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## SUPERINTENDENT OF PUBLIC INSTRUCTION—

- Superintendent of Public Instruction has no power or authority to bind State by purchase of textbooks to be used in public free schools during scholastic year beginning September 1, 1923, under a contract which expires with the close of the scholastic year beginning September 1, 1922.
- State Superintendent of Public Instruction has no power or authority to change an adopted series of textbooks or to make extensions or renewals of textbook contracts. That power belongs to the State Textbook Commission alone . . . . . 553

## TAXES—

*Auto Registration Tax—*

- An automobile registration fee is not an occupation tax . . . . . 186

*Occupation Tax—*

- Revised Civil Statutes, as amended by Chapter 16, Acts of the Thirty-eighth Legislature, Second Called Session, does not levy a tax upon coin operated machines or devices, except those specifically named in the act, and others similar in kind and character . . . . . 499

*Optometrist—*

- Regularly licensed optometrists who have an established office in a county but make visits to other towns either in the same county or in other counties, establish temporary offices there and solicit business, are subject to the payment of the occupation tax provided for by Section 6, Article 7355, R. S., 1911 . . . . . 449

*Peddlers—*

- A person, not a regularly licensed optometrist, who travels from place to place selling eyeglasses as articles of merchandise and delivering the same to his customers, at the time of purchase, is not subject to the payment of the occupation tax provided for by Section 6, Article 7355, Revised Statutes, 1911, but is subject to the payment of the occupation tax provided for in Section 11 of said article. . . . . 449

*Redemption—*

- A tract of land that has been at any time bid off to the State at a tax lien foreclosure judgment sale may be redeemed by the owner or anyone having an interest in same paying within two years from the date of such sale the amount of taxes, interest, penalties and costs for which same was bid off to the State, together with all taxes, interest, penalties and costs against same remaining unpaid at the time of redemption . . . . . 455

*Foreclosure—*

- Certain courts of this State, other than the Supreme Court, have held that the sale of a tract of land under a judgment foreclosing the lien on same for State and county taxes for any given year or years, in cases where the sale is made to some person other than the State, extinguishes or precludes the enforcement of the lien for such taxes previously assessed on same for any prior year or years, where no express reservation is made in such foreclosure suit of the lien for such taxes so previously assessed for such prior year or years, and the utmost diligence should be exercised on the part of those charged with the duty of enforcing such judgments, particularly district and county attorneys, to see that no tract of land is sold under any such judgment when such sale would leave unsatisfied the lien securing the payment of State and county taxes previously assessed on same for any prior year or years; and each suit to foreclose the lien for such taxes on any tract of land should include all State and county taxes on same delinquent at the time the suit is filed . . . . . 458

*Inheritance Tax—Personal Property—*

- Personal property permanently situated within the territorial boundaries of this State, regardless of whether owned by residents or non-residents, is within the jurisdiction of this State and is subject to inheritance taxes in Texas . . . . . 475

TAXES—(Continued)

- Personal property belonging to residents of this State, regardless of where located, is within the jurisdiction of this State and is subject to inheritance taxes in Texas . . . . . 475
- Real Estate—*
  - Real estate situated in this State is within the jurisdiction of this State and is subject to inheritance taxes in Texas.
  - Real estate belonging to residents of this State and situated in a foreign State and not subject to inheritance taxes in Texas . . . . . 475
- Delinquent Tax—*
  - Commissioners courts are without authority to contract with attorneys to act independent of the county and district attorneys in the filing of suits for collection of delinquent taxes.
  - There is no statutory or constitutional provision authorizing the commissioners court to contract with attorneys or other persons for the collection of delinquent taxes except that such court may contract with an attorney to assist the county and district attorneys in the performance of their duties. Other contracts for the purpose of collecting delinquent taxes are invalid and unenforceable. . . 479
- Board of Equalization—*
  - The board of equalization is not charged with the duty and has no power nor authority to add personal property to the lists or inventories of property listed to or by the tax assessor for taxation, or to the tax rolls properly prepared by the tax assessor from such lists or inventories, nor to list or render personal property for taxation not so listed or rendered, nor to summon persons to appear before it or otherwise to consider evidence for the purpose of investigating whether or not this should be done . . . . . 153
- Payment on Separate Tracts of Land—*
  - Where a tract of land within the meaning of our tax laws is properly separately described and valued on the list or inventory of property listed or rendered for taxation for a given year, such tract should be separately entered and valued on the tax rolls for such year, and the owner of such tract, irrespective of when or how acquired, or other person where necessary to preserve unimpaired a property right in same, has the right to pay the taxes assessed (or properly assessable) against such tract for such year, at any time after such taxes become due and payable, without the payment of taxes for such year against any other person or property, and this although such tract may have been listed with other property, all so listed together on the same list or inventory as the property of one ownership, and although all such property so listed may have been entered together on the same tax roll form for such year in the name of and as the property of one ownership, and with the taxes calculated and stated or extended on such tax roll form for such year only as against the total or aggregate value of all such property, and not separately as against such tract; provided: . . . . . 465
  - One who has been assessed with and is liable for the payment of a poll tax in one county and who, without paying same, has moved to and become a resident of another county, cannot be required to work upon the public roads of the latter county upon the ground that he has failed to pay such poll tax, either under Article 6973 of the Revised Civil Statutes or under any local road law that may have been passed for either of such counties as at present enacted . . . 474
  - An Act of the Legislature undertaking to exempt from taxation property owned, held and used by the American Legion of the Department of Texas and the various posts thereof in the State of Texas is unconstitutional since it is not within the power of the Legislature to extend such exemption to any property not used exclusively for purely public charities . . . . . 218
  - Where land is being sold under judgment in favor of the State foreclosing the State's lien for taxes neither the county attorney nor the sheriff is required or authorized to bid on same for the State if there are other bona fide bidders, and in such case sale may be made for an amount less than the aggregate of the taxes, penalties,

## TAXES—(Continued)

- interest and costs, but where there are no bona fide bidders it is the duty of the county attorney, or, in his absence, of the sheriff, to bid the property off to the State at not less than the amount of the taxes, penalties, interest and costs adjudged against the property . . . . . 472
- What constitutes the "market value" of oil within the meaning of Article 7383, R. C. S., 1911, as amended by Chapter 77, General Laws, passed at the Regular Session of the Thirty-sixth Legislature, is a question of fact to be determined from all the circumstances and conditions existing in the field of production at the time the oil is produced . . . . . 446

## TEXTBOOK COMMISSION—

*Free Textbook Commission—Supplemental Bids—*

- After the bids have been filed and opened, the Textbook Commission cannot permit supplemental bids except for purposes of correction of mistakes apparent on the face of bids . . . . . 560

*Textbooks—Free—*

- Duty of State Board of Education in respect to setting apart funds to provide free textbooks is imposed in and defined by Section 3, Article 7, State Constitution. . . . . 214
- Legislature has no power to require the State Board of Education to set apart only the amount estimated by the Superintendent of Public Instruction to be sufficient to provide free textbooks the coming year, if the board should believe such amount too much or too little . . . . . 215
- State Board of Education must obey its constitutional duty and set apart an amount actually sufficient to provide for textbooks . . . . . 215

## TORTS—

- Where an inmate of the State Industrial School for Boys, a State institution and governmental agency, died from the effects of corporal punishment administered to him by an employee of said institution, the Legislature was without authority, in absence of a pre-existing statute making the State liable for the tortious or negligent acts of the employees of said institution, to make an appropriation, out of the public funds of the State, to pay the parents of said inmate for loss and damages sustained by the death of their son . . . . . 509