

Bright of Fort Green, Florida, inquiring about the rights of settlers on lands bordering upon Lake Okeehcabee which were overflowed with water before the drainage operations now in progress there were begun.

This land, I think, belongs to the State. No policy has been adopted relative to its disposition, but I am confident that there will be no desire to sell it in large quantities rather than in small tracts, if it can be sold the latter way to best advantage. This, however, is not a legal question about which the Attorney General is authorized to officially advise, but is a practical matter which should first have legislative consideration and then will no doubt be handled by such board as the Legislature sees fit to vest with that authority.

It should be understood by settlers on this land that it is the property of the State and that no rights are acquired by locating upon and improving it.

Very respectfully,

T. F. WEST,

Attorney General.

RELIGIOUS DOCTRINES—PROPAGATION OF IN PUBLIC SCHOOLS.

Tallahassee, Fla., April 17, 1917.

*Honorable Sidney J. Catts, Governor,
Tallahassee, Florida.*

Dear Sir:

Yours of the 11 instant has been received.

I note the inquiry of the County Superintendent of Public Instruction and the copy of the resolution passed by the Board of Public Instruction of Pasco County, which reads as follows:

"Whereas there has come to the attention of the individual members of the Board of Public Instruction of Pasco County, certain rumors concerning the propagation of religious doctrines in the public schools of Pasco County, and

"Whereas, This is in violation of the laws of the State (if the said rumors be true).

"Therefore Be it Resolved, By the Board of Public Instruction of Pasco County, that the said Board relieve said condition by refusing to employ teachers who have church relationship other than church membership."

As I understand the situation, the term "religious doctrines" used in the resolution is regarded by the board as equivalent to sectarian doctrines, and the inquiry presented is, has the board of public instruction the power and legal authority to adopt and enforce a resolution of this kind.

By Section 6 of the Declaration of Rights in the Constitution of this State it is provided that:

"No preference shall be given by law to any church, sect or mode of worship, and no money shall ever be taken from the public treasury directly or indirectly in aid of any church, sect or religious denomination, or in aid of any sectarian institution."

By Section 13 of Article XII of the Constitution it is provided that:

"No law shall be enacted authorizing a diversion or the lending of any county or district school funds, or the appropriation of any part of the permanent or available school fund to any other than school purposes; *nor shall the same, or any part thereof be appropriated to or used for the support of any sectarian school.*"

In the sixth paragraph of Section 347 of the General Statutes it is made the duty of boards of public instruction to employ teachers for every school in the county and to contract with and pay the teachers for their services.

And in the twelfth paragraph of this section it is made the duty of the board to perform all acts reasonable and necessary for the promotion of the educational interests of the county.

Under this law, if it appears to the Board of Public Instruction of Pasco County, as recited in the resolution, that any of the teachers in the public schools of the county are engaged in the propagation of sectarian doctrines in such schools, the board would, in my judgment, be fully warranted in taking such action as is appropriate to prevent such teaching and in declining to contract with any teacher who persists in the same.

Respectfully submitted,

T. F. WEST,

Attorney General.

OFFICERS—LOCAL OFFICERS SHOULD ADMINISTER LAWS.

Tallahassee, Fla., April 25, 1917.

*Honorable Sidney J. Catts, Governor,
Tallahassee, Florida.*

Dear Sir:—

Yours of the 23 instant has been received and noted.

I wrote this man on the 9 instant and am attaching hereto copy of my letter to him.

His inquiry relates to the right of citizens to fish in Lake Apopka in Orange County. You know, of course, that the matter of the administration of laws of this kind is looked after by the local officers, and for that reason I suggested to him that he confer with the County