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DEBATES OF THE SENATE.

Evening Session.

MONDAY, February 28, 1870.

After the adjournment of the Court of Impeachment, the consideration of the militia bill was resumed.

Section fifty-eight was read.

Mr. Ogden: I would like to urge my objections to this bill on this section.

Mr. Blackman: Mr. President, I make the suggestion, to adopt without reading, all these sections.

Mr. Wittgenstein: I second the motion to adopt all the sections.

Mr. Blackman: Well, I make that motion. The sections from sixty to ninety are nothing except in reference to courts martial, etc.

Mr. Futch: Unless these sections are read, or we hear them read, we can form no idea of them.

The President: The Chair would state that in order to entertain that motion, it would require a reconsideration of the resolution adopted.

Mr. Blackman: I withdraw the motion.

Mr. Campbell: Mr. President, these being all matters of detail, I will now renew the motion of the Senator from Claiborne to adopt sections from fifty-three to ninety-four inclusive. They are a mere reprint of the laws in regard to militia matters. My motion is that sections from fifty-three to ninety-four, inclusive, be adopted, and that the blank in section fifty-three, line forty, be filled with "forty-eight;" in line fifty "forty-eight," and in section seventy, line ten, "fifty one," and in section seventy-five, line eighteen, "section fifty-one."

Mr. Ogden: Mr. President, now, before that motion is put, and before the bill is passed, I desire, at the suggestion of Senator O'Hara and others, to make a few remarks relative to this bill. I question very much whether the condition of the Senate to-night is such as will make any argument of mine sufficiently strong to carry the weight that it otherwise might. Yet, before the bill passes, I feel it incumbent upon me as a Democratic Senator and Representative of the city of New Orleans, perhaps more largely interested in this than any other portion of the State, to raise my voice in direct opposition, not only to the provisions contained in the bill, but also to the manner in which the gentlemen who seek to put this bill through intend to use those provisions.

I feel confident, Mr. President, that no matter how excellent or how serious the objections that I and my colleagues may use against this bill may be, that all remonstrances will pass, like the idle wind, unheeded, and perhaps, therefore, sir, I should remain silent, permitting this bill to pass the Senate in order to expedite business, and to return to other business for the interest of the people of the State, and thereby, in some measure, repair the injury inflicted by the passage of this bill.

But, sir, I can not understand the necessity of passing a bill like this; I can not understand why, at this moment when the whole country is smiling in prosperity and peace, why it is desired now to encumber the resources of the State and trammel her means by establishing a militia, thereby entailing constant and incessant taxation. I can not understand, sir, why it is that this bill, coming as it does, on the heels of or subsequent to bills which indicate the disposition of the political faction in power, should pass. I see no good result from it. Are we threatened with foreign invasion? Do the hostile flags of an approaching enemy chill us into anxiety? Do the citizens, hurrying to and fro, indicate that this State or city is in danger? No, not only the State of Louisiana, but the entire country is on the most cordial relations with all the foreign powers. Only the other day, when we celebrated the birthday of George Washington, we found that flags, not only of Louisiana and of the general country were displayed, but the tri-color of France, the Russian eagle, and almost all foreign flags were flung to the breeze. Is it, then, for an invasion that we fear? Do we not know that we have here, in our midst, troops of the United States sufficient for any sudden emergency? Are we not under the protection of the United States and under her flag? Then why the necessity of passing a bill like this? Have we any reason to expect tumult or disorder? Are we fearful, standing on a volcano, that all civil liberty may be destroyed in our midst? Is there any indication of any attempt to overthrow the government as we found it? No, sir, never, during the whole history of the State of Louisiana has there been a time when the condition of affairs was more peaceful and prosperous than to-day. I say, therefore, why the necessity of this bill? Can you point to any good result from the enactment of such a law? Do you not give power to the worthless and tumultous to create riots and disturbances in order that the militia organization may be called out? Do you not know that you subserve all constitutional rules for the purpose of placing in the hands of one man excessive power? Do you not feel, and does not every man on this floor feel, that you are giving to the Governor of the State such power; that if he chooses to use it for the injury of the people it must be destructive to the entire interests of the State?

I may be told that the Governor of the State will not avail himself of this authority, that the Governor of the State respects the law and will obey it. But I can remember that when Julius Cæsar occupied one of the provinces in Italy, that he with his military force crossed the Rubicon, in direct violation and contrary to the known wishes and decrees of the Senate, carrying terror and destruction into the whole Roman Empire. History teaches us by experience.

Now, Mr. President, why was not this bill passed before? Two years ago there might have been something of the color for enacting this law, but not to-day. Two years ago, when there were tumults and disturbances, you might have passed this law, but not to-day, when everything is peaceful and prosperous, when mutual interest has cemented the friendship between the laborer and the planter. I say, why pass a bill like this now, and so create discord and dissension among the people? I tell you, gentlemen, and I call on the colored Senators particularly. I tell you, colored gentlemen, you have been sent here on account of your intelligence and integrity by your constituents to represent their interests, and you have upon your shoulders a responsibility that is not to be shaken off, and you should be careful how you return to your constituents. I ask you, when you return, what excuse you can give for the passage of this bill? Can you excuse yourselves on the ground that you were fearful that their rights and liberties would not be protected? They will tell you, "We have already a constabulary bill, and an election bill, which gave us all our rights; we wished nothing more, we needed nothing more; but what do you do: you pass a bill which here forces me to serve for two years—which requires me, irrespective of my own interests, to go into the militia. You destroy all the agricultural interests of the State, and this when there is no necessity, and when you can give no excuse, except the only one that it was done at the dictation of the party to which you belong."

I tell you, Senators, that the laborers, the colored men and the white, would express great dissatisfaction; the colored men will tell you, We were contented, living here upon our homesteads; we were making little crops, and we were prosperous; our liberties and our lives were protected, and we did not care for any more, and we tell you that the passage of this bill was useless and unjust, entailing, as it does, continued taxation, and placing in the hands of one man absolute and uncontrollable power. They will tell you you have not performed faithfully the duties placed upon you by your constituents. I therefore hope that instead of permitting this bill to pass without any further discussion, and instead of giving this extraordinary power to one man, that the bill will be analyzed carefully by a majority, and I am satisfied that if it be carefully analyzed that at least not a colored Senator will vote for its passage. I therefore move to postpone the further consideration until Wednesday, at half-past twelve o'clock.

Mr. Ray: I move to lay that motion on the table. This motion prevailed, and sections fifty-three to ninety-four were adopted.

Sections from ninety-five to one hundred and ten inclusive, were then adopted without debate.

Mr. Blackman: Mr. President, I offer the following as an additional section:

That nothing in this act shall be construed as to permit the Governor to call out the militia into active service, unless in the case of invasion or armed resistance to the law; and that no officer or private of the militia shall be paid any salary, except he be called out into active service.

Mr. O'Hara: I move to adopt that section.

Mr. Campbell: Mr. President, the section proposed consists of two provisions, one of which says the Governor shall not call out the militia except in case of invasion or armed resistance to the law. That is unconstitutional because the constitution provides that the Governor shall have the power to call the militia into active service for the preservation of law and order, or when the public safety may require it. That part of the section, then, is unconstitutional, and the other part, which provides that the militia shall not have pay except when in active service, is already provided for in the law; so that one part is useless and the other unconstitutional; I, therefore, move to lay the proposed section on the table.

Mr. Blackman: Mr. President, I have one word to say about the constitutionality of this proviso. The Legislature certainly has the right to place its own interpretation on this clause of the constitution and fix it by enactment, in order to prevent any vain construction being placed upon it, and also to restrict the Governor from going beyond it; and for this purpose the militia should not be called out except when there is armed resistance to the law or in case of invasion, and not when one or two or ten men see fit to create a riot or disturbance in order to have the militia called out. It should only be done when the officers of the peace are unable to execute the law, and to arrest the persons and bring them to justice on account of armed resistance. It is for this purpose, in order to prevent any vain or strained construction being put on this clause in the constitution, that this section is offered. I do not look upon the militia bill, if carried out in the true intent and spirit of such laws, as such a great outrage upon the people of the State, but if it is made an engine of oppression, if the Governor misconstrues the power given to him, if he exceeds the power provided in the constitution, and which the framers of the constitution intended, then it becomes an engine of oppression by which the election of the State may be carried, and by which the whole liberties may be subverted. It is to provide against that that I wish this section to be adopted, and I see nothing in it either unconstitutional or useless, because the militia should certainly not be paid without performing any services.

I again repeat, Mr. President, that the Legislature has a right to say to the Governor that, under this provision of the constitution he can not and has not the right to call out the militia, unless there is a necessity, and that such a necessity does not exist unless in case of foreign invasion, or unless it be to protect the homes and hearthstones, or when the country is in such a tumultuous and riotous condition that the peace officers can not execute the law, and find it necessary to have an armed force to put down armed resistance to the law.

It seems to me, Mr. President, that this bill should be properly guarded. I do not say that the present Governor would abuse these powers granted, but we should prevent any subsequent Governor these extraordinary powers, which he might do, and which might be subservative of the liberties of the people; which might place the State in such a condition as to jeopordize the public safety, and which might lead to a conflict of arms. It seems to me that if the gentlemen desire this bill passed in order that the State may be always ready to protect herself against armed resistance to the law or against foreign invasion, if this be their desire, there certainly can be no objection to this additional section. It will be but indicative of the will of the Legislature saying to the Governor, you shall not take it upon yourself to call out the militia, unless the state of society absolutely demands it, and we say there can be no such necessity unless there be armed resistance to the law, or if the country is threatened with invasion. If this be not the case, or if the Governor will not believe that law and order can be maintained without it, it may be that the whole people of the State may be made subject to the extraordinary cost of this militia, called out hastily, perhaps, and for no purpose except it may be a political one. We made no objection to this bill whatever, but when you come to put it into execution; let the law be so guarded by express provisions that the executive officer of the State can not abuse the powers granted, and use the militia only to protect, and not to crush the people by force of arms. That is all we ask, and it seems to me little enough. By granting that you simply say to us: "We do not intend that the militia bill shall be made a political engine in the State. We do not intend that it shall go hand in hand with the constabulary and election bills, to deprive the people of a fair, free and impartial election." You say to us: "We do not intend to drive away the voters from the polls. We do not wish to prevent them from casting their votes." By so doing you give confidence to the people of the State that the representatives of the people do not desire to crush them by this militia, because it is a law which we seek so to guard that the Governor can not take into his hands extraordinary power. It seems to me, therefore, that there can be no objection on the part of the framers of the bill, to this proviso.

Mr. Campbell: Mr. president, I will read sections fourteen and thirty-eight, which contain all the necessary provisions.

Mr. Campbell read these sections.

I now renew the motion to lay the proposed section on the table.

This motion prevailed by a vote of 15 yeas to 12 nays.

The bill was adopted as amended on its second reading, and ordered engrossed for a third reading.

The Senate adjourned.

"Is your house a warm one, landlord?" asked a gentleman in search of a house. "It ought to be," was the reply. "The painter gave it two coats recently."

DEBATES IN THE HOUSE.

SATURDAY, March 12, 1870.

House met promptly at eleven o'clock A. M.

Speaker Carr in the chair.

Mr. Garstkamp: Mr. Speaker, I would like to call up a bill at this time.

Speaker Carr: The first business in order is the appropriation bill, which, belonging as it does to the list of preference bills set forth in the Governors's proclamation, must necessarily be considered first. The Chair will entertain no other motion until this business has been in some way disposed of.

Mr. Garstkamp: Then let us take up the appropriation bill.

Speaker Carr: The Clerk will read the bill.

The bill was read.

Mr. McMillen: Last year we appropriated one thousand dollars to each of the three professors appointed to make a geological and topographical survey of the State. When the nature of the labor performed is considered, the sum was meagre in the extreme. This year your Committee on Ways and Means have thought fit to recommend an increase of $3000, making $6000 in all.

Mr. Gartskamp: This is too much, we never saw any thing of what they done last year. I move to strike out $6000 and insert $3000.

Mr. McMillen: I can not accept that amendment. These men are learned men, and their services are valuable to the State. These men are very poorly paid, much less than the average professional men, and I therefore hope this amendment will be voted down. They have to travel all over the State, carrying their instruments with them, and of course they are under considerable expense. Last year we gave them $1000, and when they exchanged their warrants they had really only $700. This pittance is not sufficient remuneration, and unless we pay more we can not expect these scientific researches to be extended. I am afraid my learned friend from Jefferson does not fully realize or appreciate this work of survey and exploration.

Speaker Carr: The question is on the amendment to strike out $6000 and insert $3000.

Mr. Garstkamp: I call for the yeas and nays.

Speaker Carr: The Clerk will call the roll.

The amendment was lost, and the section adopted.

Mr. Isabelle: Now, Mr. Speaker, I wish to have the claim of B. L. Lynch against the State met. When this gentleman's term as Attorney General expired, he, at the request of Governor Wells, attended to an important case then pending, by which the State saved a considerable sum of money. He attended to this case in good faith, because he was familiar with all its details. He ably assisted Mr. Herron, and he should be paid honorably. I think this claim of $5950 very reasonable. The Executive of the State having promised him indemnity from the State, I, as a Representative, of the State, am in favor of redeeming the pledges of the State. Let us keep our faith with those who reposed confidence in us. The reason Mr. Lynch was not compensated in 1866 was because he was a Republican. Now, he comes to a Republican Legislature—a party with which you and I are identified, and do you propose to treat his claim with contempt?

Mr. Garstkamp: I move to lay the motion on the table.

Mr. Washington: Mr. Speaker—

Speaker Carr: This is not debatable. The Clerk will call the roll.

The motion to lay on the table was lost.

Mr. Garstkamp: I have an amendment to offer. Strike $4950, and insert $1000. He asks as much for attending this one case as he received for a whole year's salary.

Mr. Wren: I move to lay this amendment on the table.

Lost.

Mr. Dewees: I move to substitute $3000.

Lost.

Mr. Gartskamp: I offer $1500 as a substitute.

Mr. Isabelle: I move to lay that upon the table.

Carried.

After the transaction of some other business, on which there was no debate, the House adjourned.

NEW ORLEANS POSTOFFICE.

Time of Arrival and Closing of Mails

DAILY ARRIVALS.

From the North—through mail—11:10 A. M.

From Louisville and New York—through mail—1:30 A. M.

From Alabama, Georgia, East Mississippi, North and South Carolina and Florida, 8 A. M.

From Covington and Mandeville (Tuesdays and Fridays), 12 M.

From all points on Morgan's Louisiana and Texas Railroad, Bayou Teche, and intermediate parishes (daily, except Sunday), 5:30 P. M.

From Carrollton and Jefferson City (except Sunday), 4 P. M.

From Algiers (daily), 11 A. M.

From Northern Louisiana, 11:10 A. M.

From Southern and Middle Texas, Mondays, Tuesdays, Thursdays and Saturdays at 2 P. M.

TRI-WEEKLY ARRIVALS.

From Red River parishes and Northern Texas.

SEMI-WEEKLY ARRIVALS.

From Vicksburg—river way mail—Monday and Friday mornings.

From St. Francisville—river way mail—Monday and Wednesday mornings.

From Buras—river way mail—Wednesdays and Sundays.

From Lake Coast via Mobile (daily), 8 A. M.

WEEKLY ARRIVALS.

From Florida ports, Key West, Havana, Cuba, West Indies and Mexico.

From Havana, per William Creevy's New York and Philadelphia steamers.

From Brownsville, Texas.

SEMI-MONTHLY ARRIVALS.

From Hamburg and Bremen.

From Havana and Key West (Baltimore steamers).

DAILY DEPARTURES.

To the North—through mail—(except Sunday), 4 P. M. Sunday, 2 P. M.

To Louisville and New York—through mail—(except Sunday), 6 A. M.

To Alabama, Georgia, East Mississippi, North and South Carolina and Florida (except Sunday), 3 P. M. Sunday, 2 P. M.

To all points on Morgan's Louisiana and Texas Railroad, Bayou Teche, and intermediate parishes (daily, except Sunday), 7 A. M.

To Northern Louisiana (daily, except Sunday), 4 P. M. Sunday, 2 P. M.

To Carrollton and Jefferson City (except Sunday), 9 A. M.

To Algiers, 9 A. M.

To Southern and Middle Texas (except Monday), 6:30 A. M.

TRI-WEEKLY DEPARTURES.

To Red River parishes and Northern Texas (Tuesdays, Thursdays and Saturdays), 4 P. M.

To Vicksburg—river way mail—(Tuesdays and Saturdays), 4 P. M.

To Lake Coast via Mobile (daily, except Sunday), 3 P. M. Sunday, 2 P. M.

SEMI-WEEKLY DEPARTURES.

To Covington and Mandeville (Mondays and Thursdays), 9 A. M.

To Vicksburg—river way mail—(Tuesdays and Saturdays), 4 P. M.

To St. Francisville—river way mail—Mondays, 4 P. M. Fridays, 9:30 A. M.

To Buras—river way mail—(Tuesdays and Saturdays), 9 A. M.

WEEKLY DEPARTURES.

To Brownville and Brazos Santiago (Saturdays), 6:30 A. M.

To Florida ports, Key West, Havana, Cuba, West Indies and Mexico (Saturdays), 4:30 P. M.

LAWS OF THE STATE OF LOUISIANA

[PUBLISHED BY AUTHORITY.]

No. 108.

AN ACT

To regulate Public Education in the State of Louisiana and city of New Orleans, and to raise a revenue for that purpose.

SECTION 1. Be it enacted by the Senate and House of Representatives of the State of Louisiana in General Assembly convened, That the common schools of the State, and such High and Normal schools as may be established and maintained by the State, shall be under the management of a State Board of Education, which shall consist of the Superintendent of Public Education and of six members, to be appointed as is hereinafter provided.

SEC. 2. Be it further enacted, etc., That for the purpose of regulating public education in free schools, the State shall be divided into six divisions. All that part of the first Congressional District outside of the city of New Orleans shall form the first division. All that part of the Second Congressional District outside of the city of New Orleans, shall form the second division. The third, fourth and fifth Congressional Districts shall form the third, fourth and fifth divisions, and the city of New Orleans shall constitute the sixth division, to be known as the division of New Orleans.

SEC. 3. Be it further enacted, etc., That immediately upon the passage of this act, the Governor shall, on the nomination of the State Superintendent of Education, appoint by and with the advice and consent of the Senate, one Division Superintendent for each of the divisions hereinbefore named, said person to be a resident of the division for which he is appointed. The Division Superintendents so appointed and chosen shall take the oath required by State officers, and shall hold their offices for three years, and until their successors are duly appointed or chosen and qualified. The Division Superintendent for the city of New Orleans shall receive a salary of two thousand five hundred dollars ($2500) per annum, and the other Division Superintendents shall each receive a salary of two thousand five hundred dollars ($2500) per annum, payable quarterly by the State Treasurer out of the public school fund, upon his own warrant.

SEC. 4. Be it further enacted, etc., That the six Division Superintendents shall, with the Superintendent of Education, constitute a State Board of Education. The State Superintendent shall be ex officio president of the board, and its executive officer. The board so constituted shall hold one regular annual meeting in New Orleans, at the office of the Superintendent of Public Education, commencing the first Monday in January. The Superintendent of Public Education may call special meetings upon the written request of any five members.

SEC. 5. Be it further enacted, etc., That the State Board of Education so constituted and organized shall have the power to recommend a uniform series of text books, and shall make all needful rules and regulations for the government of the public schools throughout the State, subject to the provisions of this act. It shall be the duty of said Board of Education to make a general regulation whereby all schools established under this law, shall be according to the provisions of the constitution, open to all children of this State between the ages of six and twenty-one years, without distinction of race, color or previous condition, and in case of failing to pass such regulations, the members of said board shall forfeit the salary allowed them. A majority of them shall form a quorum. The board is hereby constituted a body corporate and politic in law, with power to sue and be sued. The president of the board shall be the officer upon whom citation or other legal process may be served. The board may employ counsel.

DIVISION SUPERINTENDENTS.

SEC. 6. Be it further enacted, etc., That the Division Superintendents shall have general supervision of all public schools within their respective divisions, subject to all rules and regulations passed by the State Board of Education. They shall examine and certify to the qualifications of all applicants to teach within their respective divisions, as hereinafter provided, unless such applicants hold a certificate of qualification from the State Superintendent. They shall receive and transmit all reports from the Board of School Directors to the State Superintendent.

SEC. 7. Be it further enacted, etc., That the Division Superintendent shall, once in each three months, at such place as he may designate in his decision, not to be a less number than one for each two parishes, meet all those who are desirous of passing an examination, and [for] the transaction of all other business within his jurisdiction, in some suitable room at the seat of justice of the parish, or at any other place, as occasion may require, and shall notify the Parish Judge of the place of meeting.

SEC. 8. Be it further enacted, etc., That the Division Superintendent may revoke the certificate of any teacher in the parish for any reasons which would have justified the withholding thereof when the same was given. And the Board of School Directors, upon sufficient cause shown, may dismiss any teacher from any school in the district.

SEC. 9. Be it further enacted, etc., That on or before the fifth day of October in each year, he shall make a report to the State Board of Education, containing a digest of the reports to him by the Secretaries of the District Boards, and such other matters as he shall be directed to report by the said Secretary, and such as he himself may think pertinent and material, and especially such as will show the condition of the schools under his charge. He shall also suggest such improvements in the system as he may think judicious. He shall also, by the fifth day of October in each year, file with the Recorder of the parish an abstract of the number of youths between the ages of six and twenty-one years, residing in each ward and school district within his parish.

Should he fail to make either of the reports required in the last section, he shall forfeit to the school fund of his district the sum of fifty dollars, and shall, besides, be liable for all damages caused by such neglect.

SEC. 10. Be it further enacted, etc., That he shall at all times conform to the instructions of the State Board of Education as to matters within their jurisdiction. He shall serve as the organ of communication between the State Board of Education and the Superintendent of Public Education and District Board of School Directors. He shall transmit to the District Board of School Directors or teachers all blanks, circulars and other communications which are to them directed, and shall entertain and decide all appeals taken from the decisions of District Boards of School Directors.

He shall organize and conduct, once in each year, for his own division, at such time as, after conference with the Superintendent of Public Education, may be designated, a teachers' institute, at some central locality in the division, to which access is convenient, and where the teachers will receive the encouragement of hospitality.

In this work the Superintendent will be aided by a professor from the normal school, or by some practical teacher appointed by the State Superintendent.

He shall also encourage and assist at teachers' associations, to be convened four times each year, if practicable, on the last Saturday of some month in each quarter, in each parish or in several parishes united, urging the attendance of the teachers of the same, for the purpose of mutual conference and instruction in their duties.

He shall also report the number of private schools, academies and colleges in the division; number of pupils, male and female; and all other information, in such form as the State Superintendent may prescribe, so as to present a full view of their educational facilities.

He shall perform such duties and make such reports, in addition to those required in this act, as the State Board of Education may determine.

STATE SUPERINTENDENT OF PUBLIC EDUCATION.

SEC. 11. Be it further enacted, etc., That an office shall be provided for the State Superintendent of Public Education at the seat of government, and (to cost not more than eight hundred dollars per year (payable out of the public school fund on his own warrant), in which he shall file all papers, reports and public documents transmitted to him by the division superintendents of the several divisions, and by boards of directors, each year separately, and hold the same in readiness to be exhibited to the Governor, or to a committee from either house of the General Assembly, at any time when required, and shall require to be kept a fair record of all matters pertaining to his office.

SEC. 12. Be it further enacted, etc., That he shall make a report to the General Assembly, at each session thereof, which shall embrace—

First—A statement of the condition of the public schools throughout the State, the number of scholars attending in the various parishes and towns between the ages of six and twenty-one years, and the condition of the public school libraries.

Second—A statement of all rules and regulations adopted by the State Board, and whatever suggestions he may deem it expedient to offer upon the efficient working of this law.

SEC. 13. Be it further enacted, etc., That the Superintendent of Public Education shall appoint a secretary, and shall prescribe the duties of his office not inconsistent with this act. He shall receive for his salary the sum of three thousand dollars ($3000) per annum, payable in monthly instalments out of the public school funds, by the Treasurer of the State, upon the warrant of the Superintendent of Public Education. He will take the usual oath of office.

SEC. 14. Be it further enacted, etc., That the Superintendent of Public Education shall be charged with the general supervision of all the Division Superintendents, and all the common, high or normal schools of the State; and he shall see that the school system is, as early as practicable, carried into effect, and put in uniform operation. With a general view to these special duties, he shall meet the Division Superintendents at least once in each year, in each division, at such time and place as he may appoint, giving due notice of such meeting; and it is hereby made the duty of the said Division Superintendents to attend each meeting, the object of which shall be to accumulate valuable facts relative to common schools, to compare views, discuss principles, and in general to listen to all communications and suggestions, and to enter into all discussions relative to the compensation of teachers, their qualifications, branches taught, method of instruction, text books, division libraries, apparatus, and all other matters embraced in the common school system. He shall visit such schools as he may have it in his power to do, and witness the manner in which they are conducted. His traveling expenses incurred in such visits shall be paid by the State Treasurer out of the public school fund, upon his warrant; provided, that the same shall not exceed the sum of one thousand dollars in any one year. The Superintendent of Public Education shall cause as many copies of this act, and all other school acts in force, with the forms, regulations and instructions herein contemplated thereto annexed, to be, from time to time, printed and distributed among the Division Superintendents, as he shall deem expedient, directing the latter to distribute the same among the several school divisions of the State. He shall also prepare, and cause to be distributed to the several Division Superintendents, a form of certificate in blank, to be granted to teachers; also, all other blank forms necessary to be used in carrying out this act and all other acts. He shall annually, on the first day of January, report to the Auditor of Public Accounts the number of persons in each parish of the State between the ages of six and twenty-one years. He shall make a report to the General Assembly and the State Board of Education at each session thereof, which shall embrace—

First—A statement of the condition of the common school divisions therein, the number of schools in the State, the number of scholars between six and twenty-one years of age, and also the number in each parish who have attended school the previous year, as returned by the several Division Superintendents, the number of books in the division libraries, and the value of all apparatus in the schools.

Second—Such plans as he may have matured for the management and improvement of the common school fund, and for the better and more perfect organization and efficiency of common schools.

Third—All such matters and things relating to his office, and to the common schools, as he shall deem expedient to communicate.

Fourth—He shall cause his report to be printed, and shall present five hundred copies thereof to each body, on or before the second day of their session, for distribution.

SEC. 15. Be it further enacted, etc., That whenever reasonable assurance shall be given by the Division Superintendent of any division to the Superintendent of Public Education, that a number of not less than thirty teachers desire to assemble for the purpose of holding a teachers' institute in said division, to remain in session for a period of not less than six working days; he shall appoint such time and place for said meeting and such lectures as the said teachers shall suggest, and shall give due notice thereof; and for the purpose of defraying the expenses of said institutes, there is hereby appropriated, out of any moneys in the State treasury not otherwise appropriated, a sum not exceeding fifty dollars annually, for one such institute in each division held as aforesaid, which the said Superintendent of Public Education shall immediately transmit to the Division Superintendent in whose division the institute shall be held, who shall pay out the same as the institute shall direct, provided, that a like sum shall be contributed by the division.

SEC. 16. Be it further enacted, etc., That the State Board of Education shall appoint for each incorporated city or town in the State, except in the city of New Orleans, a Board of School Directors of not less than three nor more than five members; who shall exercise all the powers and duties herein conferred upon District Boards of Directors, and shall hold their offices for two years, and until their successors shall be duly elected and qualified according to law.

SEC. 17. Be it further enacted, etc., That the board appointed for the town of Algiers shall control public schools, in the parish of Orleans, not within the limits of the city of New Orleans. There shall be a board appointed for that part of the parish of Jefferson on the right bank of the Mississippi river. There shall be a board appointed for the parish of Jefferson on the left bank. Should any part of the said territory be hereafter incorporated within the city of New Orleans, said board shall have control over all territory remaining out of the limits of New Orleans, and the board for the city of New Orleans shall control all schools within the territory thus brought within the limits of the city of New Orleans; said boards shall have the powers and duties of, and be governed by the regulations herein provided for District Boards of School Directors in other parishes.

SEC. 18. Be it further enacted, etc., That the State Board shall appoint for each parish in the State, except the parishes of Orleans and Jefferson, a board of school directors, consisting of five or more persons, who shall be chosen, when practicable, from the several jury wards of the parish.

SEC. 19. Be it further enacted, etc., That the members of the boards of school directors shall hold office for two years, and until their successors are appointed and qualified. The term of office of the directors appointed under this law shall begin on the first day of May, 1870, after the approval of the same, but they shall be appointed and shall assume the duties of their office immediately upon the passage of this act. They shall take the oath of office, which shall be filed with the Superintendent of Public Education.

SEC. 20. Be it further enacted, etc., That each Board of School Directors herein provided for, is hereby constituted a body politic in law, with power to sue and be sued. The body shall be known and styled The Board of School Directors of the Town, City, or Parish of ———, as the case may be. The President of the Board shall be the officer upon whom citation may be served.

SEC. 21. Be it further enacted, etc., That the powers and duties of each Board of School Directors, herein before provided for, shall be as follows:

First—To elect from among their members a president, secretary and treasurer.

The treasurer shall give bonds in an amount not less than five thousand dollars, to be approved by the Parish or District Judge and the Recorder of the parish, and a copy thereof to be forwarded to the Superintendent of Public Education, for the faithful performance of his duties under this act. Said bond may, from time to time, be increased by the order of the board or of the District Judge, in proportion to the amount of school funds in the hands of the treasurer. The board shall, from time to time, examine the accounts of the treasurer and settle them.

Second—To appoint for each ward school district in their parish a board of three district school directors. Said district school directors shall hold their office for two years from the time of their appointment and until their successors are duly elected or appointed and qualified.

Third—To visit and examine the schools of the several districts of the parish, from time to time, and to meet and advise with the several boards of district school directors as occasion may require.

Fourth—To report to the State Board of Education, and to the Superintendent of Public Education, all deficiencies in the schools, or neglect of duty on the part of teachers, directors, division superintendents or other officers.

Fifth—To receive from the State Tax Collector all proceeds of any parish school tax levied by the police jury in accordance with this law, and to apportion the same among the several ward school districts of their parish in proportion to the number of persons in their district, between the ages of six and twenty-one years.

Sixth—To make such needful by-laws and regulations for their own government, not inconsistent with this law, as they may deem proper.

The treasurer of the board shall receive all money on account of the board, and pay out the same on warrants signed by the president and countersigned by the secretary, and he shall keep a correct account of all expenses and receipts in books provided for that purpose, which shall always be open for inspection.

He shall render a monthly report to the board and an annual report to the division superintendent, on or before the tenth day of January.

DUTIES OF OFFICERS OF SCHOOL BOARD.

SEC. 22. Be it further enacted, etc., That each Police Jury or other ward that is now, or may be hereafter organized in the parishes of this State, is hereby declared a school district for all the purposes of this act. That the District Board of School Directors of each school district which is now or may hereafter be organized in the State, is hereby made a body corporate by the name of the "Ward District of ———, in the parish of ———, and State of Louisiana," and in that name may hold property, become a party to suits and contracts, and do other corporate acts. That the District Board of School Directors shall hold their regular meetings on the first Saturday after the first Monday in April and October in each year, and may hold such special and adjourned meetings as occasion may require. They shall organize by selecting from their own number a President, Treasurer and Secretary. That the duties of the directors shall be as follows:

First—To make all contracts, purchases, payments and sales necessary to carry out any vote of the district; provided that before erecting any school house they shall consult with the Superintendent of Public Education, as to the most approved plan for such building.

Second—To admit pupils not belonging to the district, as provided for in section twenty-five of this act, to their schools, on such terms as they may agree upon.

Third—To determine the number of schools which shall be established and the length of time each shall be taught, subject to the provisions of section twenty-three of this act.

Fourth—To fix the site for each schoolhouse, taking into consideration the wants and necessities of the people of each portion of the district.

Fifth—To establish graded or union schools wherever they may be necessary; and they may, as occasion requires, select a person who shall have the general supervision of the schools in their districts, subject to rules and regulations of the board.

Sixth—To determine what branches shall be taught in the schools of their district.

Seventh—To require the Secretary and Treasurer each to give bond to the district in such penalty, and with such sureties as they may determine upon, conditioned for the faithful performance of their duties under this act. The bond shall be filed with the President of the board, and a copy of the same shall be sent to the Superintendent of Public Education, and in case of breach of condition thereof, he shall bring suit thereon in the name of the district.

Eighth—They shall from time to time examine the accounts of the Treasurer, and make settlements with him, and present at each regular meeting of the election a full statement of the receipts and expenditures of the district, and all matters delegated to them to perform, and all such other matters as may be deemed important.

Ninth—To visit the schools in their district and aid the teachers in establishing and enforcing rules for the government of the schools and see that they keep a correct list of the pupils, embracing the period of time during which they attend school, the branches taught, and such other matters as may be required by the Division Superintendent. A majority of the board shall be a quorum to transact business, but a less number may adjourn from time to time.

Each district board shall adopt a uniform series of books for all the schools in their district, and such series shall not be changed oftener than once in two years.

DUTIES OF DISTRICT OFFICERS.

SEC. 23. Be it further enacted, etc., That the President shall preside in all meetings of the Board, and of the District; shall draw all drafts on the State Treasurer and upon the Treasurer of the Parish Board for money as apportioned to his district, sign all orders on the district treasury, specifying in the order the fund on which they are drawn, and the use for which the money is assigned; and he shall sign all contracts. The President shall appear in behalf of his District in all suits brought by or against the same, but when he is individually a party, this duty shall be performed by the Secretary; and in all cases where suits may be instituted by or against any of the school officers, to enforce any of the provisions herein contained, counsel may be employed by the Board of Directors. The Secretary shall record all the proceedings of the Board and District meetings in separate books kept for that purpose; shall preserve copies of all reports made to the State and Division Superintendents; shall file all papers transmitted to them pertaining to the business of the district, and shall countersign all drafts, warrants and orders drawn by the president. He shall keep an accurate account of all the expenses incurred by the district, and shall present the same to the Board of Directors, to be audited and paid as herein provided. He shall give ten days' previous notice of all regular and special meetings of the district by posting a written notice in five different conspicuous places therein, one of which shall be at or near the place of meeting of the district board. On or before the twentieth day of September in each year, the secretary of each school district shall file with the Division Superintendent a report of the affairs of the district, which shall contain the following items, viz:

First—The number of persons, male and female each, in his district, between the ages of six and twenty-one years.

Second—The number of schools and the branches taught.

Third—The number of pupils and the average attendance of the same in the school.

Fourth—The number of teachers employed, and the average compensation paid per week, distinguishing males from females.

Fifth—The length of school in days, and average cost of tuition per week for each scholar.

Sixth—The aggregate amount paid teachers during the year, and the balance of teachers' fund in the treasury.

Seventh—The text books used, and the number of volumes in the district library, and the value of apparatus belonging to the district.

Eighth—The number of school houses and their estimated value.

Ninth—The amount raised within the year by tax for the erection of school houses, the amount for teachers' fund and for other purposes of this act, stating separately the amount for each.

Tenth—The amount of public fund received from the parish treasury, and, if any, from other sources, stating what, and how much from each, and such other information as he may deem useful. Should the Secretary fail to file his report, as above directed, he shall forfeit the sum of twenty-five dollars, and shall make good all losses resulting from such failure; and suit shall be brought, in both cases, by the district on his official bond. The Treasurer shall hold all moneys belonging to the district, and pay out the same on the order of the President countersigned by the Secretary, and shall keep a correct account of all expenses and receipts in a book provided for the purpose. The money collected by district tax for schoolhouse purposes, and all contingent expenses, shall be called the "Schoolhouse Fund," and that received for the support of teachers shall be called the "Teachers' Fund," and the Treasurer shall keep with such fund a separate account, and shall pay no order which does not specify the fund on which it is drawn and the specific use to which it is applied. If he has not sufficient funds in his hands to pay in full the warrants drawn on the funds specified, he shall make partial payment thereon, paying as near as may be an equal proportion of each warrant. He shall receive all money apportioned to the district by the Superintendent of Public Education. He shall render a statement of the finances of the district from time to time, as may be required by law, and his book shall always be open for inspection.

SEC. 24. Be it further enacted, etc., That it shall be the duty of the District Board of School Directors, between the first day of August and the fifteenth day of September of each year, to make and keep on record a list of the names of all heads of families in the district, and the number of children in each family between the ages of six and twenty-one years, distinguishing males from females, and to report the same to the Division Superintendent on or before the said fifteenth day of September in each year. They shall further report the number of schools in their district, and the branches taught, the number of pupils and average attendance of the same in each school, the number of teachers and the compensation of each, the text books used, the number of school houses and the estimated value of each.

They shall have power to dismiss any pupils from the schools in their district for gross immorality, or for persistent violation of the regulations of the school, and to readmit them if they deem it proper so to do; and shall visit the schools in their sub-district at least twice during each term of said school.

All contracts with teachers shall be in writing, specifying the length of time the school is to be taught, in weeks, the compensation per week, or per month of four weeks, and such other matters as may be agreed upon, and shall be signed by the director and teacher, and be approved by and filed with the President before any teacher shall be entitled to a warrant for services.

SEC. 25. Be it further enacted, etc., That in each district there shall be taught one or more schools for the instruction of youths between the ages of six and twenty-one years, for at least twelve weeks, of five school days each, in each year unless the State Board of Education shall be satisfied that there is good and sufficient cause for failure so to do.

Scholars residing in one district may attend school in another, in the same or adjoining parish, with the concurrence of the directors of both districts, and in such case, their proportion of the school money of the district to which they belong shall be paid to the treasurer of the district in which they attend school; and scholars may attend any school in the ward in which they reside, with the consent of the District Board.

SEC. 26. Be it further enacted, etc., That no Parish or District School Director shall receive any compensation for his services as director, or as an officer of the board.

SEC. 27. Be it further enacted, etc., That each ward district shall hold regular meetings annually, on the first Saturday in May, at which all the qualified electors of the district may attend; provided that the first regular meeting of the qualified electors shall be held at such time as the State Board of Education may designate. Said meetings shall be presided over by the President of the District Board of School Directors, and the Secretary of said board shall be the Secretary of the meeting.

The electors of a district, when legally assembled at a district school meeting, shall have power to levy such tax, not exceeding ten mills on the dollar in any one year, on the taxable property of the district, as the meeting shall deem s