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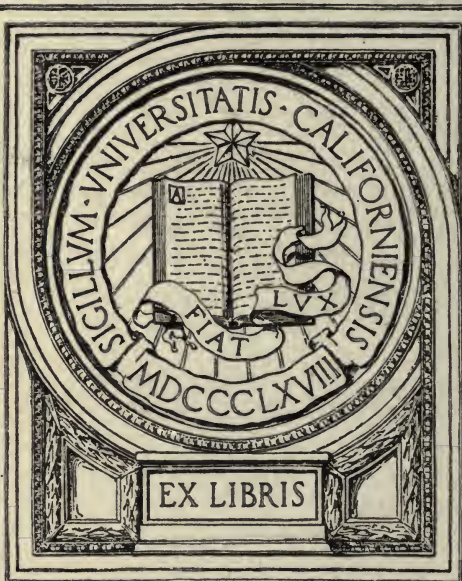


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CHAPTERS: 125, Schools; 137, County Superintendents;
138, State Superintendent

Annotated Code of 1906



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CHAPTER 125.

SCHOOLS.

4485. (3962) *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.

4486. (3963) *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.

4487. (3965) *The same; 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.

4488. (3967) *The same; 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.

4489. (3968) *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.

4490. (3969) *The same; 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.

4491. (3970) *The same; 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.

4492. (3971) *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.

4493. (3972) *The same; to prepare, have printed, and furnish the laws, blanks, books, etc., 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.

4494. (3973) *The same; 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 dis-

cussions 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.

4495. (3974) *The same; official opinions.*—The state superintendent shall, at the request of any county superintendent, 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.

4496. (3975) *The same; to advise county superintendents.*—The state superintendent shall advise county superintendents upon all matters involving the welfare of the schools. (See Secs. 4809-4816.)

4497. (3979) *The same; 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.

4498. (3980) *The same; penalty for failure to report.*—If a county superintendent fails to make his annual report to the state superintendent by the twentieth day of October, he forfeits fifty dollars of 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.

4499. (3981) *The same; 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 dol-

lars 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. (See Secs. 3482, 4813.)

4500. (3982) *The same; 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.

4501. (3983) *The same; salary, how paid.*—The salary of the county superintendent shall be paid monthly out of the county 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 annually; but a county superintendent shall not receive more than twelve hundred dollars, nor less than seven hundred and twenty dollars per annum, and in fixing the salary for any year it shall be based on the amount of school funds received by the county during the preceding scholastic year; provided, the board of supervisors may fix the salary of the county superintendent at an amount between twelve and eighteen hundred dollars, without reference to the amount of the school fund, and when the board of supervisors so fixes the salary of a county superintendent, such county superintendent shall not 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.

4502. (3984) *The same; 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 schoolhouses. For every school not so visited, the board of supervisors must, on proof thereof, deduct ten dollars from his salary.

4503. (3985) *The same; 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.

4504. (3986) *The same; 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.

4505. (3987) *The same; 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 statement, 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.

4506. (3988) *The same; 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.

4507. (3989) *The same; record of names of trustees, etc.; 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 postoffice 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.

4508. (3990) *The same; not to speculate in teachers' warrants, etc.*—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. (See Secs. 981, 1315.)

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.

4510. (3991) *School boards; how appointed, etc.*—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.

4511. (3992) *The same; 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.

4512. (3993) *The same; 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 schoolhouse in each district, if not already located. (See Sec. 3072.)

4513. (3994) *The same; certain institutions of learning considered* (Laws 1900, ch. 117).—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.

4514. (3995) *The same; separate districts for the races; descriptions of districts* (Laws 1896, ch. 110).—Separate districts shall be made for the schools of the white and 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 which are 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 the streams or other bodies of water, or who are prevented from

attending school by other impassable obstruction; 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 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 previously 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 the teachers' monthly reports to him to show the statistics of the whole school, and also separately those of his county. In defining the boundaries of school districts the school board shall pay due regard to the larger water-courses of the county, using parts 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 the line of farms, or otherwise.

4515. (3996) *The same; 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.

4516. (3997) *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.

4517. (3998) *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.

4518. (3999) *Trustees; qualifications; how elected* (Laws 1894, ch. 65).—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.

4519. (4000) *The same; when and how elected and certified* (Laws 1894, ch. 65).—On the first Saturday of August of each year the patrons of each district not constituting a separate school district shall meet at the schoolhouse at two o'clock p.m., organize and select 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 the names of 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.

4520. (4001) *The same; 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.

4521. (4002) *The same; 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 the 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.

4522. (4003) *The same; to select teacher.*—The trustees shall meet annually, on or before the fifteenth day of September, 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 selected fail to obtain a license, the superintendent shall appoint a licensed teacher, and have the school taught during the winter term.

4523. (4004) *The same; to examine enumerations.*—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.

4524. (4005) *The same; 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 provisions for the comfort and welfare of the pupils; but the same shall not in-

volve an expenditure of money not already appropriated for the purpose by the proper authorities.

4525. (4006) *Trustees of separate school districts.*—The powers and duties of trustees 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, publications, or papers of a sectarian, partisan, denominational or immoral character;

(f) To suspend and expel pupils for misconduct;

(g) To visit every school of 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 their salaries, terms of service, contract with them, and impose fines and penalties for neglect of duty; but they cannot 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 enrollment 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.

4526. (4007) *The same; how chosen.*—The schools of such district shall be under the control of five trustees, to be elected on the second Monday in April, or at the first regular meeting prior thereto, by the mayor and board of aldermen, or in the manner prescribed by the board; and the trustees shall all be patrons of the school. The conditions of eligibility imposed and powers granted trustees, under the general law, shall apply to trustees of separate school districts, and they shall be subject to the same penalties, and to removal from office by the board for the neglect of duty, but no member of the board of aldermen shall be eligible to the office of trustee; or any one who is a trustee of a private or sectarian school or college in same separate school district.

4527. (4008) *The same; term of office.*—The trustees shall be chosen for a term of three years; two being chosen each year for two successive years, and one being chosen during the third year, as vacancies shall occur. In unincorporated districts the vacancies annually occurring shall be filled as hereto provided for the appointment of trustees of such district. Their term of office shall be three years, and vacancies shall be filled by the mayor and board of aldermen, but vacancies in unincorporated districts shall be filled by the county superintendent of education. Existing trustees of separate school districts shall remain in office according to the terms of their appointment or designation, unless selected under the general law; and where they are numerous and authorized to act by a smaller number to be selected by them, they may continue to do so.

4528. (4009) *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.

4529. (4010) *The same; 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.

4530. (4011) *Separate school districts.*—Any municipality, by an ordinance of the mayor and board of aldermen thereof, or any unincorporated district of not less than sixteen square miles, by the county school board, on a petition of the 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.

4531. *The same; rural.*—For separate school districts having no municipal organization, the board of supervisors, on petition of a majority of the tax-payers of a separate school district, shall levy the required tax; and the county

tax-collector shall collect the same and deposit it with the county treasurer to the credit of the district for which it was levied. Such fund shall be disbursed on pay-certificates issued by county superintendent when he shall have received an order from the trustees of the district. Trustees shall be appointed by the county superintendent of education. When a majority of the qualified electors of a district shall petition by the first day of April in each year for the appointment of certain patrons to be trustees, the county superintendent shall appoint those recommended, but when no petition is filed with the superintendent, or a majority of the qualified electors fails to recommend trustees, the county superintendent shall make the appointments.

4532. (4012) *The same; county children may attend.*—Children may attend the school of a separate school district in their county, and the county during the winter term shall pay the actual cost of tuition in the school they attend. In computing the cost of tuition, the salary of the municipal superintendent, if there be one, shall not be included as a part of the salaries of teachers, and the salary of a teacher shall not be rated at more than the maximum fixed for teachers of similar grade; but a child in the county shall not attend a separate school district without the consent, in writing, of the trustees thereof, and of the trustees of the school of his district.

4533. (4013) *Territory to be added to separate school district.*—Any part of a county or counties adjoining a municipality which is a separate school district, may be included in such district upon a petition of a majority of the resident freeholders of the territory proposed to be added, and the approval of the municipal authorities. The school taxes in such added territory shall be collected by the county tax-collector and deposited with the municipal treasurer of the district.

4534. (4014) *The same; levy taxes for school purposes; erect school buildings and issue bonds.*—The mayor and board of aldermen of a municipality constituting a separate

school district, or board of supervisors of unincorporated separate districts in the manner heretofore provided; shall annually levy a tax sufficient to pay for fuel and other necessities for its public free 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 for the funds distributed by the state. And such municipality, or board of supervisors for unincorporated districts in the manner heretofore provided for, may levy and collect taxes to erect and repair school buildings, and may issue bonds for that purpose in the manner provided in the chapter on "Municipalities." But a tax in excess of three mills on the dollar shall not be levied or collected without the consent of a majority of the tax-payers of the municipality. (See Sec. 3415.)

4535. (4015) *The same; 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.

4536. (4016) *Examination of teachers; board of examiners* (Laws 1900, ch. 113).—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 on 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.

4537. *The same; vacancies; how filled.*—Should a vacancy occur in the office of examiner, the same shall be filled by appointment by the county superintendent of education.

4538. (4017) *The same; when examinations held* (Laws 1902, ch. 106).—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 court room 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.

4539. (4018) *The same; 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 have assembled in the examination room, and after the seals have been inspected by the examiners. 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. All questions prepared by the state superintendent shall relate only to the branches of study required to be taught in the public schools.

4540. (4019) *The same; curriculum.*—The branches of study upon which teachers are required to be examined constitute the curriculum of the free public schools. (See Secs. 4543, 4544.)

4541. (4020) *The same; 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.

4542. (4021) *The same; 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.

4543. (4022) *The same; 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, geography, English grammar and composition, United States history, history of Mississippi, elements of agriculture, civil government, and elements of physiology and hygiene, with special reference to the effects of alcohol and narcotics on the human system; and to obtain a second-grade license the applicant must be examined on spelling, reading, mental arithmetic, practical arithmetic, elementary geography, elementary English grammar and composition, primary United States history, and primary physiology, with special reference to the effects of alcohol and narcotics on the human system; but a teacher otherwise qualified shall not be refused a certificate to teach for the next two years by reason of a want of sufficient knowledge on the subject of physiology. (See Sec. 4540.)

4544. (4023) *The same; 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 Sec. 4540.)

4545. (4024) *The same; 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.

4546. (4025) *The same; 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.

4547. (4026) *The same; how long licenses good, etc.* (Laws 1896, ch. 112).—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.

4548. (4027) *The same; age of teacher, etc.*—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.

4549. (4028) *The same; 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.

4550. (4029). *Indorsement of licenses* (Laws 1898, ch. 77).—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.

4551. *State board of examiners* (Laws 1896, ch. 106).—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.

4552. *The same; 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.

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 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.

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.

4555. (4030) *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, rhetoric, English literature, the elements of botany and chemistry, the science of teaching, civil government, and Latin, through Caesar and Virgil. The manuscripts of examinations 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.

4556. (4031) *Salaries of teachers and assistants* (Laws 1904, ch. 166).—The salaries for schools requiring one teacher shall be fixed by the county superintendent between the following limits: 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.

4557. (4032) *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.

4558. (4033) *When assistants allowed.*—The superintendent 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 forty pupils in actual attendance, upon application of the trustees for an assistant, the superintendent shall visit the school, and, after conference with the trustees, and an examination of the daily register, he shall grant an assistant, if in his judgment one be needed. In the same manner he shall grant a second assistant, when needed, in a school with more than eighty pupils in actual attendance; but, in schools with more than one hundred pupils in actual attendance, only one teacher shall be allowed for every thirty pupils. In all cases those pupils only who are entitled to attend the public schools of the district shall be counted in making up the actual attendance.

4559. (4034) *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.

4560. (4035) *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.

4561 (4036) *Pupils attending high schools* (Laws 1900, ch. 112).—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.

4562. (4037) *Schools for Indian children*.—In a county where there are Indian children sufficient to form a school, the county school board may locate one or more schools exclusively for Indians, and the state board of education may provide special license for teachers therein.

4563. (4038) *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 decide in favor of the teacher.

4564. (4039) *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.

4565. (4040) *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.

4566. (4041) *How warrants for salaries issued to teachers; back pay, etc.*—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 certificate 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.

4567. (4042) *Scholastic year, month, and day.*—The scholastic year shall begin on the first day of October and end on the thirtieth of September. 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.

4568. (4043) *School term, winter and summer; time for opening* (Laws 1902, ch. 111).—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 October 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.

4569. (4044) *Continuous session, unless, etc.*—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.

4570. (4045) *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, respect-

ively, 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

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. (See Sec. 4701.)

4571. (4046) *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.

4572. (4047) *Counties may levy ad valorem and poll-tax to carry on schools 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 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 the 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, that 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.

4573. (4048) *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.

4574. *How school fund to be distributed in counties* (Laws of 1906).—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.

4575. *Tax-collector to turn over poll taxes to county treasurer* (Laws 1906).—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.

4576. (4049) *Balances; how and when used; funds not loaned* (Laws 1904, ch. 121).—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 school-houses 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 unlawful to loan or transfer temporarily or otherwise any portion of the school fund to any other county or city fund in which the separate school district may be.

4577. (4050) *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 building, repairing, and furnishing school-houses on the conditions prescribed in the last section for the appropriation of balances of the school fund.

4578. (4051) *When school fund distributed.*—On the third Monday in January in each year, or as soon thereafter as practicable, the auditor of public accounts shall distribute to the counties and separate school districts two-thirds of the common school fund, and the balance thereof on the first Monday of June. 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 public education supplying the data for the distribution.

4579. (4053) *Enumeration of educable children* (Laws 1902, ch. 72).—During 1902 and every four years thereafter, within the time authorized by law for the 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.

4580. (4054) *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.

4581. (4055) *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.

4582. (4056) *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.

4583. (4057) *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.

4584. (4058) *Two copies of the enumeration; when and where filed* (Laws 1902, ch. 72).—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 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 suc-

ceeding. 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.

4585. (4059) *Compensation for enumerating children* (Laws 1900, ch. 110).—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 districts, 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.

4586. (4060) *Failure of assessor; penalty; how enumeration made*.—If any 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 the board of supervisors shall employ some other competent person to make the enumeration during the month of July, who shall be entitled to receive the compensation for the service herein provided.

4587. (4061) *Teachers' institutes*.—In every county having more than fifteen school districts for either race, there shall be held annually, for each race, a separate teachers' institute, to continue in session not less than five days.

4588. (4062) *Institute conductors*.—Teachers' institutes shall be under the direction of the board of education, which is authorized to name a list of experienced and competent

institute conductors, from which the board of examiners in each county shall select a conductor.

4589. (4063) *Board of education to prescribe; payment of expenses; reports of.*—The board of education shall prepare outlines of the work and prescribe regulations for the management of the institutes, and shall determine the amount to be paid for conductors and the incidental expenses thereof, and shall require full reports to be made by the county superintendent of the work, attendance and expenses.

4590. (4064) *How expenses paid.*—To defray the cost of institutes, the county superintendent shall, before examining applicants to teach, collect a fee of fifty cents from each, and, before issuing any license for more than one year, collect fifty cents additional for each year's duration of the license.

4591. (4065) *The same; where deposited and how paid out* (Laws 1900, ch. 114).—The institute fund on hand and all subsequent collections shall be deposited with the county treasurer on the receipt warrant of the clerk of the board of supervisors and a separate account thereof kept; and it shall be paid out only upon the requisition of the county superintendent, approved by the two examiners, on warrants issued by the clerk of the board of supervisors.

4592. (4066) *When fund insufficient.*—If the amount of the institute fund be insufficient to defray the cost of holding the institutes, the board of education may empower the county superintendent to issue a pay-certificate on the common school fund of the county to make up the deficit, but in no case shall the sum thus allowed exceed forty dollars for one scholastic year.

4593. (4067) *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.

4594. (4068) *Commission to select a uniform series of text-books; qualifications of its members* (Laws 1904, ch. 86).—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.

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.

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 or 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.

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.

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.

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.

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.

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 hereintofore 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.

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 pro-rated among the several counties of the state.

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 edu-

cation 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 conditions 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 ageeing 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.

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.

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 proposals submitted, they may re-advertise 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.

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 that they shall sell to all persons desiring to purchase said books, to the patrons of the public schools, and the contractor may make arrangements with a bookseller or merchant to handle and distribute the books at the places specified for said distribution, provided that one of the distributing points shall be the county site or sites, where there are two, of the county. 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 should be reported to the county superintendent or to the state superintendent of education at Jackson, Miss."

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.

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 organiza-

tion during the five years of the continuance of this contract.

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.

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.

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.

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.

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.

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.

4615. Commission cannot extend contract.— The members of the commission provided for by section 4594 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 4594, shall be authorized and directed to execute a new contract on the same terms and conditions as is provided hereunder.

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.

4617. *Exchange price of books.*—The exchange price between old books and new books of the same or similar grade shall be not more than fifty per centum of the retail contract price of such new books.

4618. *Compensation and mileage of commissioners.*—The superintendent of public education shall serve on the commission without compensation, and the other members of the commissoin 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.

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.

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.

4621. (4072) *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.

4622. (4073) *Damage to school property.*—A pupil who wilfully cuts, defaces, or otherwise injures any school-house or the fences or out-buildings or shade trees thereof, is liable to suspension or expulsion; and the parents or guardians of such pupils shall be liable for all damages.

4623. (4074) *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.

4624. (4075) *Trustees, etc., 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.

4625. (4076) *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.

4626. (4077) *Officers, trustees, and teachers not to speculate in books, etc.*—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.

4627. (4078) *Outstanding school indebtedness* (Laws 1896, ch. III).—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.

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.

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.

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 137

Superintendent of Public Education
(County)

CHAPTER 137.

SUPERINTENDENT OF PUBLIC EDUCATION (COUNTY).

4809. (4257) *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 anyone 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.

4810. (4258) *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.

4811. (4259) *How examined*.—All applicants or candidates for the office of county superintendent shall pass an examination on the branches required for first grade license, and in addition on the art of teaching. The examination shall be held in the county of the applicant by the state board of examiners, under regulations passed by the state board of education. Candidates or applicants who prefer to take the examination at Jackson can do so by giving the superintendent of education ten days' notice by registered letter.

4812. (4260) *Oath of office and bond* (Laws 1886, p. 81).—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, conditioned 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.

4813. (4261) *Shall have an office, etc.*—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. (See Sec. 4499.)

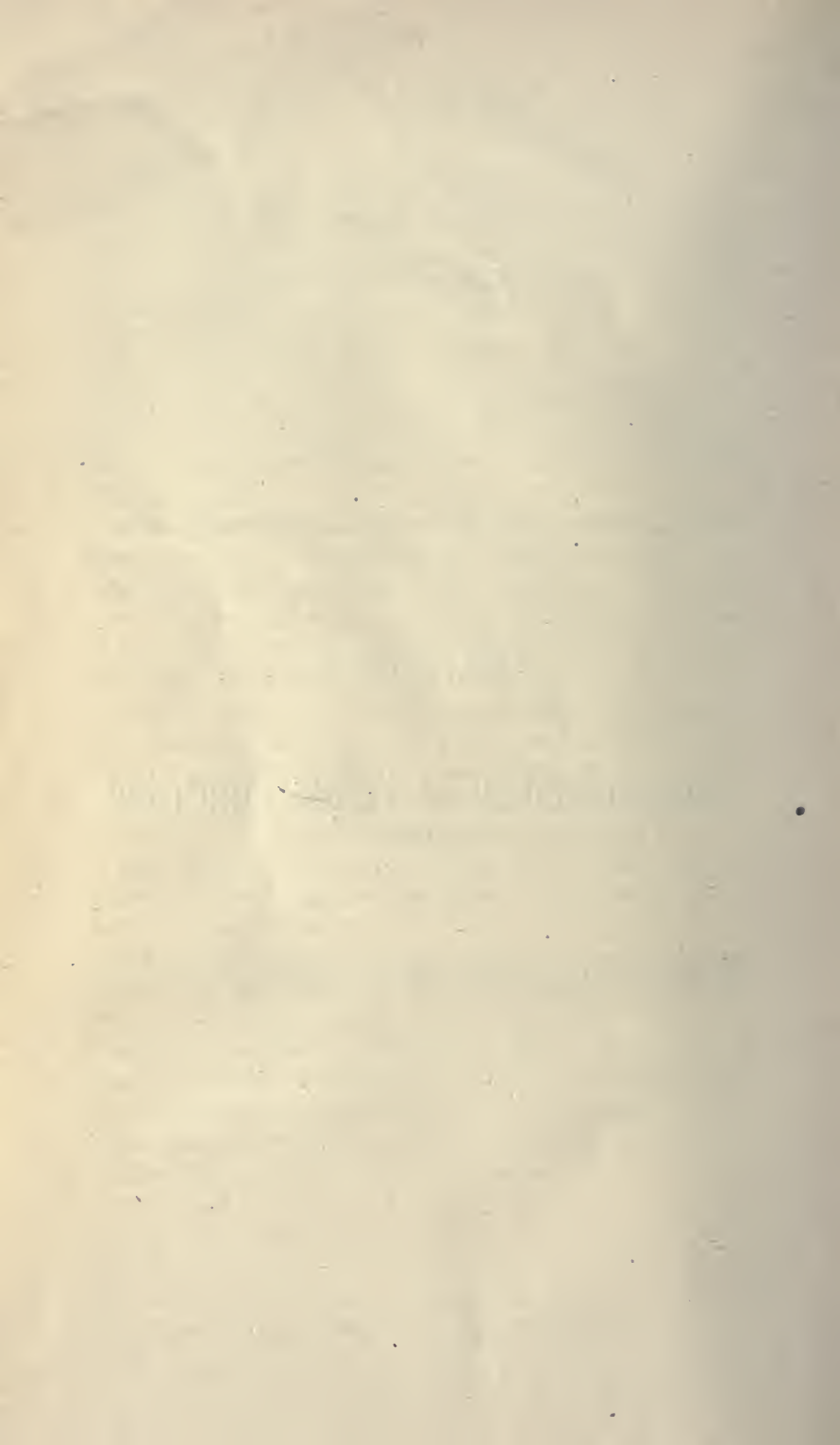
4814. (4262) *Shall keep records.*—The county superintendent shall keep a record of all of his official acts, in the manner and form prescribed by law, and conform the manner of its keeping to the recommendations and directions of the state superintendent of education; and he shall preserve faithfully 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.

4815. (4263) *Not to teach school.*—A county superintendent of public education shall not teach in any school during his term of office.

4816. (4264) *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.

CHAPTER 138

Superintendent of Public Education
(State)



CHAPTER 138.

SUPERINTENDENT OF PUBLIC EDUCATION (STATE).

4817. (4265) *Official bond, etc.*—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.

4818. (4266) *The same; 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.

4819. (4267) *General supervision of schools; to preside, etc.; to visit schools, etc.*—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.

4820. (4268) *To preserve books, etc.*—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.

4821. (4269) *To apportion the state school fund, etc.*—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 semi-annually, 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.

4822. (4270) *Not to be interested in school-books, etc.*—The superintendent of public education shall not act as agent for any author, publisher, or book-seller, 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.

4823. (4271) *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 school-houses 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.

4824. (4272) *To keep record of official acts; may employ stenographer.*—The superintendent shall keep a complete record of all his official acts, and the acts of the board of education. He may employ a stenographer or other clerical assistant who shall be under his control and direction and may be removed by him for cause and another employed.

4825. *A trustee of university and colleges* (Laws 1896, ch. 115).—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.

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