned to secure the prompt distribution of the books herein provided for, and the prompt and faithful execution of all contracts, and it is expressly provided that said commission shall maintain its organization during the five years of the continuance of this contract.

Sec. 7853 Hemingway's Code.

**4609. State superintendent to notify county superintendents.**—As soon as practicable after the adoption of the text-books the state superintendent shall issue a circular letter to each of the county superintendents of education in this state, and to such teachers and other persons as he may desire, stating the list of books adopted, the prices, location of agencies, and such other information as he may deem necessary.

Sec. 7854 Hemingway's Code.

**4610. Books adopted to supplant all others—Exceptions.**—The books adopted as a uniform series of text-books shall be introduced and used as text-books to the exclusion of all others in the public schools of this state, and continue to be used



for five years as said text-books, except as herein provided for the change of said books as the commission may deem advisable for the best interests of the public schools of this state; provided, that nothing in this chapter shall be construed to prevent the use of supplementary books, but such supplementary books shall not be used to the exclusion of the books adopted under the provisions of this chapter; provided, further, that nothing herein provided shall prevent the teaching in any of the public schools of this state any branch higher or more advanced than is embraced in any previous section of this chapter, nor the using of any books upon such higher branch of study; provided, that such branch shall not be taught to the exclusion of the branches mentioned and set forth.

**Sec. 7855 Hemingway's Code.**

**4611. Penalty for violating text-book provisions.**—Any person violating the provisions of the law on the subject of uniform text-books shall be guilty of a misdemeanor, and, upon conviction, be punished by a fine of not less than ten dollars nor more than fifty dollars.

**Sec. 7856 Hemingway's Code.**

**4612. Penalty for teaching other books.**—Any teacher who shall use or permit to be used in his or her school any text-book upon the branches embraced in this chapter other than the ones adopted by said text-book commission upon said branch as hereinbefore provided, shall be guilty of a misdemeanor, and, upon conviction, shall be punished as provided for in the preceding section.

**Sec. 7857 Hemingway's Code.**

**4613. Penalty for demanding more than contract price.**—If any local agent, clerk, dealer, or other person handling or selling the books adopted under the provisions of this law shall demand or receive in cash more than the contract price for any of the books herein provided for, he shall be guilty of a misdemeanor, and, upon conviction, shall, for each offense, be punished by a fine of not less than fifty dollars nor more than five hundred dollars.

**Sec. 7858 Hemingway's Code.**

**4614. Commission to keep a journal of its proceedings.**—The commission is required to keep a journal of its proceedings, which journal shall, at the close of each meeting, be signed by the president and secretary of the commission, and when the text-books shall have been adopted according to the provisions of this chapter, the journal shall be filed in the office of the secretary of state, and a separate journal shall be kept of subsequent meetings, which journal shall be filed in the office of the secretary of state.

**Sec. 7859 Hemingway's Code.**

**4615. Commission can not extend contract.**—The members of the commission provided for by section 7837 shall hold their office for five years from the date of their appointment and until their successors are duly appointed and qualified, and shall have no power to extend any contract made by them, but their successors, duly appointed and qualified as provided for by section 7837, shall be authorized and directed to execute a new contract on the same terms and conditions as is provided hereunder.

Chap. 219, Laws 1910.

**Sec. 7860 Hemingway's Code.**

**4616. Members of commission not to accept employment or receive gifts or donations from book dealers—Penalty.**—It shall be unlawful for any member of the school-book commission during the term of his appointment or office to accept or receive from any school-book company, firm, corporation, or agent, any employment, retainer, compensation, reward, emolument, gift, or donation, directly or indirectly, except books actually submitted for inspection with the bona fide view of securing their adoption; and it shall be unlawful for any school-book company, firm, corporation or agent to employ or retain or offer to employ or retain any member of such commission, or to pay or to offer to pay any compensation, reward, or emolument to any member of such commission, or to give or offer to give any donation to any member of such commission, except books or school apparatus actually submitted for inspection, with the bona fide view of securing their adoption. Any violation of this section shall be punishable by a fine of not more than one thousand dollars or by imprisonment in the penitentiary for not more than two years, or both.

**Sec. 7862 Hemingway's Code.**

**4618. Compensation and mileage of commissioners.**—The superintendent of public education shall serve on the commission without compensation, and the other members of the commission shall be paid the sum of five dollars per day during the time they are actually employed, not to exceed thirty days, and, together with the superintendent of public education, shall receive ten cents a mile for each mile actually traveled from their homes to the place of meeting and return, and all necessary expenses for advertising, to be paid out of the general school fund, and they shall each make and swear to a statement of the number of miles traveled, and the number of days actually employed.

**Sec. 7863 Hemingway's Code.**

4619. **When contract forfeited.**—In case of the failure of any contractor to furnish the books provided for in his contract, then his bond shall be declared forfeited, and the commission is authorized and empowered to make such other contract for the unexpired term with any person, firm or corporation to provide and furnish such books as they may deem advisable for the best interest of the state.

**Sec. 7864 Hemingway's Code.**

4620. **When commissioners shall be disqualified to vote on contracts.**—If any person related within the third degree by blood or marriage to any member of the school-book commission, or is associated in any business or partnership with any member of said commission, shall be employed in good faith by any school-book company, firm, corporation or agent in connection with the adoption of school-books in this state, the member of said commission so related by blood or marriage, or so associated in business with such person, shall not vote for the adoption of any school-book offered for adoption by such school-book company, firm, corporation or agent.

## SIXTEENTH SECTIONS.

Sec. 7505 Hemingway's Code.

4695. **Titles to be investigated and established.**—The board of supervisors of each county wherein is situated a sixteenth section of land, or a part of such a section, or another section or part of another section taken in lieu of any sixteenth section or part thereof, reserved for the support of township schools, shall employ one or more competent persons for that purpose, and shall take all such further action as shall be necessary to ascertain the true condition of the title to each parcel of such land in its county, and to establish and confirm the same, fixing in each case the date of the expiration of any lease thereof.

### Code 1892.

A suit is maintainable by a county under this section where the defendant claims the sixteenth section in fee simple under a deed from the lessee, though the land was not sold by the county officials. *Carroll County v. Jones*, 71 Miss. 947, 15 So. 106.

Employment generally of counsel by the year by the board of supervisors, under Code 1892, § 293 (Code 1906, § 312), in no way deprives it of specially employing a different lawyer to investigate the special matter of title to sixteenth section school lands and to bring suit to confirm title thereto. *Warren County v. Dabney*, 81 Miss. 272, 32 So. 908.

### Code 1906.

The title to the sixteenth section of land is in the state, in trust for the support of the public schools of the township wherein the same is situated. *Jefferson Davis County v. James-Sumrall Lumber Co.*, 94 Miss. 530, 49 So. 611.

Code 1906, §§ 4695-4716, is within the power of the state and is not a delegation of power within the rule prohibiting the delegation of power, for a "county" is a mere political subdivision of the state, created to act for the state in local matters, and the state, in thus dealing with the sixteenth section of land, acts through a governmental agency. *Jefferson Davis County v. James-Sumrall Lumber Co.*, 94 Miss. 530, 49 So. 611.

Code 1906, §§ 4695-4716, confer on the counties all powers necessary to carry out the purpose of the grant of jurisdiction and control, and a county may sue for waste committed in cutting timber from a sixteenth section. *Jefferson Davis County v. James-Sumrall Lumber Co.*, 94 Miss., 530, 49 So. 611.

Sec. 7506 Hemingway's Code.

4696. **Abstracts of title.**—A complete abstract of title shall be made of each parcel of said land; and such abstract shall contain references, by book and page, to the acts of congress, the acts of the legislature, and to all records relating thereto; and every such abstract shall be duly certified and recorded

in the record of deeds, and be styled and indexed under the head of "Sixteenth Sections, T.—, R.—;" and it shall be so styled and indexed whether the land be in a sixteenth section or in another section taken in lieu of it; and the original shall be deposited in the land office.

Sec. 7508 Hemingway's Code.

4698. **Suits to establish title and settle disputes.**—It is the duty of the board of supervisors, and of such competent person or persons so employed, in the name of the county, and the privilege of any person interested, to institute and prosecute to effect, in the chancery court of the county where the land lies, all necessary suits to establish and confirm the title to each parcel of such land and to fix the date of the expiration of any lease of the same; and if any person claim any of said lands in fee simple, or upon any other terms than that of a lease to expire at a fixed date, with absolute reversion to the state in trust, or if the title to such lands rest in parol, by destruction of records or otherwise, suit shall be instituted at once, or as soon as practicable, to test the legality of such claims or to re-establish the lost record.

**Code 1892.**

The interest referred to in this section is that of a citizen in a civil subdivision in the assertion of the rights of the public and not the interest of an owner or lessee of the lands. Such owner or lessee can not bring this action in his own behalf. *Osburn v. Hinds County*, 71 Miss. 19, 14 So. 457.

Compliance by the board of supervisors with the requirements of Code 1892, §§ 4144, 4145, 4146 (Code 1906, §§ 4695, 4696, 4697), being for the benefit of the public, is not a prerequisite to bringing suit under this section to establish and confirm the title. *Wright v. Lauderdale County*, 71 Miss. 800, 15 So. 116.

Notwithstanding Code 1892, § 501 (Code 1906, § 551), it is sufficient in a suit under this section in behalf of the county to aver reservation of title by the United States for school purposes and that the legal title remains in the United States, affected with the public trust for support of schools in the township. *Wright v. Lauderdale County*, 71 Miss. 800, 15 So. 116.

*Carroll County v. Jones*, 71 Miss. 947, 15 So. 106; *Warren County v. Dabney*, 81 Miss. 273, 32 So. 908.

Sec. 7509 Hemingway's Code.

4699. **Rule of evidence.**—Adverse possession for a period of twenty-five years, under a claim of right or title, shall be prima facie evidence in such case that the law authorizing the disposition of the lands had been complied with and the lease or sale duly made. If the claim be under a lease, the time at which the lease expires shall be fixed by the court.

**Code 1892.**

This section is not confined to cases in which a lease has in fact been made and such lease is attacked because of alleged infirmity growing out of absence of evidence in compliance with the law. *Carroll County v. Estes*, 72 Miss. 171, 16 So. 908.

Wherever there has been adverse possession for twenty-five years under a paper title, purporting to assign a lease, the statute applies. *Carroll County v. Estes*, 72 Miss. 171, 16 So. 908.

To the same effect, see *Amite County v. Steen*, 72 Miss. 567, 17 So. 930; and *Forsdick v. Tallahatchie County*, 76 Miss. 622, 24 So. 962.

In the absence of sufficient evidence a lease of a sixteenth section by school trustees will not be presumed. *Weiler v. Monroe County*, 74 Miss. 682, 22 So. 188.

No presumption that the sixteenth section has been leased will be indulged in support of a tax deed, Code 1892, § 1806 (Code 1906, § 1983), as to prima facie effect of tax deeds, being without application in such case. *Leflore County v. Bush*, 76 Miss. 551, 25 So. 351, distinguishing *Chamberlain v. Lawrence*, 71 Miss. 949, 15 So. 40.

No presumption of sale or lease of school land is indulged except that arising under this section. *Leflore County v. Bush*, 76 Miss. 551, 25 So. 351.

A sale in fee of the sixteenth section school lands has never been authorized by law in this state. *Weiler v. Monroe County*, 76 Miss. 492, 25 So. 352, explaining *Weiler v. Monroe County*, 74 Miss. 682, 22 So. 188.

The statute of limitations does not run against the reversion in a sixteenth section during the existence of a lease. *Weiler v. Monroe County*, 76 Miss. 492, 25 So. 352.

See *Sexton v. Coahoma County*, 86 Miss. 380, 38 So. 636.

**Sec. 7510 Hemingway's Code.**

**4700. Lands to be leased.**—None of such lands shall ever be sold, but they shall be leased; those not in a city, town, or village for a term not exceeding fifteen years, and those in a city, town, or village for a term not exceeding twenty-five years, on condition of the payment annually of the rent reserved. No timber shall be cut or used by the lessees except for fuel and necessary repairs and improvement on the land.

**Code 1892.**

Leaseholders or other private interests of persons in sixteenth sections of land in this state are subject to taxation. *Street v. Columbus*, 75 Miss. 822, 23 So. 773.

A tenant for years cutting standing timber on a sixteenth section for sale is guilty of waste. *Warren County v. Gans*, 80 Miss. 76, 31 So. 539.

And such timber may be replevied by the county under the provisions of this chapter, the land having been leased in 1834 for ninety-nine years under the laws of this state then in force. *Warren County v. Gans*, 80 Miss. 76, 31 So. 539.

A bill in equity to recover for waste simply averring that the school authorities had leased the land, that the lessee had assigned the lease and that defendant held under it, is demurrable for a failure to show the term of the lease, when, where, by whom and to whom it was made. *Adams v. Griffin*, 85 Miss. 1, 37 So. 457.

### Code 1906.

The cutting of timber for commercial purposes from the sixteenth section leasehold is waste, notwithstanding a claim that the timber was cut and sold for agricultural purposes. *Jefferson Davis County v. James-Sumrall Lumber Co.*, 94 Miss. 530, 49 So. 611.

The good faith of a tenant of the sixteenth section of land in clearing up portions of it for cultivation is for the jury. *Jefferson Davis County v. James-Sumrall Lumber Co.*, 94 Miss. 530, 49 So. 611.

A tenant of the sixteenth section land may clear up for cultivation such portion of it as a prudent owner in fee would clear for that purpose, provided he leaves enough timber necessary for the permanent use and enjoyment of the inheritance, but he must do this in good faith, or he may be guilty of waste. *Jefferson Davis County v. James-Sumrall Lumber Co.*, 94 Miss. 530, 49 So. 611.

Since it is unlawful for the lessee of a sixteenth section of state land to sell for commercial purposes the timber standing thereon, the warranty in a sale of such timber by the lessee is broken when made, and an action for such breach at once lies, without any hostile assertion of the paramount title. *Jackson Naval Stores Co. v. Tootle*, 96 Miss. 486, 51 So. 801; *Moss Point Lumber Co. v. Harrison County*, 89 Miss. 448, 42 So. 290, 873.

(1817, art. VI, § 20.)

Purchaser at a tax sale of leasehold interest in sixteenth section land acquired only the soil, where the lessee had sold the timber to one who paid the taxes thereon. *Caston v. Pine Lumber Co.*, 110 Miss. 165, 69 So. 668.

### Sec. 7511 Hemingway's Code.

**4701. Counties to have control.**—The several counties wherein are situated any of such lands have, through their respective boards of supervisors, under the general supervision of the land commissioner, jurisdiction and control thereof, and of all funds arising from any disposition thereof heretofore or hereafter made; and shall cause all such funds to be paid into their respective treasuries, and all notes, bonds, and other securities for the same to be turned over to the county treasurers and duly collected. All funds derived from such lands shall be credited to the proper township, and each treasurer shall keep a separate account with each township. Such funds shall not be expended otherwise than for the purpose of education within the township to which they belong, but the board of supervisors may appropriate the funds for the erection of necessary buildings and improvements upon the land. The whole of the funds derived from annual payments of rents may be expended, but only the interest of other funds. The boards of supervisors may require additional bonds from the county treasurers to protect such

funds, but they shall be liable therefor on their official bonds. All securities heretofore taken for any such funds shall be delivered to the county treasurer and collected as in other cases.

Schools, see § 7386.

### Code 1906.

Under Code 1906, § 4701, an unliquidated claim for wrongfully cutting timber on sixteenth section lands was not within the provisions of Const. 1890, § 100, and hence the supervisors had full authority to settle such claim. *Eastman, Gardiner & Co. v. Adams*, 101 Miss. 460, 58 So. 221.

## CHAPTER 220.

### LAWS 1910.

#### Sec. 7512 Hemingway's Code.

**4702. May sell timber.**—That the board of supervisors in counties having control of any sixteenth section of land, or a part of such section or of another section or part of a section taken in lieu of any sixteenth section or a part thereof, reserved for the support of township schools, be, and they are hereby authorized and empowered, to sell the merchantable timber of any and all varieties and wood and gravel and acid iron earth, on such land, or to lease for a term not exceeding three years said lands for turpentine, or pasturage purposes for a term not exceeding one year. The funds arising from the sale of such timber or wood or gravel or acid iron earth or from the lease for turpentine or pasturage purposes shall be credited to the proper township, and the treasurer shall keep a separate account with each township. Such funds shall not be expended but shall be loaned out by the boards of supervisors in the same manner and under the same restrictions as provided by law for the loan and security of other sixteenth section funds. The interest arising from such funds shall be expended for the support of the township schools as is provided by law for the expenditure of the interest on other sixteenth sections.

### Code 1906.

Under Const. 1890, § 211, limiting the time for which the state can part with control of school lands, and under Code 1906, § 4702 (§ 7512, this Code), authorizing the board of supervisors to sell the timber on such lands, the supervisors may permit the purchaser to enter the land to remove the timber, and to burden the land with the support thereof until removed, but they can not grant him an indefinite length of time. *Dantzler Lumber Co. v. State*, 97 Miss. 355, 53 So. 1; *State v. Blodgett*, 110 Miss. 768, 70 So. 710; *State v. Dunnam*, 67 So. 461, not officially reported.



Under Code 1906, § 4702, empowering county supervisors controlling school lands to sell the merchantable timber thereon, a corporation may lawfully acquire and dispose of such timber for commercial purposes. *Southern Plantations Co. v. Kennedy Heading Co.*, 104 Miss. 131, 61 So. 166.

Since under Code 1906, § 4702, a corporation may acquire the right to cut timber from sixteenth section land for commercial purposes, its warranty that it had the right to sell the timber for such purposes, with an agreement that in the event it had no such right to acquire it for the benefit of the buyer when called on to do so, and in default thereof to refund the purchase-money, was not void as being an agreement to protect the buyer in any illegal act. *Southern Plantations Co. v. Kennedy Heading Co.*, 104 Miss. 131, 61 So. 166.

A warranty expressly covering all of the timber on a tract can not be restricted by implication because of recitals in other parts of the deed, unless the intention to do so is expressed in unambiguous language, and the fact that the deed on its face shows a part of the land is sixteenth section land is immaterial to the grantee's right to recover for a breach of warranty. *Southern Plantations Co. v. Kennedy Heading Co.*, 104 Miss. 131, 61 So. 166.

A purchaser of timber on sixteenth section land from the lessee, who paid taxes for the timber and subsequently purchased it from the board of supervisors, was the owner of such timber, notwithstanding sale of the leasehold interest for taxes. *Caston v. Pine Lumber Co.*, 110 Miss. 165, 69 So. 668.

## CHAPTER 229.

### LAWS 1916.

Sec. 7513 Hemingway's Code.

4703. **How funds loaned and secured.**—That funds arising from the disposition of the sixteenth sections now on hand, and all such as shall accrue, together with all unexpended balances of annual rentals which shall accumulate, shall be loaned out for terms not exceeding five years, to be fixed by the board of supervisors, and at a rate of interest not less than six per centum, to be likewise fixed, the borrower in all cases securing the same by a first trust deed upon improved real estate, duly filed and recorded; but a loan shall not be made until after the borrower shall have furnished, at his own expense, a complete abstract of title to the land offered as security for such loan, and that the certificate of the attorney for the board of supervisors or some reputable attorney satisfactory to the board of supervisors, be attached to said abstract, setting forth that in his opinion the reputed owner has a perfect title to said land and that a trust deed executed properly will be a first lien thereon. Provided, however, in all cases that the board of supervisors or a committee therefrom shall have first inspected the proposed security and appraised same at an amount double the value of the proposed

loan, that is to say, no loan shall be made for a greater amount than one-half of the actual value of the land, to be determined by appraisalment by the board of supervisors, or its committee, and said appraisalment to be reported in writing and said report recorded on the minutes of the board of supervisors. When said loan is made the recorded trust deed and the abstract of title shall be turned over to and held by the county treasurer or county depository in which the funds from which the loan made are deposited. But the board of supervisors shall have the authority to lend such funds to the board of trustees of any agricultural high school in the county at a rate of interest heretofore provided for a term not exceeding twenty (20) years, for the erection, equipment or repair of county agricultural high schools. The board of supervisors in any county in which sixteenth section school funds shall have been loaned to the board of trustees of agricultural high schools levy annually when other taxes are levied a special tax to be used exclusively in paying the interest on such loans and in providing a sinking fund for their redemption. If any funds shall be loaned or invested in any other manner, each officer concerned in making such loan and investment or suffering the same to be made, in violation of the provisions of this section, shall be liable personally and on his official bond for the safety of the funds so loaned.

## CHAPTER 142.

### LAWS 1916.

#### Sec. 7514 Hemingway's Code.

**Counties may purchase, hold and dispose of securities pledged for loans from the sixteenth section funds.**—1. The board of supervisors of the respective counties in the State of Mississippi, are hereby authorized to purchase any real property or other security pledged to any county to secure loans from the sixteenth section funds of any county, at any sale resulting from the default in the payment of the interest or principal of any loan or any part thereof, providing no other bid or offer is made at such sale for an amount equal to the total amount of principal, interest and all cost of such sale, and the party so making such sale is authorized to execute the proper deed of conveyance for said property to the county so purchasing at such sale, said property or security to be held by said county for the use of sixteenth section funds from which the loan or loans on said security were made; and the board of supervisors of the county are hereby authorized to sell, rent or lease said property or security either at private or public sale, as the board of supervisors

shall deem for the best interest of said sixteenth section funds, such sale or leases to be made for either a cash consideration or part cash and balance in deferred payments, in the discretion of said board, any balance in deferred payments not to exceed two years from date of sale by said board, and the county shall have a lien on same for purchase-money as against all persons until paid.

The deed of conveyance in such cases shall be executed in the name of the county by the president of the board of supervisors, pursuant to an order of the board entered on its minutes. The proceeds of all such sales, rents or leases shall be paid to the proper sixteenth section funds from which the loan originated, and for which the security so sold was pledged.

## CHAPTER 144.

### LAWS 1918.

Section 1. Be it enacted by the Legislature of the State of Mississippi, That section 4704 of the code of 1906 be and the same is hereby amended so as to read as follows:

**How school funds used.**—The available township school funds may be appropriated for the building and repair of school houses and the purchase of furniture for the same and all necessary school supplies other than books, for the supply of water and fuel, and for the payment of teachers, both by supplementing the salaries of teachers during the public term and the payment of salaries after the common school term shall expire, and for clearing land, building improvements on, and draining any 16th section lands of the township to which said available funds may belong. And in cases where children in adjoining townships having available school funds, attend the same school, the trustees of each township shall make a list of the educable children attending such school from each township and file the same during the first month of the term with the county superintendent of education, to be used by him in determining the amount to be paid by each township, and all such funds appropriated to pay or supplement the salaries of teachers shall be paid out on certificate of the county superintendent of education, and he shall indicate on each certificate, the township to which the same shall be charged, provided, that whenever available township funds shall be used for the building and repair of school-houses and the purchase of furniture and supplies and the improvement of lands, as provided in this section, the same shall be paid out on allowance of the board of supervisors. And the trustees of any township having sixteenth section lands to

lease, may, with the approval of the board of supervisors, borrow money to build or make additions to public school buildings of the township, and may pledge the rents arising from or to be derived from the leasing of any sixteenth lands in the township for the payment of the said money so borrowed. The money to be borrowed, and the interest thereon not to exceed the amount of the rent to be received from the leasing of the sixteenth section for six years, provided, that any money so borrowed shall not be borrowed for a greater rate of interest than six per cent per annum.

Sec. 2. That this act take effect and be in force from and after its passage.

### CODE 1906.

Sec. 7516 Hemingway's Code.

**4705. Trustees of townships—**They may determine how to use.—The board of supervisors shall annually appoint three trustees for each township in their respective counties having school lands or funds, or which ought to have such lands or funds; and the trustees shall recommend to the boards of supervisors the lawful purposes for which the available school funds of their township ought to be appropriated, and the same shall be appropriated accordingly.

Sec. 7517 Hemingway's Code.

**4706. How lands not in cities leased.**—It is the duty of the superintendent of education of each county, with the approval of the board of supervisors and upon consent being obtained as provided in section 6667, to lease the sixteenth section lands subject to lease and not situated in a city, town, or village, by public or private contract, as the board shall direct, and for the term it shall direct; and he shall take the notes for the rent and turn them over to the county treasurer and attend to their collection. The county shall have all the rights and remedies for the security and collection of such rent given by law to agricultural landlords.

Sec. 7518 Hemingway's Code.

**4707. How lands in cities leased.**—When any of such lands are situated in a city, town, or village, and the same are or become subject to lease, the board of supervisors shall appoint three disinterested freeholders of the county to be appraisers, whose duty it shall be to appraise and report to the board the actual annual rental value of each lot or parcel thereof, with the improvements, if any, for a term of twenty-five years. The board shall determine whether the same be the reasonable value thereof, subject to appeal to the circuit court by any person interested, on behalf of the township.

## Sec. 7519 Hemingway's Code.

4708. **Appeal and further proceedings.**—The circuit court, on appeal, which shall be granted by the board of supervisors on application in writing and the execution of a bond conditioned to pay the costs unless the rent shall be increased, may determine whether the appraisement be reasonable, and may hear proof and fix the reasonable rental value thereof, by the verdict of a jury or otherwise. When the rental value shall be finally fixed, the bona fide leaseholder of the expired or unexpired term, if any such there be, shall have the preference to take the land and improvements, if any, for the term of twenty-five years, at the annual rental so fixed; and the superintendent of education shall see that the proper lease be executed in duplicate, duly recorded, and one part delivered to the county treasurer; and, if the last leaseholder do not within ten days execute the lease, the superintendent may lease the same on the terms fixed to the person who will apply within thirty days, and he may do the same if there be no former leaseholder; but, if some person do not so apply and execute the proper lease, he shall lease the same for one year, and continue to so lease it unless some person within ten years of the date of fixing the value, shall execute a lease of the same for the remainder of the term of twenty-five years at the rental so fixed. At the expiration of ten years, where some person has not taken the term, or if the term be taken and expire, appraisers shall again be appointed and the like proceedings had.

## Sec. 7520 Hemingway's Code.

4709. **Whether subject to lease determined.**—The chancery courts have jurisdiction to determine, on bill or petition, what lands are or may be subject to lease under the provisions of this chapter; but all sixteenth sections, or lands taken in lieu thereof, are presumed to be so subject, unless the contrary be clearly shown.

**CHAPTER 252.**

## LAWS 1914.

## Sec. 7521 Hemingway's Code.

4710. **Township divided by county line.**—Where a township is divided so that parts are situated in different counties, the county in which the section or lands in lieu thereof may be situated, shall have jurisdiction thereof, and of the funds derived from it; and if the section or lands in lieu thereof be in several counties, each county has jurisdiction of the part lying in it, or the counties may co-operate in the management thereof; but in any case the fund shall be accounted therefor with each county according to the number of educable chil-

dren in the part of the township in it as compared with the whole number in the township. And any county now having and hereafter receiving or collecting funds belonging to another county shall immediately thereafter pay over such funds, transfer and assign all notes, deeds of trust and security for funds loaned out to the treasury of the county entitled thereto.

### CODE 1906.

#### Sec. 7522 Hemingway's Code.

4711. **Consent of inhabitants to leases.**—The consent of the inhabitants of a township to the leasing of the sixteenth section lands shall be obtained by the township trustees in the following manner: They shall give notice by posting in three or more public places in the township for at least five days, and call a meeting of the heads of families in the township, to be held at a conveniently located school house therein, on a Saturday to be named in the notice. On the day named the trustees shall attend, organize the meeting, and take the sense thereof as to whether the lands shall be leased for a term of years. Unless the inhabitants thus consent, the lands shall not be leased for a longer term than one year. The consent, or refusal of consent, shall be certified to the board of supervisors at its next or a subsequent meeting, by the trustees, under oath; and the certificate of the trustees shall be conclusive of the facts stated therein three months after the adjournment of the meeting at which the certificate shall be spread upon the minutes of the board.

#### Sec. 7523 Hemingway's Code.

4712. **Certain lands in lieu of.**—The land commissioner shall ascertain the townships entitled to participate in the distribution of the thirty thousand eight hundred and twenty-nine and sixteen one-hundredths acres of land in Hancock county received in lieu of sixteenth sections, and he shall, with the aid of the governor and attorney-general, allot the land ratably to the proper townships of the several counties, and notify the board of supervisors of the allotment; and thereafter the land shall be dealt with in all respects as other sixteenth section lands, notwithstanding their location outside of the counties interested. If any of said lands be found to be in Pearl River county, they shall likewise be so allotted.

#### Sec. 7524 Hemingway's Code.

4713. **Expenses.**—All expenses incurred by the boards of supervisors in the performance of their duties under the provisions of this chapter shall be paid out of the proper sixteenth section funds; but if there be no such funds, then out of the county treasury.

## Sec. 7525 Hemingway's Code.

4714. **Sixteenth section or school lands—Lease may be confirmed and quieted.**—Any person holding or claiming any sixteenth section or school land, under a lease heretofore made by the board of supervisors, or by their authority or direction, may proceed by bill in the chancery court to have such lease confirmed and quieted. He shall set forth in his bill his claim or title under the lease which he asks to have confirmed, the date of such lease, to whom made, the consideration and the amount paid and to be paid, if any. The president of the board of supervisors of the county in which suit is filed and in which the land may be located shall be made a party defendant, and process shall be served on him as in other cases in chancery. Such suits shall be brought in the county in which the sixteenth section or some part thereof is located, and shall be proceeded with as in other cases in chancery, except that the bill shall not be taken as confessed; and it shall be competent for the court to hear and consider evidence aliunde the records of the board of supervisors as to whether the lease sought to be confirmed was legally made, and whether the complainant is entitled to relief. If it be clearly proven that the requirements of law regulating such leases were complied with, the proper relief shall be granted even though the records contain no such affirmative showing. The party claiming title under such lease shall be entitled to the benefits of this section whether the suit be filed by him or by the county, as required by this chapter.

## Sec. 7526 Hemingway's Code.

4715. **Decree of confirmation to be issued.**—Should the court be of the opinion that the complainant is entitled to relief, it shall decree a confirmation of the lease under which complainant claims, fix the date of its commencement and termination, and such decree shall vest in the complainant a good and perfect title to the term of the lease for the time fixed in such decree; but nothing in this or the preceding section shall be construed as releasing any person from the payment in full of any balance that may be due on any lease, under which he may claim or hold any or all of such sixteenth section or school land, but he must either pay or tender in court any balance that may be due as aforesaid before the relief prayed for shall be granted.

**CHAPTER 275.**

## LAWS 1914.

## Sec. 7527 Hemingway's Code.

4716. **If lease illegally made court may have account stated.**—Should it appear to the court that the lease under

which complainant holds or claims title was illegally made and void, then the court may proceed to have an account stated of the amount of money, principal and interest, which has actually been paid in consideration for such lease by the complainant and those under whom he may claim, and an account of the rents, issues and profits arising from said land, less the cost of any necessary, permanent, valuable and not ornamental improvements made upon said lands, and may decree any excess of money paid, and interest and costs of improvements over the rents, issues and profits to complainant, and such decree shall be a lien upon the rents, issues and profits accrued, or to accrue, from the particular sixteenth section involved in such suit until the same is fully paid and satisfied, and upon the rendition of such decree the clerk of the board of supervisors shall issue a warrant for the amount decreed to be paid to the complainant against the funds of such sixteenth section, and the same shall be paid out of the first available money to the credit of such fund. Any excess in the amounts of the rents, issues and profits, after deducting the cost of improvements and amount paid by complainant, shall be decreed against him, together with a writ of possession in favor of the defendant. All court costs in suits brought under section 4714 of this chapter shall be paid by the party or parties seeking relief under the provisions hereof.

### Code 1906.

Code 1906, §§ 4695-4716, confer on the counties all powers necessary to carry out the purpose of the grant of jurisdiction and control, and a county may sue for waste committed in cutting timber from a sixteenth section. *Jefferson Davis County v. James-Sumrall Lumber Co.*, 94 Miss. 530, 49 So. 611.

Code 1906, §§ 4695-4716, is within the power of the state and is not a delegation of power within the rule prohibiting the delegation of power, for a "county" is a mere political subdivision of the state, created to act for the state in local matters, and the state, in thus dealing with the sixteenth section of land, acts through a governmental agency. *Jefferson Davis County v. James-Sumrall Lumber Co.*, 94 Miss. 530, 49 So. 611.

## CHAPTER 177.

### LAWS 1918.

Section 1. Be it enacted by the Legislature of the State of Mississippi, That chapter 140 of the laws of 1916 be amended to read as follows: That the board of supervisors of the counties in the state of Mississippi that are entitled to participate in the distribution of the thirty thousand, eight hundred and twenty-nine and 16-100, (30,829.16) acres of land in Hancock county, in said state received in lieu of sixteenth sections, be, and they are hereby required to employ and contract with one or more competent persons to go upon said lands and



examine and inspect the same, and to divide and allot and assign to each county interested therein, the lands of such county in severalty by proper description, so that the land belonging to any county can be easily located and identified. Such person or persons so employed and contracted with, shall furnish the said county a map or plat showing by specific and sufficient description the particular lands allotted and assigned to such county as approved by the attorney general as hereinafter provided. And where more than one township in a county is interested in said lands in Hancock county, such person or persons shall furnish to the county a map or plat showing by specific and sufficient description the particular lands allotted and assigned to each township in such county.

Sec. 2. That the person or persons so employed and contracted with, shall take an oath to honestly, faithfully and impartially make the division, allotment, assignment and description directed to be made, and otherwise perform the duties required of them under this act, to the best of his or their skill, knowledge and judgment, and such person and if more than one, then each of them shall enter into bond with good and sufficient sureties to be filed and approved by the attorney general of the state, payable jointly to all counties contracted with, by such party or parties, in the sum of two thousand dollars, (\$2,000.00) conditioned that he or they will make the partition and division and allotment and assignment in accordance with law and this act, within twelve months from the date of the approval of the bond.

Sec. 3. That the expenses incurred by the several boards of supervisors or the attorney general under this act shall be paid out of the sixteenth section funds of the township in said counties interested in said lands in Hancock county, if the boards of supervisors can not pay from such funds, then such payment shall be made out of the general county fund of the several counties. But such expense shall not exceed in the aggregate twenty-two cents an acre.

Sec. 4. Should any county entitled to participate in the division of the lieu lands situated in Hancock county fail to make contract for its proper division, allotment, assignment and description within eight months after the passage of this act, the attorney general of the state is authorized and empowered on behalf of such county to contract with such party or parties having the largest amount of contracts from the counties entitled to participate in the lieu lands, for and on behalf of the county or counties so failing to act.

Sec. 5. All counties failing to make proper arrangements for the allotment, division, assignment and description of the

lieu lands as provided for herein shall be liable to the party contracted with by the attorney general, and after the work is completed and approved, as herein provided, the party or parties may maintain action against the county to recover the amount due him or them on such contract made by the board of supervisors or the attorney general.

Sec. 6. The party or parties making the allotment, division, partition and assignment of the lieu lands herein, shall submit same to attorney general for his approval and shall file with the land office the plat or map or other documents as approved by the attorney general, a copy of which he or they shall send to each county whose land was allotted, divided, assigned and described.

Sec. 7. Upon the approval of the division, allotment and description by the attorney general as filed in the land office, the titles to such lands by each township shall vest and belong to the township, as therein divided, allotted and described.

Sec. 8. Should any of these lieu lands now be located in Pearl River county because of change in county line between Hancock and Pearl River county, this act shall apply to the said lieu lands in the same manner as those located in Hancock county.

Sec. 9. That this act take effect and be in force from and after its passage.

## CHAPTER 140.

### LAWS 1916.

#### Sec. 7529 Hemingway's Code.

**Oath and bond required of persons employed to make allotment.**—2. That the person or persons so employed and contracted with shall take an oath to honestly, faithfully and impartially make the partition and division, the allotment and assignment directed to be made, and otherwise to perform the duties required of them under this act to the best of his or their skill, knowledge and judgment. And such person, and if more than one, then each of them, shall enter into bond with good and sufficient sureties to be approved by the board of supervisors of the county, or the president of the board of supervisors of the county, payable to each county so employing and contracting with him or them in a penalty of one thousand dollars (\$1,000.00), conditioned that he or they will make a partition and division and allotment and assignment in accordance with law and this legislative act, within twelve (12) months from the date of the contract of employment.

#### Chap. 140, Laws 1916.

#### Sec. 7530 Hemingway's Code.

**Expense of distribution—How made.**—3. That the expenses incurred by the several boards of supervisors under this act

shall be paid out of the sixteenth section funds of the townships in said counties interested in said lands in Hancock county, if there be such funds; and if there be no such funds, then such payment shall be made out of the general county fund of the several counties.

## CHAPTER 252.

### LAWS 1918.

Section 1. Be it enacted by the Legislature of the State of Mississippi, That every person whose ninety-nine year lease to sixteenth section school lands in this state shall hereafter expire shall be entitled to a credit for all permanent improvements hereafter put on said land.

Sec. 2. The value of such improvements shall be ascertained and fixed by the board of supervisors with the right of appeal to the circuit court by any such lessee or by any person interested on behalf of the township.

Sec. 3. The lessee shall not be entitled to any such payment in cash by the board of supervisors, but shall be entitled to have the value of such improvements applied as a credit on any new lease which he may make with the board of supervisors for the land on which such improvements are situated.

Sec. 4. This act shall take effect and be in force from and after the date of its passage.

## CHAPTER 249.

### LAWS 1918.

Section 1. Be it enacted by the Legislature of the State of Mississippi, That it shall be the duty of the county superintendent of education to collect all rents due for the lease of sixteenth section school lands, and all interest and principal due on loans made out of the sixteenth section school funds of his county, and to account for the same to the board of supervisors. That the board of supervisors shall turn all such funds over to the county treasurer, taking the unusual vouchers therefor, and see that funds of each sixteenth section is properly credited to it; provided that all evidences of indebtedness shall include a provision for the payment of ten per cent attorney's fee in case of default.

Sec. 2. Such superintendent may employ an attorney to aid him in collecting any such funds when, in his opinion, the same is necessary, and pay for the same out of the funds collected, not to exceed, in any case, ten per cent of the amount actually collected.

Sec. 3. That this act take effect and be in force from and after its passage.

# ILLITERACY COMMISSION.

## CHAPTER 110.

### LAWS 1916.

#### Sec. 4922 Hemingway's Code.

**Creating a state illiteracy commission.**—1. There is hereby created a commission to be known as "The Mississippi Illiteracy Commission," which shall be composed of five persons, both men and women, including the state superintendent of education, who shall be ex officio a member thereof. The commissioners shall be appointed by the state superintendent of education and shall be selected for their fitness, ability and experience in matters of education, and their acquaintance with the conditions of illiteracy in the State of Mississippi and its various communities.

#### Chap. 110, Laws 1916.

#### Sec. 4923 Hemingway's Code.

**Commission made a body corporate—Officers of same.**—2. That the members of the commission shall be and are hereby constituted a body corporate with all the powers necessary to carry into effect all the purposes of this act. The commissioners, after their appointment and qualifications, shall organize by electing from their membership a president and a secretary-treasurer. The secretary-treasurer shall execute a bond to the state of Mississippi in a reputable bonding company and in such an amount as the commission may approve, for the faithful performance of the duties of his office and for the proper handling and accounting of all properties and moneys which may come into his hands by virtue of his office; provided, that the secretary-treasurer may be removed by the commission and a successor appointed by the commission, in its discretion.

#### Chap. 110, Laws 1916.

#### Sec. 4924 Hemingway's Code.

**Collection of data as to adult illiteracy.**—3. That it shall be the duty of the commission and it shall have the power to make research, collect data, and procure the services of any and all communities of the state looking to the obtaining of a more detailed and definite knowledge as to the true conditions of the state in regard to its adult illiteracy, and report regularly the results of its labors to the governor, and to perform any other act which in its discretion will contribute to the elimination of the state's adult illiteracy by means of the education and enlightenment of illiterate persons in the state of Mississippi; and the commission shall expend any

funds or use anything of value it may receive in accordance with such regulations as it may from time to time adopt; provided, however, that any or all funds which may come into the hands of the commission shall be expended in keeping with the general purposes of this act.

Chap. 110, Laws 1916.

Sec. 4925 Hemingway's Code.

**Commission may adopt its own rules.**—4. That the commission shall adopt such rules and regulations as may seem expedient for carrying on its business in a manner which shall seem to it most satisfactory.

Chap. 110, Laws 1916.

Sec. 4926 Hemingway's Code.

**Members to receive their expenses only.**—5. That the members of this commission shall receive no compensation for their services nor expenses of any kind out of the state treasury, but they shall be reimbursed out of any funds which may come into the hands of the commission from other sources for the use of the commission for their actual traveling and other necessary expenses incurred in the performance of their duty.

Sec. 4927 Hemingway's Code.

**No appropriation to be made.**—6. That no appropriation shall be made in aid of the commission created in section 1 of this act from any state fund.

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## HOLIDAYS.

### CHAPTER 125.

#### LAWS 1916.

Sec. 2043 Hemingway's Code.

That after the issuance of a proclamation by the governor in any year hereinafter designating a day to be observed as Thanksgiving day, that all the public schools taught in the state shall observe the day as Thanksgiving day, and it shall be declared a legal holiday for all public schools, and no session shall be held during that day.

Chap. 125, Laws 1916.

Sec. 2044 Hemingway's Code.

That the observance of the day by the teachers of public schools shall not be deducted from their reports made to the county superintendents of education, but that they shall be allowed pay for full time as though they had taught on this day.

# APPENDIX

Trustees of separate school districts may contract with teachers for a period of more than one year.

Jackson, Miss., March 2, 1911.

*Hon. J. N. Powers, State Superintendent of Education, Jackson, Miss.*

Dear Sir: I have two letters referred to this office by you for opinion, both asking whether or not it is within the power of the trustees of a separate school district to contract with a principal, or other teacher, of a school to teach more than one year.

*Opinion*—The trustees of separate school districts are five in number, "two being chosen each year for two succeeding years, and one being chosen the third year, as vacancies shall occur." Their term of office is three years. Section 4257 of the Code of 1908.

Section 4525, Mississippi Code of 1906, describes the powers and duties of trustees of separate school districts. Among others, they have power:

"To prescribe and enforce rules, not inconsistent with law or those prescribed by the State Board of Education, for their own government and government of schools, and to transact their business at regular or special meetings called for such purpose, notice of which shall be given each member.

"To elect a superintendent, if one be required, and a principal for each of the schools, and prescribe their powers and duties.

"To elect teachers, fix their salaries, terms of service, contract with them, and impose fines and penalties for neglect of duty."

In 35 Cyc., page 1079, it is said:

"In the absence of a statutory provision limiting, either expressly or by implication, the time for which a contract for employment of a school teacher may be made, to a period within the contracting school board's, or officer's, term of office, such board or officers may bind their successors in office by employing a teacher or superintendent for a period extending beyond their term of office, or for the term of schools succeeding their term of office, provided such contract is made in good faith, without fraud or collusion, and for a reasonable period of time, and the succeeding board, or officers, cannot ignore such contract because of mere formal and technical defect, or abrogate it without a valid reason therefor."

We have no statute in this state fixing the term of such contracts. On the contrary, Section 4525, paragraph K, set out above, specifically grants power to the trustees "to elect teachers, fix their salaries, *terms of service*, contract with them, etc.

It would be a strained construction to say that the "terms of service" must be fixed within limits of a school year. My information is that teachers of separate school districts are never employed for terms less than one full school year, although sometimes, perhaps, the right is reserved to terminate the contract whenever the teacher's services shall cease to be satisfactory.

The contract must be limited to a reasonable period. What is a reasonable period we are not called upon to decide, nor could we decide if the question were asked us. That would depend upon the circumstances in each case as they arise.

Respectfully,

S. S. HUDSON, Attorney General.

By CARL FOX, Assistant Attorney General.

*Taxes—Separate School District—Limitations placed on taxation by municipalities under Section 3430, Code 1906, not applicable to municipalities as separate school districts. Chapter 186, Laws 1916, construed.*

August 14, 1916.

Hon. W. H. Smith, Superintendent of Education, Jackson, Mississippi:

Dear Sir:

*In re Chapter 186, Laws 1916.*

I am in receipt of yours of recent date which reads as follows:

"House Bill No. 161 (Chapter 186) Acts of 1916, repeals all former laws pertaining to operating and financing municipal and rural separate school districts. Section 4 of this act provides the manner of levying and collecting taxes for municipal separate school districts. I will ask that you kindly furnish an opinion to Mr. Walker Wood, Winona, Mississippi, a member of the Board of Trustees of the Winona separate school district, as to whether the Board of Aldermen of a municipality would violate Section 3430 of the Code of 1906, in raising the levy for school purposes, if such levy would increase the amount of the levy for all school purposes, or does Section 3430, of the Code of 1906, include school taxes in its provision?"

## OPINION.

A reference to the school laws of this state will show that separate provisions are made for levying taxes in municipal and rural separate school districts, which do not include the powers vested in municipalities under the Code chapter on municipalities. Under Chapter 99 of the Code, it will be seen that one of the powers conferred upon municipalities is the erection of school buildings and aiding in the education of the children thereof.

This power, of course, is incidental to its rights as a municipal corporation. Section 3317 as amended by Chapter 88 of the Laws of 1912 fixes the amount of taxes which municipalities are authorized to levy upon the property in the municipality for all purposes. It is true that this chapter provides that cities of 5,000 inhabitants or over might levy a tax not to exceed 20 mills on the dollar for a general revenue and improvements and a special school system each.

Section 3430 applies to all municipalities and provides that the Board of Aldermen and Mayor should annually make a statement of the amount of taxes and other moneys collected during the year and the expenditures, and prohibits any increase of taxation over that of the preceding year or incurring indebtedness over and above that of the preceding year and fixes the punishment therefor.

Separate school districts having municipalities as their head are separate and distinct entities in law from municipal corporations proper, and may or may not embrace the same territory embraced in the municipalities proper. Such municipal separate school districts are authorized and created under the procedure pointed out in Chapter 125 of the Code, and amendments thereto for the special purpose of administering free schools therein solely and for this purpose only. The management of said schools is vested in a board of trustees elected by the Board of Aldermen, and have their duties prescribed by law and not by the municipality. Such trustees are officers of the State within the meaning of the Constitution.

Section 4544 of Chapter 125 of the Code, dealing with schools as amended by Chapter 101, Laws of 1908, Chapter 142, Laws of 1910, Chapter 246, Laws of 1912, and 186, 1916, authorize the Mayor and Board of Aldermen of the municipality constituting the separate school district and the Board of Supervisors for unincorporated separate school districts to annually levy a sufficient tax to pay for fuel and other necessaries for its public schools to make such levy of taxes as may be necessary to maintain the schools, etc.



Section 4, of Chapter 186, of the laws of 1916, provides:

“2. That the Mayor and Board of Aldermen of a municipality constituting a separate school district, whether such district is composed alone of the corporate limits or the corporate and added territory, shall annually levy a tax on the entire separate district sufficient to pay for fuel and other necessities of the public school of the district, also for maintaining the schools after the four months term provided for by the State, etc., and provides how the taxable property in such separate school district shall be assessed and the taxes collected, etc.”

Section 10 of said act gives to the trustees of separate school district custody of the school property and entrusts to them the charge and management of the erection, repairing and equipping of the building of such schools.

It is plain from the foregoing that in levying such taxes for a municipal separate school district upon all the property thereof for school purposes the Mayor and Board of Aldermen act, not as officers of the municipality, but as the duly constituted authority of the municipal separate school district for the purpose of maintaining the schools of such district under powers clearly conferred upon them by law.

It is also plain that the Mayor and Board of Aldermen act in a dual capacity as officers of the separate school district, in one case, and as the constituted authority in the municipality in the other. In performing the functions of the municipality they draw their authority and power from their charter or the laws governing municipalities; in the other instance they draw their power and authority from the general law dealing with separate school districts.

I, therefore, advise that in my opinion the taxes levied by the Mayor and Board of Aldermen for school purposes on the property in the municipal separate school districts is to be determined by the laws applicable to schools, and not by the laws of the municipality and that in my opinion such levy of taxes for such school purposes should not be counted as a part of the taxes allowed by law to be levied by a municipality for the purpose of a municipality. Such taxes are separate and distinct, levied under different powers and for different purposes.

Very truly yours,

ROSS A. COLLINS, Attorney General  
LAMAR F. EASTERLING, Asst. Attorney General

## A CODE OF ETHICS FOR MISSISSIPPI TEACHERS.

1. No teacher should lend his or her name in anyway whatsoever in a situation which has arisen from attack upon a teacher for personal or political reasons.

2. A teacher should not sever a contract with a school board without sufficient notice, and then only if to do so is in conformity with the rules and regulations under which the teacher entered into the contract. On the contrary no teacher should be displaced without timely warning.

3. To apply for a position held by another and not known positively to be vacant is a violation of professional ethics. Nor should a teacher enter into negotiations with school authorities regarding a position that has not been formally and officially declared vacant. This, however, shall never be construed as precluding the right of teachers to direct letters of inquiry to educational authorities as to probable vacancies in schools or school systems. Advancement or a change of position should not be sought through criticism of another teacher.

4. A situation may develop in a community in which no ambitious or self-respecting teacher could hope to succeed. Under such circumstances others in the profession should inform prospective candidates of existing conditions; and it should be considered unethical to accept such a position without a change in conditions.

5. Teachers should not make special requests to individual members of the school board. If an unusual or extraordinary condition should arise, a teacher may go direct to the board, but this should be done with the full knowledge of the superintendent or principal. The practice of teachers going direct to the board with complaints or for favors should be condemned as opposed to a professional spirit and a counter to principles of successful organization and management.

6. A superintendent or principal should regard himself as in honor bound to accord any teacher due consideration and justice, and be prepared to give any complaint a fair and impartial hearing. His attitude towards his teachers should be governed by the principle of merit alone.

7. That harmony and unity may prevail in the work of the school, teachers should observe a respectful attitude towards each other and to the principal and superintendent of the schools. They should not indulge in criticism of each other or of the principal or superintendent, excepting when the good of the school is involved, and then only under conditions which will permit of defense.

8. It is most unprofessional and unethical for a school superintendent or principal to issue a testimonial to a teacher ascribing qualifications which she does not possess. In giving a verbal or confidential estimate of a teacher's qualifications for a position, school men should be absolutely frank with one another and altogether act without any mental reservation whatever.

9. It is unethical for a teacher to recommend to any school board a teacher for a definite position unless said position has been officially, legally and conclusively declared vacant.

10. Bad opinion of the members of the Board of Education, of a superintendent, or other superior school official, no matter what the reason for such opinion, can never justify a teacher, or other inferior official, in public expression of such opinions as long as such official relationship exists. Those in authority are in turn, duty bound to withhold from the public information and opinions as to the personal qualifications or the personal attainments of teachers so long as said teachers are under contract.

11. Obtaining and securing positions by fawning upon members of Boards of Education or others in authority by courting their personal favor, or by doubtful relations with them will be regarded as undignified and unethical by respectable and self-respecting teachers. The election of teachers to office should be based solely upon merit. No other should be so quick or so zealous to insist upon elections under such a system as teachers themselves.

12. In communicating with parents or guardians, teachers should exercise the utmost candor. They should hold inviolable information as to the financial limitations of children or wards, their physical or mental defects, their generalities, or any other information the public discussion or mention of which would tend to prove displeasing or discouraging to said parents, guardians, children or wards.

13. Teachers should fearlessly expose corrupt or dishonest conduct in the profession, and there should be no hesitancy on the part of teachers in exercising the utmost diligence to disqualify and debar the criminal teacher whose conduct at anytime becomes a reproach to the profession.

14. It is perfectly proper at all times for teachers to seek preferment and promotion by legitimate means; but any sort of endeavor to establish reputation or to obtain position by inuendo, exploitations, complimentary press notices, or advertisements, is undignified and unprofessional.

15. It is undignified and unprofessional for any teacher desiring to succeed to a given position to use any influence whatever or permit his name to be used whereby the incumbent may be handicapped or a vacancy created. Social, political, religious or denominational prejudices should never be aroused against an incumbent by a prospective candidate.

16. A superintendent or other official to whom is delegated or entrusted the power to employ teachers should not knowingly employ a teacher with the knowledge and consent of the employers of said teacher.

17. Adverse criticism of a predecessor or of a teacher employed in the same system, particularly of a teacher of a lower grade is unethical, and should not be indulged in by those who are mindful and regardful of the dignity of teaching. Such criticism, if made, should be made only with the intent of serving some good end.

18. It is the duty of every teacher in Mississippi to become a member of the Mississippi State Teachers' Association, to pay the membership dues annually, and to respond cheerfully to all demands for service made on him by the association.

19. A committee of three may be appointed by the president of the State Teachers' Association to investigate charges or reports of violations of this Code of Ethics as heretofore set forth and to render to the president a decision sustaining the said charges or reports or exonerating the teacher. This committee should be so appointed at the written request of any teacher against whom such reports or charges have been made, or at the written request of any teacher deserving to charge another teacher with the violation of the Code of Ethics.

Respectfully submitted,

O. A. SHAW, Chairman,  
MISS LANY HOLLAND, Secretary,  
IRA T. GILMER.

Adopted by the Mississippi Teachers' Association in open session at Columbus, May, 1917.

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