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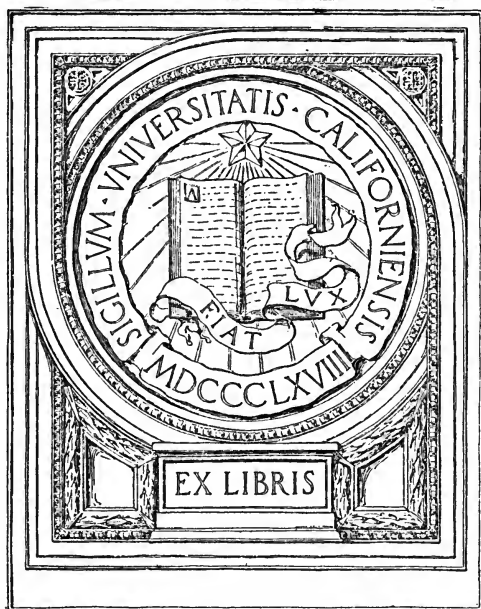
**SCHOOL LAWS**  
FOR  
**FREE PUBLIC SCHOOLS**

OF THE  
**State of Delaware**  
**1898-1913**

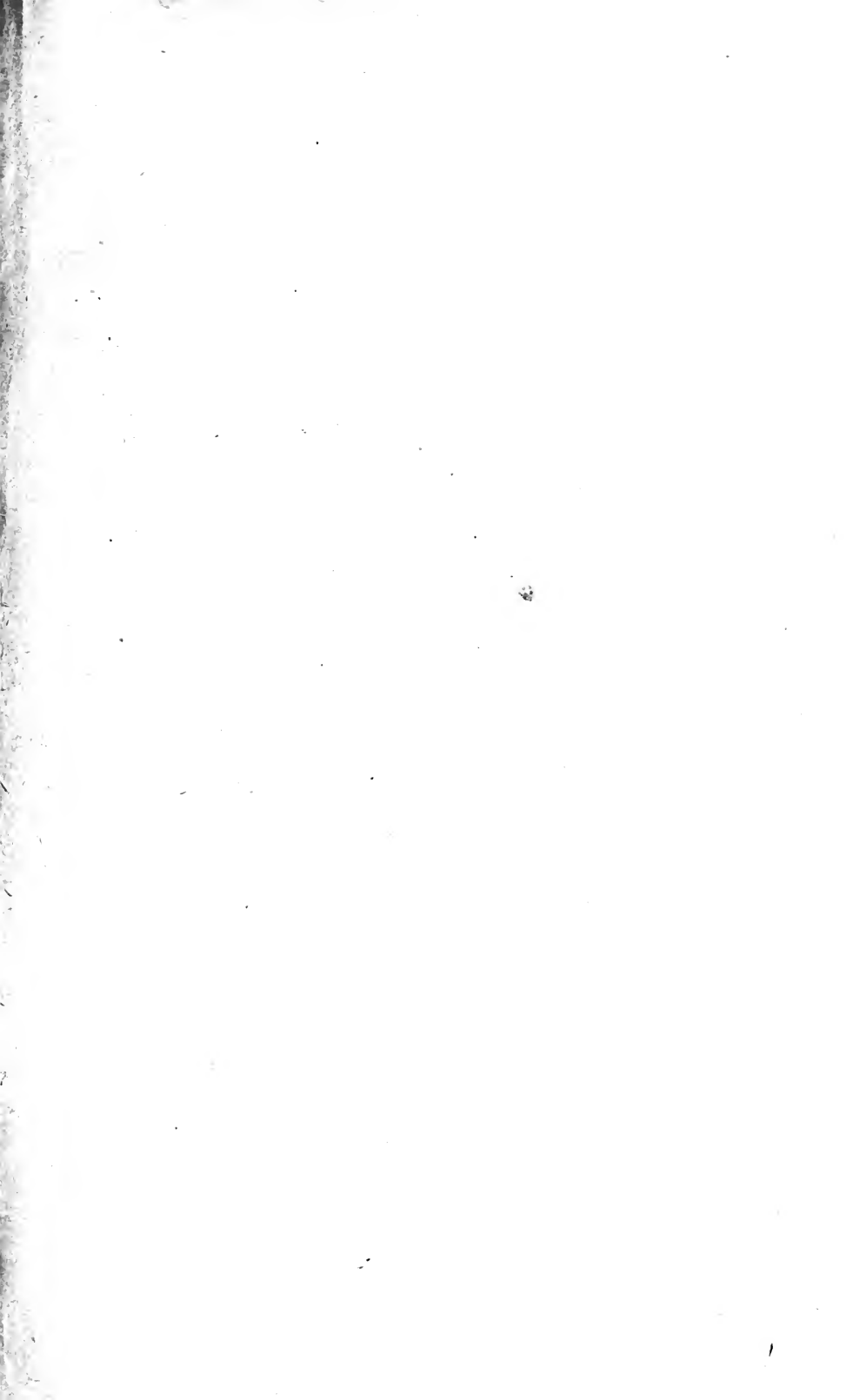
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# SCHOOL LAWS

- FOR

# FREE PUBLIC SCHOOLS

OF THE

# State of Delaware

# 1898-1913

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"THE SMYRNA TIMES" PRINT  
Smyrna, Delaware

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**PROVISIONS OF CONSTITUTION RELATING TO PUBLIC  
SCHOOLS**

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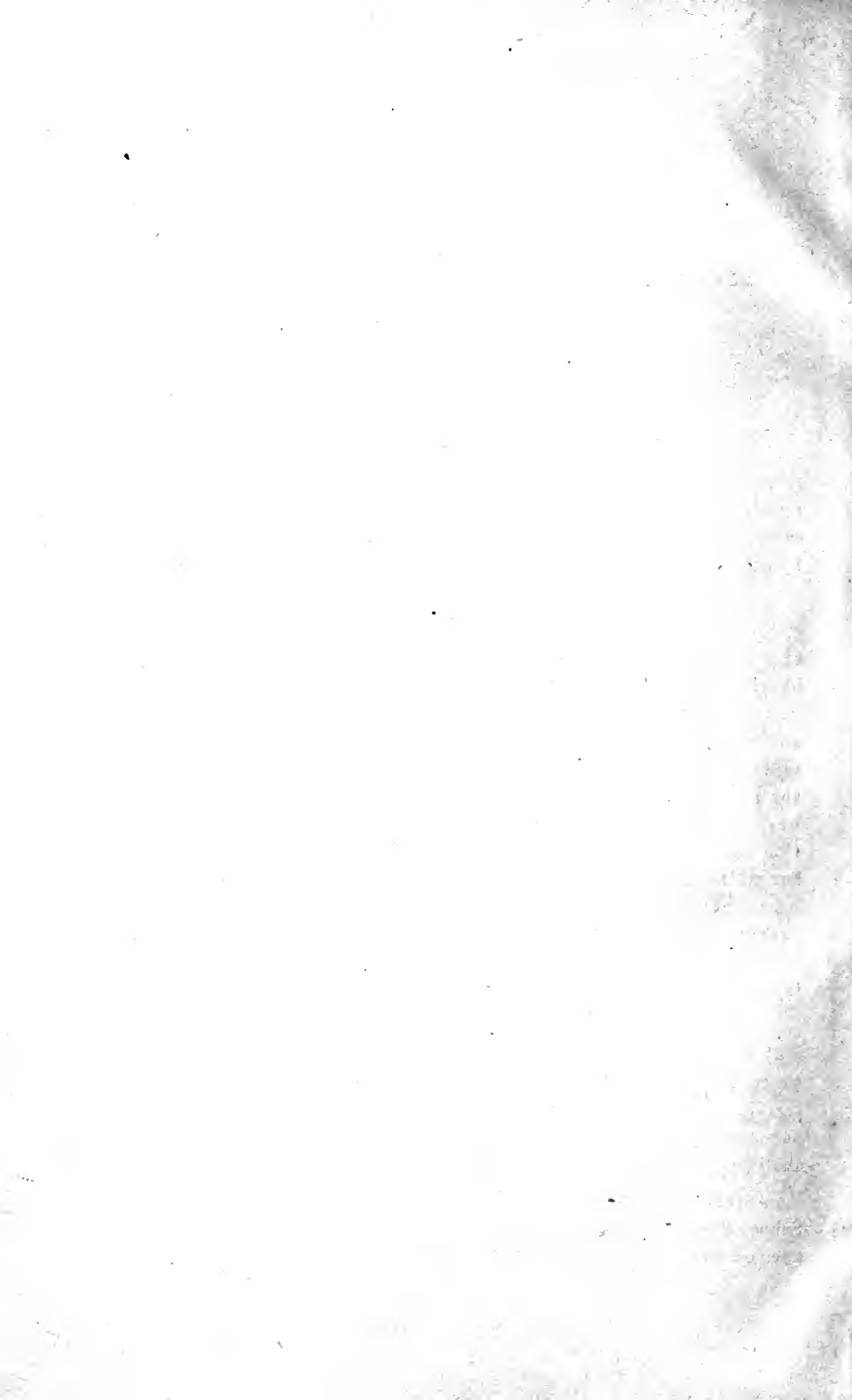
**ARTICLE X.  
EDUCATION.**

Section 1. The General Assembly shall provide for the establishment and maintenance of a general and efficient system of free public schools, and may require by law that every child, not physically or mentally disabled, shall attend the public school, unless educated by other means.

Section 2. In Addition to the income of the investments of the Public School Fund, the General Assembly shall make provision for the annual payment of not less than one hundred thousand dollars for the benefit of the free public schools which, with the income of the investments of the Public School Fund, shall be equitably apportioned among the school districts of the State as the General Assembly shall provide; and the money so apportioned shall be used exclusively for the payment of the teachers' salaries and for furnishing free text books; provided, however, that in such apportionments, no distinction shall be made on account of race or color, and separate schools for white and colored children shall be maintained. All other expenses connected with the maintenance of free public schools, and all expenses connected with the erection or repair of free public school buildings shall be defrayed in such manner as shall be provided by law.

Section 3. No portion of any fund now existing, or which may hereafter be appropriated, or raised by tax, for educational purposes, shall be appropriated to, or used by, or in aid of any sectarian, church or denominational school; provided, that all real and personal property used for school purposes, where the tuition is free, shall be exempt from taxation and assessment for public purposes.

Section 4. No part of the principal or income of the Public School Fund, now or hereafter existing, shall be used for any other purpose than the support of free public schools.





STATE BOARD OF EDUCATION.

CHAPTER 94.

OF FREE SCHOOLS.

**AN ACT** in Relation to the State Board of Education, its Creation, Membership, Powers and Duties, and also in further amendment of the Act entitled "An Act concerning the Establishment of a General System of Free Public Schools," being Chapter 67 of Volume 21 of the Laws of Delaware.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :*

Section 1. That the State Board of Education, as the same is now constituted, be and the same is hereby abolished.

Board abolished.

Section 2. That the Act entitled "An Act concerning the establishment of a general system of free public schools," approved May 12, 1898, being Chapter 67 of Volume 21 of the Laws of Delaware, be and the same is hereby amended by striking out the first two sections of said Act and by inserting in lieu thereof the following:

Chap. 67, Vol. 21, amended.

"Section 1. The general supervision and control of the free public schools of this State, including those for colored children, shall be vested in a State Board of Education, composed of seven members. Upon the approval of this Act, the Governor of this State shall appoint seven members of the State Board of Education, one of them to be appointed for one year, one for two years, one for three years, and one for four years, one for five years, one for six years, and one for seven years, their terms of office to begin on the first day of April, nineteen hundred and eleven. The Governor shall annually thereafter appoint a member of said State Board of Education for the full term of seven years and any vacancy in said Board shall be filled for the remainder of the term in the same manner. They shall serve without any compensation other than the payment of the necessary expenses incurred in the performance of their duties as members of the Board.

Board of Education composed of seven members.

Governor to appoint.

Manner of appointment.

Terms of office to commence.

Governor shall annually appoint for full term.

Vacancy to be filled for remainder of term.

No compensation.

**Section 2.** The object of the State Board of Education shall be to systematize and harmonize the work in the various free schools of this State, to render said schools more useful and efficient and to raise the standard of instruction and education therein. The said Board shall have power to make, and to cause to be enforced, all such rules and regulations for the conduct of the schools aforesaid, and for the work done and instructions imparted therein, as it shall deem necessary for the attainment of the object aforesaid.

Object of the State Board of Education.

Shall have power to make and cause to be enforced, rules and regulations.

To prescribe the text books.

Additional duties and powers of the Board.

In furtherance and not in limitation of power aforesaid, the said Board shall have power to prescribe the text books to be furnished the schools as hereinafter provided, and to make contracts for the prices at which such books shall be furnished; to regulate the curricula in the schools, to determine when and upon what conditions and under what restrictions the County Superintendents shall issue certificates to teachers or applicants to teach; and to prescribe rules and regulations for the sanitary equipment and inspection of school buildings and to take such other action as it may deem necessary and expedient to promote the physical and moral welfare of the children of the free schools of this State.

May require teachers to furnish needed information.

The said State Board shall make investigation of such facts and conditions as will give a fuller knowledge of the needs of our schools, and to this end may require teachers and school officers to furnish all needed information concerning the particular schools and school districts in charge of such teachers and school officers; and it may, if it deem necessary, employ for a limited period a trained educator or educational expert to advise said State Board and to assist it in the performance of its duties.

May employ a trained educator or expert.

To hear and determine all appeals.

The said State Board of Education is hereby vested with sole and exclusive jurisdiction to hear and determine finally all appeals from the several County School Commissions hereinafter created and all appeals of teachers, applicants for Certificates, County Superintendents and members of School Committees and Boards of Education.

The rules, regulations and decisions made by the said State Board shall be followed and acted upon by the State Auditor in settling the accounts of school officers, and by the State Treasurer and Trustee of the School Fund in making the apportionment of State appropriations to schools, and the distribution thereof.

State Auditor shall follow and act upon rules, decisions, etc., made by Board.

The said State Board shall report and recommend to the Governor and the General Assembly, such legislation as it deems will promote the cause of Education in this State.

Shall report and recommend to the Governor.

The State Auditor shall be the Secretary of the said State Board but shall have no vote or voice in its proceedings. The said Board shall have such other officers as it deems necessary, define their duties and elect them annually. It shall fix the times of its regular meetings and the manner of calling special meetings. It shall make its own by-laws and all regulations deemed necessary to carry on the proper work and affairs of the Board. Absence from two consecutive meetings of the State Board by any of its members, except for cause considered good by a majority of the members at the second consecutive meeting, shall be deemed a vacancy which shall be filled by the Governor accordingly. Its regular meeting place shall be in Dover but it may from time to time hold meetings at other places. It shall have the right to use for its meetings the office of the State Auditor or such room in the State House and Administration Building as shall not be in use at the time of its meeting.

State Auditor to be secretary, but shall have no vote.

Shall fix time of meetings.

Absence from two consecutive meetings may be deemed a vacancy.

To be filled by the Governor.

Regular meeting place shall be in Dover.

Shall have the right to use the State Auditor's office.

The State Treasurer shall out of any moneys in the general fund of the State, pay all bills for the necessary expenses incurred by the members of the said State Board in the performance of their duties as such members, whenever such bills shall be presented, countersigned by its then president and secretary, and the said State Treasurer shall also pay such other bills incurred by the said State Board of Education for postage, stationery and printing and for services rendered to the Board, as shall be countersigned as aforesaid."

State Treasurer shall pay bills and necessary expenses.

Postage, stationery, printing, etc.

Sec. 23, further  
amended.

Section 3. That Section 23 of the Act aforesaid be and the same is further amended by striking out the word "He shall make and sign a Certificate to each person passing such examination as hereinafter provided;" in lines thirty-two, thirty-three and thirty-four of page 197 of Volume 21 of the Laws of Delaware and by inserting in lieu thereof the following: "He shall deliver a Certificate, signed by himself, to every teacher or applicant to teach, whom he shall find to be entitled to such Certificate, under the rules and regulations of the State Board of Education in relation to the same, such Certificate to be subject to the conditions and restrictions imposed by said State Board."

Sec. 24, as  
amended,  
further  
amended.

Section 4. That Section 24 of the Act aforesaid as amended by Chapter 113 of Volume 22 of the Laws of Delaware, be and the same is hereby amended by striking out all of said Section 24 between the words "Section 24" in the first line of said Section and the words "Every teacher in the free public schools of the State" in the fifth line of page 199 of Volume 21 of the Laws of Delaware, and by inserting in lieu thereof the following: "Every person of good moral character who holds an unexpired Certificate of a County School Superintendent issued to him or her under and in conformity with the rules and regulations of the State Board of Education, shall be qualified to teach in the schools of the County of such Superintendent so long as said Certificate shall continue in force."

Approved March 14, A. D. 1911.

## CHAPTER 67, VOLUME 21.

## AN ACT CONCERNING THE ESTABLISHMENT OF A GENERAL SYSTEM OF FREE PUBLIC SCHOOLS.

(Sections 1 and 2 of this act were repealed by the preceding chapter, namely, Chapter 94, Volume 26.)

Section 3. The supervision of all the free public schools, including those for colored children, in each of the counties of this State, subject to the general supervision and control hereinbefore vested in the State Board of Education, shall be vested in a County School Commission for each County. The said Commission shall be composed of three members, no more than two of whom shall be of the same political party. They shall be appointed by the Governor, and hold office for three years, or until their successors are duly qualified; provided, however, that in the appointment of the first set of County School Commissioners under this Act, one member of each of said Commissions shall be appointed for one year, one for two years and one for three years, for each county; and provided further, that in the appointment of said first set of said Commissioners for the several counties, not more than two of either the one year members, or the two year members, or three year members, shall be of the same political party.

Supervision  
of county  
School Com-  
mission

How commis-  
sion is com-  
posed

Appointment  
Term

Arrangement  
of terms

Political com-  
plexion

In the appointment of said first set of Commissions, the member appointed for each county for one year, shall be the senior member during the first year; the member appointed for two years, shall be the senior member the second year: and thereafter the member serving for his third year in the appointment of any set of said Commissions, shall be the senior member.

Senior  
members

Each County School Commission shall hold meetings quarterly, during the first week in the months of September, December, March and June, in each year, in the office of the County Treasurer, or some other convenient place, in its respective County. Special meetings may be held upon the call of any two members. The first stated meet-

Meetings of  
County Com-  
missions

Place

Special  
meetings

ing of each of the County School Commissions created by this Act, shall be held on Saturday, the fourth day of June in the year eighteen hundred and ninety-eight at eleven o'clock in the forenoon. The senior member of the Commission shall be its President, and the junior member shall be its Secretary. Two members shall constitute a quorum to do business, but one may adjourn from time to time until a quorum is secured.

Before entering upon the duties of his office, each member of said commission shall be sworn or affirmed to well and faithfully discharge the same. The oath or affirmation may be administered by any member. A vacancy in the office of County School Commissioner, caused by death, resignation, removal, disability, or otherwise, shall be filled by the Governor for the unexpired term, provided that such appointee shall be of the same political party as he, to fill whose unexpired term, such appointee is chosen. A commission for an unexpired term as aforesaid shall vest in the holder thereof all the powers, and subject him to all the duties which would have devolved on him had he been commissioned at the beginning of said term. Each of said commissions shall have power to make all such by-laws as are or may be necessary for its own government, and to formulate and carry into effect all such rules and regulations as are requisite and proper for the execution of the powers and duties conferred upon it by this Act.

Section 4. The object of the County School Commission shall be the investigation of the school system throughout the County of its jurisdiction, the methods of instruction and discipline employed in the schools, the performance of their several duties by the various school officers and teachers, and the condition of school property. To this end each commission shall have full power and authority to visit all the schools in its County, including incorporated schools, and to observe and question the teachers concerning their method of instruction and discipline; to examine all reports and papers made to or filed with the County Superintendent for its County, and to confer with and aid him concerning the methods and systems which he

has adopted, or desires to introduce into the schools under his supervision; to make reports quarterly to the State Board of Education at its stated quarterly meetings, containing any suggestions as to improvement in school methods and systems, and specifying any neglect or abuse on the part of any teacher or school officer whomsoever in its County. The Commission shall, at any of its stated meetings, be ready to receive any and all complaints concerning teachers, the County Superintendent, or any school officer, whomsoever, of the County under its jurisdiction, and to hear evidence upon the same. The said Commission shall have power to determine the complaints aforesaid according to the best ability of its members, subject however to the right of appeal to the State Board of Education as hereinbefore provided. It shall be the further duty of each of the said County School Commissions, to act as a Sanitary Commission over any and all school property in the County under its supervision; with full power to condemn any school building, or any part thereof, as unsafe or unhealthy; and upon the certificate of such condemnation by the Commission, the Trustee of the School Fund shall withhold from the district in which such condemned property is situated, its share of the State appropriation, until the further certificate of the Commission that such condemned property has been repaired or replaced, or that provision therefor has been made. Provided, however, that nothing in this Act shall be construed or taken to confer upon any of said County School Commission any power, right, or authority to close or suspend any school for any reason whatever.

Reports

Hearing  
complaints

Sanitary

Condemnation

Share of School  
Fund withheldProviso as to  
closing schools

Section 5. No member of any County School Commission shall receive any salary by virtue of his office, but, upon the warrant of the Governor, the State Treasurer shall, out of the general fund of the State, pay to each member of said Commissions the sum of five dollars for each day actually spent in attendance upon the meetings of the Commission of which he is a member; provided that such allowance shall not exceed the sum of seventy-five dollars to any one member in any one year for such attendance.

Per diem

Limit  
Chap. 88, Vol. 23

Expenses

ance; and the further sum of six cents per mile expended in visiting any of the schools under the supervision of the Commission of which he is a member; provided, that such mileage shall not be allowed for more than one visit to any one school by any one member during a single quarter; and provided further, that such allowance for mileage shall not exceed the sum of twenty-five dollars to any one member during any one year. The said State Treasurer shall further pay all reasonable and proper bills incurred by the said County School Commission for printing and postage, out of the general fund aforesaid, upon being presented with proper vouchers therefore by its president or secretary.

Limit

Printing and postage

Notice of meetings of State Board and County Commission

Section 6. It shall be the duty of the State Board of Education, and also of each of the County School Commissions to give notice of the time and place of each of its stated meetings, by advertisement in two successive issues of three newspapers in the State, at least ten days before the time fixed for such meeting.

In the case of the County School Commission, such advertisement shall be in newspapers published in the county under its jurisdiction.

Division of counties into districts for colored schools

Section 7. It shall be the duty of each of the first set of County School Commissioners appointed under the provision of this Act, to lay out and divide the County under its jurisdiction into districts for colored schools. For this purpose each of said commissions shall hold a special meeting on Tuesday the seventh day of June in the year eighteen hundred and ninety-eight at eleven o'clock in the forenoon, at some suitable place in, with regard to the commission for New Castle County, the City of Wilmington and in, with regard to the commission for Kent County, the town of Dover, and in, with regard to the commission for Sussex County, the town of Georgetown: each of said Commissions having first given notice by advertisement in two successive issues of two newspapers, of the time, place and purpose of such special meeting, and of the willingness of said commission to hear any and all per-

Meeting for

Places of meeting

Notice by advertisement



sons who might have anything to state concerning the laying out of said districts.

Each of said Commissions may adjourn from time to time. Adjournment

Each of said Commissions shall then, and as soon after the date of the special meeting aforesaid as may be, proceed to its work of laying out and establishing districts for colored schools in the county under its jurisdiction, and shall make return of their determination, giving the names, and the metes and bounds of the several districts so laid out by it, to the Clerk of the Peace of the proper county, who shall preserve the same in the records of his office, and who shall, within five days after the receipt of such return, certify to the Trustee of the School Fund the names and numbers of the districts so laid out as aforesaid. Return  
Duty of Clerk of the Peace  
Certificate to Trustee of School Fund

Immediately upon making return as aforesaid, each commission shall determine upon a time and place for each district thus laid out for the first meeting of the school voters held under this Act in said districts, and shall advertise the same by posting five notices stating such time and place, in five of the most public places in each of the said districts, provided that the time for the holding of the meeting of the school voters shall not, in any case, be later than the last week in August in the year eighteen hundred and ninety-eight. School meetings  
Notice

The districts so laid out by each of the said commissions shall be numbered in continuation of the school districts in the same county, and shall thenceforth be entitled to all the rights and powers, and subject to all liabilities and penalties by this Act provided. The determination and return of a majority of the County School Commission for any one of the counties, shall be as valid and effective as if made by all. Numbering districts  
Rights and powers  
Acts of majority of commission

Each member of each of said Commissions shall receive the sum of one hundred dollars for the performance of the task in this Section assigned, and the State Treasurer shall pay him said amount, out of the general fund of the State, upon the warrant of the Governor; provided that no member Compensation of commissioners  
Proviso

shall be entitled to receive any sum whatever if the Commission of which he is a member shall not have fully performed and executed the duties prescribed in this Section before Wednesday, the tenth day of August, in the year eighteen hundred and ninety-eight.

Changes in districts for colored people

The districts for colored schools when laid out and established as aforesaid, may be changed or altered, divided, consolidated or united by the County School Commissions for the proper county at any time within the space of one year following; but not afterwards, except in the manner hereinafter provided in this Act.

Limitation of number of districts

In determining upon the number of districts to be laid out as aforesaid, each commission shall be limited to the number of colored schools in existence at the passage of this Act.

Qualification of voters

Section 8. At the elections held under the provisions of Section 7 of this Act in the districts for colored schools, any colored male person over the age of twenty-one years shall have a right to vote. In the apportionment and distribution to the school districts by the Trustee of the School Fund in the month of September, in the year eighteen hundred and ninety-eight, the districts for colored schools laid out and established under the provision of Section 7 of this Act, shall be entitled to share therein, and none of the provisions of this Act as to the withholding of a district's share in such apportionment, shall apply to the districts aforesaid in said first apportionment and distribution.

Apportionment of School Fund

Transfer of property boundaries

Section 9. The mode of having property transferred from one school district to another, or of altering the boundaries of existing school districts, or of creating new districts shall be as follows:

New districts

Petitions to Commission

A petition stating the object sought shall be presented to the County School Commission of the proper county at any of its stated meetings; signed, in the case of a petition to transfer, by the owner or owners of the property affected, or in the case of a petition to create a new district by twelve or more freeholders of the district or districts affected. Notice of the intention to present such

For transfers

For new district Notice

petition must, in all cases, have been posted in four public places in the district or districts affected and a copy of the same transmitted to school committee of each district affected, through its clerk, ten days at least before the presentaton of such petition. The County School Commission shall then determine the matter, and shall certify its finding to the Clerk of the Peace of the county, specifying, when the prayer of the petition shall have been allowed the metes and bounds of the new districts, and of the alterations in the boundaries of old districts by the transfer of property. A new district shall not be created unless it be made to appear to the Commission that such proposed new district shall contain at least thirty-five children over the age of five years, and that at least that same number will remain in each of the old districts affected. A new district thus created shall be numbered in continuation of the school districts of the county, shall be subject to and have all the rights and powers given by all the laws of this State having reference to free public schools. The Commission so having created a new district as aforesaid shall give notice in writing, at least ten days before the holding of the first regular meeting of the school voters to be held in districts created as aforesaid, of the time and place for holding such meeting, which notice shall be posted in five of the most public places of the district. A failure to give notice as aforesaid shall in no wise affect or invalidate an organization that may be made by the school voters in such district, provided that a majority of the school voters of the district be present at any meeting, held without notice given as aforesaid. The finding or return of a majority of the members of the Commission upon any petition as aforesaid, shall be as effectual and binding as if made by all. The limits of the school districts so created and alterations of the limits of old districts by division, union of several as hereinafter provided, or otherwise, shall be recorded in the office of the Clerk of the Peace of the proper county; and the number and location of such new districts and the alterations of old districts shall be certified to the Trustee of the School Fund by said Clerk of the Peace.

Determination

Certificate

New districts

Numbers

Rights and powers

Notice of meetings

Majority of Commission to act

Limits of districts

Numbers

County School  
Commissioner

Power to  
transfer  
real estate

Exception

Petition not  
necessary

Notice to  
owner or  
occupant

Commission  
to certify  
transfer

To whom

Whenever any of the County School Commissioners of the State shall be satisfied that any real estate in the County of its jurisdiction has not been included within the limits or boundaries of any school district for the two years then next preceding, then and in such case the said Commission shall have the right, power and authority to transfer such real estate to any school district of the said County selected by said Commission, provided said school district shall at the time of such transfer be maintaining a free school under the laws of this State. No petition shall be necessary in order to empower a County School Commission to act in the cases aforesaid, but the Commission shall before making such transfer, give the owner and occupant of such real estate notice of the time and place of the meeting of the Commission for the final determination of the transfer. Such notice may be sent through the mail or may be left at the dwelling house being on the real estate aforesaid, or if there be no dwelling house there, may be posted anywhere on said real estate, five days at least before the day of the holding of the meeting aforesaid. When any transfer as aforesaid shall have been finally determined upon, the Commission shall at once certify its action to the Clerk or Secretary of the School Committee or Board of Education of the District to which the transfer is made. It shall likewise certify its action to the Clerk of the Peace of the County who shall cause a record of the transfer to be made in his office.

Uniting and  
consolidating

Name

Manner of  
forming

Notice

Vote

Committee

Section 10. Two or more school districts in any county may unite for establishing and supporting a free school for their common benefit; and such districts, when united, shall be one district by the name of "United School District Nos.—, in——county." The manner of forming a union of districts shall be this:

1. Notice shall be given in each district which it is proposed to unite, as required for stated meetings in the several districts.

2. At the meeting, thus called in each district if two thirds of the voters present are in favor of the union, a committee of three of such voters shall be appointed to ar-

range the terms and the meeting may be adjourned to hear their report; if a majority of them agree upon a union with any other district or districts and settle with the terms thereof, the same shall be reported to an adjourned meeting, and if such report shall be adopted by two-thirds of the voters present, it shall be obligatory, and the districts mentioned shall be united; provided like proceedings be had in all the said districts; but if, in either district, the report be not adopted by a vote of two-thirds, this shall not defeat the union between the other districts so adopting it; they shall be united and the other shall be excluded.

3. A meeting of the united district shall be then held at the time and place fixed by the terms of the union. At this meeting, a school committee for the united school district shall be chosen, and a vote may be passed to raise money by contribution, but not by tax. This meeting shall also inquire into the proceedings preparatory to the union of the districts and its determination thereupon shall be conclusive. United school districts shall have the same powers and exercise them in the same manner as original districts. The power of taxation shall extend to the amount that could be lawfully raised by tax in the several districts composing such united districts, if acting separately. The union of districts shall not affect the account of the Trustee of the School Fund, but dividends of the income of the Fund shall be apportioned and credited to the original districts as before the union; and all sums placed to the credit of the several districts of which the union is formed shall be paid upon the order of the school committee of the united district, and applied to the use of such district, upon their showing that a sum has been raised sufficient to entitle these several districts to draw their dividends as hereinafter provided. The place of meeting of school voters of a united school district shall be the school house of the district; or, if there be none, then one at the school house mentioned in the notices, which shall conform to any standing order of the school voters. A proposal to have several school houses in a united district may be brought before a regular meeting of the school voters by

Report  
Majority to  
agree

Vote

Meeting of  
united district  
Election of  
committee

Vote for  
contribution

Purpose of  
meeting

Powers

Taxation

Dividend

How paid

Place of  
meeting

Proposal for  
several school  
houses

inserting it in the notices of such meeting, if such proposal is made, the Secretary shall inquire concerning the regularity of the notice and make a minute of the fact. If it be carried, the school committee shall have power to execute it.

Power of committee

School districts continued

School officers continued

Section 11. All the school districts of this State, whether single, united, consolidated or incorporated, as they were established at the time of the passage of this Act, shall be, and they are hereby, continued school districts of the State, by the same names, and with the same metes and bounds, as they severally possessed and were defined at the time of the passage of this Act as aforesaid; and the several Clerks and Commissioners, or Trustees, or members of Boards of Education in any or all of said districts at the time of the passage this Act, shall be, and they are hereby, continued as such Clerks, Commissioners, Trutees or members of the Boards of Education for any or all of said districts for the full term for which each of said Clerks, Commissioners, Trustees, or members of Boards of Education were elected or chosen at the meeting of the school voters last preceding the passage of this Act.

Power of districts to hold property

Other powers

Suits

Section 12. Each school district, by the name of "School District No. ----- in ----- county" or "United School District, Nos. ----- in ----- county" (as the case may be, and filling the blanks properly), may take and hold ground for a school house, and the appurtenances and furniture; may take and hold by devise bequest, or donation, real and personal estate, not exceeding in clear annual income one thousand dollars, for the use of the free school in said district, and may alien the same; may take bond from the collector, or from the clerk; may prosecute actions upon it, and any action for injury done to any property of the district, in which action double damages and costs shall be recovered; and also any action for a forfeiture or penalty due to the district; any of the said actions may be brought before a Justice of the Peace, if the sum demanded does not exceed two hundred dollars, and said Justice shall proceed as in other demands of like amount; may, where it appears upon settlement by the school com-

mittee of the districts that there is due from said committee of the district any sum of money actually received by said committee, bring an action of debt against the said committee, or the survivor or survivors of them in their individual names for recovery of the same as also for the penalty provided by this Act, and judgment thereon shall be given as in other cases. and may be executed accordingly; such action no matter what the sum demanded be, may be brought before a Justice of the Peace, and shall be proceeded in as other actions within the jurisdiction of such Justice are, and the remedy hereby provided shall have a retroactive effect: and may sue for and recover in an action of debt any sum or sums of money due to the district, and may bring such action against any member of a late school committee of the district, or any other person whomsoever who may have any money belonging to the district in his possession, or who may in any other manner be indebted to the district, and the remedy hereby given shall have a retroactive effect. A school district shall not possess any other corporate power or franchise.

Not to possess  
corporate  
powers

Section 13. Every male person residing within the district, and having right to vote for Representatives in the General Assembly, and having paid his school tax for the preceding year and every female person above the age of twenty-one years, residing as aforesaid, and having paid a school tax in the district where she resides, for the preceding year, shall be entitled and qualified to vote at all school elections in such district and from and after the passage of this Act, every female person of the age aforesaid, residing in an incorporated district, and having paid a tax as aforesaid, shall be entitled and qualified to vote at all school elections in such incorporated districts. Provided however, that no white person shall have a right to vote at any meeting of colored school voters in any district, and no colored person shall have a right to vote at any meeting of white school voters in any district. If any person, not being so qualified, shall vote at any school meeting or election, such person shall be deemed guilty of misdemeanor, and shall be fined fifteen dollars by any Justice of the Peace in the proper county.

Voting  
qualifications

Penalty for  
voting illegally

Stated meeting

Time of meeting

Place

Hour open

Business

Order of business

Section 14. A stated meeting of the school voters of each school district shall be held on the last Saturday in June except in New Castle County, where such meetings, exclusive of those held in incorporated cities and towns shall be on the first Saturday in June of each year, at 2 o'clock in the afternoon except District No. 8 in New Castle County, where such meeting shall be held from half-past four to six in the afternoon. The place for such meeting shall be the school house of the district, or, if there be none, at some place appointed by the County School Commission of the proper county. Such meeting shall be kept open for at least one hour. Any number of voters present shall proceed to business, and their acts shall be valid.

The order of business for such stated meetings shall be:

1. The appointment of a chairman and secretary.

2. The report of the old committee of the district, and the appointment of a special committee to audit the accounts.

3. The election by ballot, by a majority of the votes cast, of one member of the school committee to serve for the term of three yeears as a successor to the member whose term shall at the time expire; provided, that at the first stated meeting of any school district formed, laid out, or created after the passage of the Act, there shall be elected in the manner aforesaid, a clerk to serve for the term of three years thereafter, and two commissioners, one for the the term of two years, and another for the term of one year, or, in each case, until a successor be chosen; and the election in like manner to fill all vacancies, or unexpired terms, occasioned by death, or otherwise, of any member of said committee.

4. To resolve whether any sum above that required to be raised by law, shall be raised for the ensuing year and if it shall be resolved to raise such an additional amount, to determine by ballot, by a majority of the votes cast, whether such amount shall be raised by tax, or by subscription.



A stated meeting may, after the appointment of a chairman and secretary, be adjourned and the proceedings of the adjourned meeting shall be of the same nature and force, except as to a tax, as if had at the original meeting. If the annual stated meeting shall not be held in any district, or if the school committee shall not then be elected, the district shall not thereby lose the power to proceed, but meetings, adjourned, occasional, or stated, may be held.

Adjourned meetings

Failure to meet not to affect power to proceed

Occasional meetings of the school voters of a district may be called by the school committee, by advertisement stating the business of the meeting, and posted as required for stated meetings. They must be held at the place where stated meetings are held. At such meeting, any number of voters present may transact any business mentioned in the advertisements but no other. The secretary shall make a note of the business mentioned in the advertisement, and where and when they were posted; these entries shall be conclusive, unless proved fraudulent; and the making of fraudulent entries shall be a misdemeanor, punishable by a fine, not exceeding one hundred dollars.

Occasional meetings

Business

Duty of Secretary

Fraudulent entries

Penalty

Notice of meetings

It shall be the duty of the clerk of the district to give notice of stated and occasional meetings, by advertisements, under hand, of the day, hour and place thereof, posted in five or more public places of the district at least five days before the meeting; and if he neglects this duty he shall forfeit and pay to the district ten dollars; but the want of such notice shall not make the acts of the meeting void. If there be no clerk, the commissioner or commissioners shall give notice under the same penalty; and if there be no member of the committee to give such notice, it shall be given by the Clerk of the Peace, on application of five or more of the school voters of the district. No vote respecting a tax shall be taken at any other time than the stated annual meeting, or the substitute therefor. Three certificates of the proceedings of every meeting of school voters shall be made and signed by the chairman and secretary; one shall be delivered to the clerk of the district, one to the Auditor of Accounts, and one to the Clerk of the Peace of the County, to be kept as a public record.

Neglect

Penalty

Notice in case of no clerk

Vote for tax

Certificates

Delivering

**Neglect** If the chairman or secretary shall neglect his duty in this respect for the space of one month, he shall be deemed guilty of a misdemeanor and fined fifty dollars.

**Penalty**

**Failure to deliver certificates** If the certificates be not so delivered within one month, the proceedings of the meeting shall be void, and the school committee in office, next before such meeting, shall continue in office, so far as to call another meeting, and shall proceed to do so by advertisements posted as required for stated meetings. A statement that the proceedings of the last meeting have not been duly returned, shall be sufficient statement of the business; and at a meeting so called, the school voters shall have power to do any act which they could do at the preceding meeting; and the meeting shall be regulated by the law applicable to the preceding meeting, and shall be a substitute therefor.

**Who to act**

**Notice of meeting**

**Statement of business**

**Powers**

**Regulation of meeting**

**Furnishing names of commissioners** Immediately upon the election of commissioners in single or united districts; or members of the Board of Education in incorporated districts, the Secretary or Clerk of the Commissioners or Board of Education, as the case may be, shall transmit to the Clerk of the Peace of the proper county, the names and addresses of the Commissioners or members of the Board of Education elected for the ensuing year, which names and addresses shall be furnished the superintendent of public schools for the proper county, the State Auditor and the Trustee of the School Fund, by said Clerk of the Peace.

**Supervision of schools in school committee** Section 15. The supervision and control of the free public schools in each district in this State now established or hereafter to be established under the provisions of this Act (subject to the general powers hereinbefore vested in the State Board of Education and the several County School Commissions), shall be vested in a school committee for each district; which shall be composed of a clerk and two commissioners, who shall serve for three years from the time of their respective elections, or until their successors are duly qualified. The members of the said school committees shall be chosen or elected as provided in Section 14 of this Act. Before entering upon the duties of their office, each member of said committee shall be

**How committee composed**

**Term**

**Election**

**Oath**

sworn or affirmed to perform the said duties of his office with fidelity. Any member of the new, or of a late committee may administer such oath or affirmation. The powers and duties of the school committee shall be: To determine the site, lease or purchase the necessary ground, and build or procure a suitable school house for the district, which shall be as near the centre of the district as practicable, and which, when built or procured, shall not be removed nor another built or procured without the direction of the school voters of the district at a stated meeting; to keep the school house in good repair and insure it against loss by fire, and to supply it with necessary furniture and fuel, and to bring action for any injury to it; to keep the school open for at least one hundred and forty days in each school year; to visit it at least once in each quarter of said school year; to employ a teacher or teachers who shall be well qualified mentally and morally for the position, provided, that no teacher shall be so employed who does not hold the certificate of the County Superintendent for the proper county for the year in which such teacher is employed, except where such teacher is employed for specialist work merely as set forth in Section 16 of this Act; to dismiss a teacher for cause; to make regulations for the government of the schools in which the expulsion of a scholar for obstinate misbehavior may be provided; and to collect and receive the money required by this Act to be raised by the districts in Sections 18 and 19 and to receive and collect all money belonging to, appropriated, or resolved to be raised by the district, and to apply and expend the same justly; to pay over to the successor in office any balance remaining at the expiration of the term of office; to make up the assessment list of the district and to provide for the collection of all school taxes, as set forth in Sections 18, 19 and 20 of this Act; to perform the several duties required of its members by Section 22 of this Act concerning free text books; to settle the accounts of the district with the Auditor and post copies of the same, as provided in this Act; to present the account so settled as aforesaid, and make general report as to the conditions of the school

and the like and stating when and for what length of time the school was visited by its members, to the school voters of the district at their annual stated meeting; to give the required notices of all meetings of the school voters of the district as provided in Section 14 of this Act; to institute any and all actions as provided in Section 12 of this Act which may accrue to the district; to perform the further and other duties set forth in Section 16 of this Act; and generally to do all acts and things requisite for affecting the premises

Acts of majority valid      The acts of a majority of the members of a school committee shall in all cases be as valid and effectual as if done by all.

Vacancies how filled      Vacancies in the committee shall be filled by the school voters of the district as provided in Section 14 of this Act.

Duties of clerk      The special duties of the clerk of each school committee shall be:

To give notice of meetings of the school voters of the district as required by Section 14 of this Act; to perform the several duties enjoined upon him by Section 22 of this Act; concerning free text books, to keep a record book of the district, in which he shall enter its bounds and description, and any changes therein, a copy of the certificate of the proceedings of every meeting of the school voters, the proceeding of the school committee, and the names of the scholars attending the school, a list of whom shall be furnished by the teacher, which book shall be evidence; and shall also keep all papers belonging to the district, or to the committee.

Misappropriation of funds      If any Commissioner or Clerk of any school district shall misappropriate any funds in his hands belonging to the school district in which he is such commissioner or clerk, he shall be deemed guilty of a misdemeanor, and upon conviction thereof, by indictment, shall be fined not less than twenty dollars nor more than five hundred dollars, together with the costs of prosecution, and upon failure to pay such fine and costs, he shall be imprisoned not less than three months nor more than two years. This provision

Penalty

shall be deemed and taken to be accumulative, and shall not affect or impair the individual liability of any such Commissioner or clerk in any civil suit which may be brought against him.

The members of each school committee shall pay to their successors in office all money due from them, and if they neglect to do so for ten days, they or any one of them, shall forfeit and pay twenty-five per cent on the sum due in addition to the amount so due as aforesaid.

To pay over money to successors  
Penalty for neglect

The members of the school committee shall receive no salary or emolument, but for attendance before the auditor, as provided in Section 26 of this Act, they shall be allowed, in their account, one dollar each per day, and three cents each per mile of necessary travel.

No compensation  
Allowance

Section 16. Each School Committee and each Board of Education of every incorporated district, immediately upon the selection of a teacher or teachers for any school or schools under its supervision, shall notify the County Superintendent for the proper county of such selection, stating the name, addresses and salaries of such teacher or teachers.

Superintendent to be notified of selection of teacher

It shall be the duty of each School Committee and of each Board of Education of incorporated districts to see that a flag of the United States, not less than eight feet long and six feet wide, is displayed on a suitable flag staff with proper appliances upon each school building, or near the same, in the district, during school hours

Flag on School house

It shall be the further duty of each of the said Committees and of said Boards of Education to see that at least one proper and correct map of the United States, not less than four feet long and three feet wide, and at least one proper and correct map of the State of Delaware, not less than three feet by two feet, are exposed to view in some public and convenient place in each school house in the district.

Maps in schools

It shall be the further duty of each of said Committees and Boards of Education to see that all the pupils in all

Instruction in  
physiology and  
hygiene

the free schools in the district are instructed in physiology and hygiene, with special reference to the effects of alcoholic drinks, stimulants and narcotics upon the human system, and to see that all the said schools are sufficiently supplied with such text books relating to such subjects as are furnished the district in the distribution of free text books hereinafter provided. Any teacher in any of the free

Failure to so  
instruct

schools of the State, failing to so instruct all the pupils under his governance, shall, unless ordered to the contrary by a school officer having authority over him, be liable to

Penalty

a fine of twenty-five dollars, to be recovered before any

School officer  
ordering  
teacher not to

Justice of the Peace of the proper county by any informer, and any school officer ordering a teacher under him not to instruct the pupils as aforesaid shall be liable to like fine,

Penalty

recoverable as aforesaid by any informer.

Unlawful to  
employ  
teacher not  
holding cer-  
tificate

It shall be unlawful for any School Committee of a district, or any Board of Education of an incorporated district, to employ as a teacher, or permit to continue to teach, any person who does not hold an unexpired certificate from the County Superintendent for the proper county except such teacher be employed for specialist work merely, such as drawing, music and the like, under penalty of having withheld from the district in which such person is employed or permitted to teach, its share of the State appropriation for the year of such employment or teaching.

Exception

Penalty

Instruction in  
Constitution of  
U. S. and the  
State

It shall be the further duty of each School Committee and Board of Education in this State to see that the pupils in any class or classes in the school who are instructed in United States history by the teacher employed in the school shall also be instructed by the said teacher in the general principles of the Constitution of the United States and that of this State.

Joint or graded  
schools

The respective School Committees of adjoining districts shall have power to make such arrangements for the establishment of a school or schools for the joint benefit of the children of such adjoining districts as they may deem proper and advisable.

Every School Committee and every Board of Education in this State shall have power, and it shall be their duty, to make any and all such rules and regulations governing the pupils of the districts as they shall deem proper or necessary to the health of such pupils, and the prevention of the spread of contagious or infectious diseases, and to this end may, if they deem advisable, provide for the free vaccination of such pupils.

Sanitary  
rules and  
regulations

Vaccination

The Board of Education of each incorporated school district in this State may, and unless the needs of the pupils residing in such incorporated district shall render it unadvisable shall, upon application, admit to the higher departments of such incorporated schools advanced pupils from other districts, upon such terms as the said Board of Education shall deem proper and reasonable; and the school committee of the district where the children so admitted reside, may, in its discretion, allow the amount or amounts prescribed by any such Board of Education for the admission of such pupils as aforesaid.

Admission of  
pupils of other  
districts to  
higher  
departments

Section 17. In case the School Commissioners of any school district shall not be able to procure by agreement with the owner a lot of land suitable and proper for the erection of a school house for the use of the district, it shall and may be lawful for the said School Commissioners to apply to the Levy Court of their county, who shall thereupon appoint three judicious and impartial freeholders of said county, residing without the limits of said school district, to select a site for such school house and appurtenances, not to exceed half an acre in any case. The said commissioners shall, as soon as conveniently possible after the said appointment, notify the said freeholders and fix a day when they shall meet in said district to select such site, and shall also give notice to the inhabitants of said district of the time so fixed, by notices posted in five of the most public places in said district at least ten days before the day of meeting. The said freeholders shall, on the day so fixed, proceed to the said district, taking with them a surveyor, if necessary, and shall select such site as

Securing site  
for school  
house

Freeholders

Duty of

Notice

Plot, etc

they may deem most suitable for the purposes aforesaid, and shall cause a plot and description of the same to be made out and delivered to the commissioners, who shall, within thirty days after such delivery, lodge the same in the Recorder's office of the proper county, to be recorded.

Assessment of damages

The said freeholders shall also, at the time of selecting and locating the site, assess the damages of the owner or owners, taking into consideration all circumstances of convenience or injury, but in making such assessment, they shall allow at least the cash value of the land taken, and shall certify their award to both parties, owners and commissioners, whereupon, on payment of the damages, so assessed, the said land so taken shall become and be the property of the said school district for the purpose aforesaid. In case any such owner or owners be a minor, non-resident, or from any cause incapable of receiving, or unwilling, or neglecting to receive said damages, the said School Commissioners may deposit the same to the credit of such owner or owners, in the Farmers' Bank of the State of Delaware, or any branch thereof, and such deposit shall operate as payment.

Deposit of damages

Failure to meet

In case the said freeholders should fail to meet on the day fixed, the commissioners may call them out again upon like notice to the district, as above provided. The said freeholders shall have power to adjourn from time to time. The decision of a majority shall be as valid as that of the whole.

Adjournment

Decisions

Fees and expenses

The fees of the freeholders shall be one dollar per day. All the expenses shall be borne by the district.

Duty of School Committees of school districts to make assessment lists

Section 18. It shall be the duty of the school committees of the several school districts for white children in the State, to make assessment lists for their respective districts. Such lists shall consist of the rates of persons of all the white male inhabitants of the district over twenty-one years old; of the rates of the personal property of all the white inhabitants of the district; of the rates of all assessable personal property within the district owned by any association or incorporation, and of the clear rental value of all the assessable real estate within the district

What lists shall show

Personal property liable to tax



owned by white persons, associations or corporations. The personal property of all white persons, associations or corporations, now subject to tax for school purposes in the school district shall be liable to assessment and tax for school purposes in the school district only in which it is actually located; and it shall be the duty of the school committee of the several districts for white children as aforesaid within the limits of this State, making the assessment lists for their respective districts, to place thereon the rates of the personal property now subject to tax for school purposes in the school district in which it has an actual location, irrespective of the residence of the owner thereof. The school committees of the several school districts within this State shall not take the rates of personal property from the assessment lists of the hundred in which it stands assessed at the time, but shall fix the rates of personal property for their respective school districts upon personal view thereof, or other sufficient information of the owners or persons having control of the same. The assessment list of each school district as aforesaid, shall only include the personal property actually located therein; provided, that no property shall be assessed for school purposes under the provisions of this Act, which is exempted from taxation for county purposes.

Assessment lists to be made upon personal view

Shall only include property therein

Exemption

They shall assess the clear rental value beyond reprises of all the assessable real estate in the district, and make out a list of the names of the persons assessed, in alphabetical order, the rates of persons, and of personal property, number of acres, or other description of real estate, and clear rental value thereof. When the line between two districts crosses the lands of person occupied in one body, the whole of such lands shall be assessed in the district where the dwelling house is, and no part in the other; provided that any tenant residing on such lands in an adjoining district, shall, at his election, communicated in writing to the school committee of such adjoining district, at any time prior to the completing of the assessment list, be only assessed, and have school privileges in the district in which such tenant resides.

List of assessables

Lands in two districts

Amounts to be raised by taxation

It shall be the duty of the School Commissioners in each of the districts aforesaid, annually, in the month of July, to assess and levy without regard to any vote thereon, in each of their respective districts, that is to say: in each of the school districts in New Castle County the sum of one hundred dollars; in each of the school districts in Kent County the sum of one hundred dollars, and in each of the school districts in Sussex County, the sum of sixty dollars, to be applied to the support of the schools of their districts respectively.

New Castle County

Kent County

Sussex County

Posting assessment lists

A copy of the assessment list shall be posted in some public and suitable place of the district for inspection; and the committee shall, by advertisement in at least five public places in the district, give notice that said list is posted, and where; and of the day, hour and place (not less than five days thereafter), of their sitting to hear objections to it. Upon such hearing, the said committee shall make all such just corrections, and add anything omitted. The committee may adjourn if necessary.

Notice

Appeals and corrections

List to be conclusive

The list, when settled, shall be conclusive, and shall stand until the next assessment in the district when a new list shall be made for each school district. And every year the committee shall make proper additions and alterations in case of other persons or property becoming assessable or being omitted, or in case of death or removal.

Annual additions and alterations

Proceedings not questioned

The proceedings of the committee shall not be questioned except for fraud or corruption.

Annual revisions and adjustments

The several school committees selected shall, annually, on oath or affirmation revise and adjust the assessments of rental values in their respective districts so as to make them bear a due proportion to each other, having regard to their productiveness to their several owners.

Notice of assessment to non residents

As soon as said assessments have been so adjusted, it shall be the duty of the clerks of the several districts to direct a letter to the address of each non-resident whose rental valuation has been assessed in any district, stating the amount of his or her rental valuation in any of said

districts, and the day and hour when the school committee will sit as a Court of Appeal to hear any objections that may be made to said assessments.

Section 19. All the provisions of Section 18 of this Act concerning the making of assessment list, shall apply to the several school committees to be elected in the several districts for colored schools, to be laid out and created under the provisions of this Act, except that the word "colored" shall, in regard to said committees for said colored schools, be deemed and taken to be inserted in the place and stead of the word "white," where the latter word appears in said Section 18; and except further, that the sum to be raised by said committee for said districts for colored schools by levy and assessment in each of said districts without regard to any vote thereon, shall be the sum of fifty dollars for each district situated and being in either of the Counties of New Castle and Kent, and the sum of thirty dollars for each district situated and being in the County of Sussex instead of the several sums or amounts specified in said Section.

Provisions to apply to colored schools

Sum to be raised by tax in colored schools

N. C. and Kent Counties  
Sussex County

Section 20. Upon the completion of the assessment and levy of the school tax in the school districts in this State by the respective school committees, as provided in Sections 18 and 19, each school committee shall determine the rate on every hundred dollars of the amount of the assessment list required to raise the sum levied with ten per centum added thereto for delinquencies and costs of collection. After determining the rate as aforesaid, it shall and may be lawful for each of said school committees to accept and receive the tax of each and every person liable to pay the same, who shall tender the payment thereof before the tenth day of August in the year in which said tax shall be levied, and the committee shall allow to every person so paying his tax within said time, an abatement of eight per cent. upon said tax.

Determination of rate of tax

Committee may receive tax until August 10

Abatement

It shall be the duty of each of said school committees, on the tenth day of August in each year, or as soon thereafter as practicable, to execute and deliver its warrant

Warrant and duplicate

Delivery of with duplicate of the uncollected assessment list to a collector specially appointed by the school committee or to the collector of county taxes for the hundred or districts in which said school districts may be situated and the said collector shall be, and he is hereby required to accept the same and collect the taxes thereon assessed.

Proceedings  
and power of  
collector

To execute said warrant, the said collector, shall proceed in the manner, and have all the powers of a collector of county taxes; and it shall be and may be lawful for any school tax collector, after demand made by him for the payment of the tax assessed against any inhabitant of the school district for which he is collector, and the failure of said taxable to pay the same on said demand, to give written notice to any person residing in the county wherein said district is located, whom he may suppose to have in his possession any goods or chattels, rights or credits, moneys or wages belonging or owing to said taxable, stating the amount of taxes due from said delinquent taxable, and if the person so served with notice shall fail to deliver such goods and chattels, or to pay so much money or wages in his possession as shall satisfy said school tax due from said delinquent, said collector may proceed by suit in the name of the school district before any Justice of the Peace in said county, against any person so notified as aforesaid, and recover against him a judgment for the amount of said tax of said delinquent with costs, or for so much thereof as may be equal to the value of the goods and chattels, rights and credits, moneys and wages in his hands at the time of service of said notice, or any time between then and the rendition of said judgment.

Attachment

Suit

Form of  
warrant

The warrant aforesaid may be in the following form:

“School district No. — in — County, — County, SS.

The State of Delaware: To the collector of —

We command you to collect from the respective persons named in the annexed duplicate, the rate of — on every hundred dollars of the amount with which they respectively stand assessed, according to said duplicate; and if any of said persons shall not, in ten days after de-

mand pay the sum which you are required to collect from him, you are authorized to proceed in the manner and use all the means provided by law for the collection of county rates.

Given under the hands and seals of the subscribers, members of the School Committee of the district aforesaid, the —day of — A. D., 19—.’

If any collector of a hundred or of a district refuses to receive and execute a warrant directed to him as aforesaid, he shall forfeit and pay to the school district affected the sum of one hundred dollars. Refusal of collector to act  
Penalty

The executor, or administrator, of a collector, may execute the warrant, and shall have all his powers. Executor or adm. to act

The oath of the collector, or of his executor or administrator, shall be competent evidence of the demand; and no demand shall be necessary in case of a non-resident of the district. Evidence of demand

If a person, liable to pay a rate, removes from the district, or dies without payment, it shall be deemed a debt due the collector, and may be recovered by suit before a Justice of the Peace. Any collector appointed as aforesaid, or to whom a warrant has been directed as aforesaid shall within thirty days after receiving the warrant, pay to the school committee the amount which he is required to collect, deducting delinquencies to be allowed by them, and his fees, at the rate of ten per cent, on the sum collected when it does not exceed fifty dollars, and eight per cent. when it exceeds that sum; and every collector of a hundred or district, and his sureties by virtue of his official bond, shall be liable thereof for every failure of duty and default in the premises; which bond shall be proceeded on at the instance of the school committee of the district aforesaid. If any collector shall neglect to pay to a school committee the money collected by him on the warrant of its members, and due, such a committee may, if the amount does not exceed two hundred dollars, sue him in the name of the district before a Justice of the Peace, and recover the same. Removal or death of taxable  
Suit  
Time in which to collect tax  
Neglect to pay over tax  
Suit

AMENDMENT.  
CHAPTER 95, VOLUME 26,  
OF FREE SCHOOLS.

**AN ACT** to amend Chapter 67, Volume 21, Laws of Delaware, entitled: "An Act concerning the establishment of a general system of Free Public Schools," relative to the collection of school taxes.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Section 1. That Chapter 67, Volume 21, Laws of Delaware, entitled, "An Act concerning the establishment of a general system of Free Public Schools" be and the same is hereby amended by adding after the word "delinquent" and before the word "said" where they occur in the fifteenth line of the third paragraph of Section 20 of said Act the following: "and the further and additional sum of five per centum on said tax as a penalty for non-payment thereof;" that said Chapter 67 of Volume 21 be further amended by adding after the word "costs" and before "or" in the nineteenth line of paragraph 3 of Section 20 of said act. the following: "including five per centum additional on the amount of said taxes; that said Chapter 67 of Volume 21 be further amended by adding after the word "judgment" where it occurs in the twenty-third line of paragraph 3 of Section 20 of said act the following: "the person so served with notice and having in his possession goods, chattel, rights or credits, moneys or wages belonging or owing to said taxable, shall be entitled to the sum of twenty cents as compensation for his trouble, and is hereby authorized to deduct said amount from any moneys or wages in his hands belonging to said taxable."

Approved April 6, A. D. 1911.

Section 21. All public school grounds and all public school buildings and appurtenances, maintained at public expense, within this State, shall be exempt from county, town, municipal, water, street, sewer, and all other taxes.

Chap. 67,  
Vol. 21,  
amended.

Chap. 67,  
Vol. 21,  
further  
amended

Chap. 67,  
Vol. 21,  
further  
amended

School  
property  
exempt from  
tax

Section 22. The schools in the districts for white <sup>Schools to be free</sup> schools shall be free for all the white children of the district (and the schools in the districts for colored schools shall be free for all the colored children of the district) of six years of age or over; provided that any district in <sup>Age of child</sup> the State, including those incorporated, and including the city of Wilmington, may establish a kindergarten, which <sup>Kindergarten</sup> shall, or may be free for all white or colored children (as the case may be) of the district of the age of four years or over.

No discrimination against any taxable of any district <sup>Discrimination in taxation</sup> shall be made by the school committee of the district by a rate, charge, or apportionment, based upon the attendance at the schools of the district of the child or children of such taxable.

Section 22 $\frac{1}{2}$ . Each school committee of the trustees of <sup>Text books</sup> each school district or districts in the State, outside the City of Wilmington, shall furnish the necessary textbooks free to all the pupils, including colored children, enrolled <sup>Free</sup> in the free public schools of the State, in the manner following:

The school commissioners or trustees shall order from <sup>Ordering</sup> the publisher or publishers the books which have been adopted by the State Board of Education for use in the free schools of the State, at the net contract prices at which the publishers have agreed to supply the same, as follows:

There shall be a blank order book prepared by the <sup>Order books</sup> State Treasurer for the use of the school commissioners, which shall contain duplicate order blanks, with a printed list of the books which have been adopted by the State Board of Education, and the net contract prices at which the publishers agree to furnish the same.

Duplicate orders shall be filled out and signed by at <sup>Duplicates</sup> least two of the school commissioners, or, in case of united or incorporated districts, by the president and secretary of the school board, one of these orders shall be forwarded to the State Treasurer to be forwarded to the publisher or publishers, and the other shall be kept as a stub in the order book as a voucher.

Duty of State  
Treasurer  
Entries

The State Treasurer, on receipt of an order or orders from the school commissioners, shall make an entry of the amount of the order or orders against the district or districts in a book kept for that purpose, and shall forward the order or orders at once to the publisher or publishers, requesting them, on receipt of the order or orders, to ship the books as directed at the contract prices named, and send duplicate invoices or bills for the same, one to the State Treasurer and the other to the clerk of the district to which the books are consigned.

Payment for  
books.

The State Treasurer shall pay to the publisher or publishers out of the school fund of the State for books thus supplied, and charge the amounts so paid to the respective districts ordering said books, and deduct the same from the amount to which such district or districts may be entitled as in this Act provided. The State Treasurer shall pay no bills for at least thirty days from the time any such are rendered, in order that he may be notified by the school commissioners of any error or failure on the part of the publisher to supply the books as ordered and directed, or as billed.

Distribution of  
books in  
Districts

It shall be the duty of the clerk of each school district or districts to distribute the books received, as aforesaid, to the scholars of the district or districts, or their parents, guardians, or other persons as they may desire, upon receipt for the same.

Safe keeping  
of books

The clerk of the districts shall be responsible for the safe keeping of the books furnished him as aforesaid, and also for prices of books sold, as hereinafter provided, to parents, guardians, scholars or other person. Any money, or the value of the books which such clerk shall fail to account for according to law, may be recovered in the name of the State by the County Superintendent before a Justice of the Peace, as other accounts, when the amount does not exceed the sum of two hundred dollars. The said clerk shall, at the expiration of his term of office, turn

Selling books

over to his successor in office, all books on hand, and take a receipt for the same which shall be his voucher in settlement.

Clerk to  
deliver books  
to successor



It shall be the duty of the school commissioners to provide for the safe keeping and care of the books which shall be returned by the pupils at the close of the annual school term to the clerk of the district, or to such other person as the school commissioners shall designate. They shall also keep a separate account of the amount expended for books, and shall report it under a separate item in the annual settlement required aforesaid.

Safe keeping  
of books

The school commissioners may furnish books at cost to pupils who wish to replace books lost or willfully destroyed, or who may wish to own their books; and shall return the proceeds of all such sales into the school fund of the district, and report the amount at the time of the annual settlement with the State Auditor aforesaid.

Sale of books  
to pupils

It shall be the duty of every teacher in the free public schools of the State, to make out and hand to the commissioners of the district, at the end of each quarter, a report setting forth the whole number of pupils attending the schools during the quarter, designating whether male or female, the number of days each has attended, and an inventory of the books in the school belonging to the district, stating by whom such books are held, their condition, and the number of, and by whom books have been destroyed. Until such report shall have been made, it shall not be lawful for the commissioners to pay such teacher his salary. The reports made in pursuance herewith shall be forwarded annually, in the month of April, by the clerks of the several districts to the County Superintendent for the proper county.

Reports of  
teacher to  
commissioners

The State Treasurer shall be allowed five hundred dollars annually for postage, stationery, clerical assistance, and the like to carry out the provisions of this Section, and is authorized to pay out of the general fund of the State, the amount necessary to print order books sufficient to supply one to each district in the State.

Allowance to  
State Treasurer

Expenses

Section 23. The general superintendence of all the free public schools in each of the counties of this State shall be vested in a Superintendent of Schools for each county.

County Super-  
intendent

## Appointment

On the second Tuesday in July, A. D., 1898, the Governor shall appoint one suitable person to be Superintendent of Schools for New Castle County, one suitable person to be Superintendent of Schools for Kent County, and one suitable person to be Superintendent of Schools for Sussex County, whose terms of office shall expire on the second Tuesday in July, A. D., 1899. On the second Tuesday in February, A. D., 1899, the Governor shall appoint a suitable person to be superintendent of Schools for each of the Counties of the State, whose term of office shall be for two years, or until his successor is duly qualified, and such appointment be made biennially thereafter, and whose duties shall begin on the second Tuesday of July following his appointment. He shall be entitled to a salary of one thousand dollars payable quarterly, for each year that he continues to hold said office.

## Salary

## Qualifications

He shall be a person of good moral character and well qualified mentally and morally to perform the duties of his office. He must have had at least twenty months' experience as a teacher; must at the time of his appointment hold a certificate of graduation from some reputable college, or normal school, or an unexpired certificate of the highest grade granted to teachers in this State; and must become a resident of the county for which he is appointed, after such appointment, and must continue a resident therein during his term of office. He shall not, during his term of office, engage in any other profession or vocation; nor shall he have the right to constitute deputy or deputies to perform any of the duties herein assigned to him.

## Duties

It shall be the duty of each of the said superintendents to advise with the teachers in all the free schools under his supervision, and to strive to assist them in their tasks; to see that improved methods of instruction and discipline are introduced in the schools, and to create a general interest in, and give a clearer knowledge to the people of his county, of schools and school systems. To this end, he shall visit each school in his county at least once in every year, each visit to be of at least two hours' duration; to attend at each stated meeting of the County School Com-

mission of his county and at each stated meeting of the State Board of Education, and make such report concerning his work and the condition of the schools as the said Commission or State Board shall require. He shall execute all such reasonable orders as the State Board of Education shall give him; shall make the collection of and report concerning school statistics in his county, a special part of his work; and generally shall do all matters and things proper and necessary for the interest and advancement of education in the free public schools of his county.

Each of said superintendents shall have power to suspend and withdraw any teacher's certificate upon his refusal to comply with the reasonable directions made to such teacher by the said superintendent, subject to the right of appeals as hereinbefore provided. He shall note in a book to be kept for that purpose, the number of scholars, the condition of the school buildings, grounds and appurtenances, the qualifications of the teachers, the conduct and the standing of the scholars, the methods of instruction, and the discipline and government of each school; such book must be delivered by him at least once in every year to the County School Commission of his county, at one of its stated meetings, and to the State Board of Education at one of its stated meetings for inspection and reference, and may be called for by either of said bodies at any time.

Each of said superintendents shall frame a set or sets of examination papers when and as often as he shall be directed so to do by the State Board of Education; and shall compile a list of text books when so directed by said State Board; he shall conduct the examinations of all teachers in his county; the time and place for such examination or examinations to be fixed by him in conformity with the directions of the State Board of Education, or if no such direction be given, to be determined by said superintendent having due regard to the convenience of the teachers and the schools; such examination to be free to all, provided that separate examinations for applicants to teach in schools for colored children shall be maintained. He shall

Powers.

Duties

Examinations questions

Text books

Examinations

Free examinations

Certificates      make and sign a certificate to each person passing such examination as hereinafter provided; and he may countersign the certificate of a teacher made and signed by a County Superintendent in one of the counties of the State other than his own, which certificate so countersigned, shall entitle the holder to teach; and shall hold and attend the Teachers' Institute in his county once in every year as herinafter provided.

Countersign-  
ing  
Teachers' In-  
stitute

Requirements  
for profession-  
al certificate      Section 24. Every person who is of good moral character, and who shall answer, at the examination given by the Superintendent for free schools as hereinbefore provided, ninety per centum of the questions asked in orthography, reading, writing, mental arithmetic, written arithmetic, geography, physiology and hygiene, with special reference to the effects of alcoholic stimulants and narcotics upon the human system, history of the United States, the Federal and the State Constitutions, pedagogy, and English grammar; and seventy-five per centum of the questions asked in algebra, geometry, physics, natural philosophy and elements of rhetoric, and seventy-five per centum of the questions asked upon such other branches and subjects as the State Board of Education shall direct to be included in such examinations; shall receive from the superintendent a professional certificate which shall be good for ten years, unless sooner revoked as herinbefore provided

Chapter 112,  
Volume 22

Requirements  
for first grade  
certificates      Every person who is of a good moral character, and who shall in examination, answer ninety per centum of the questions asked in orthography, reading, writing, mental arithmetic, written arithmetic, geography, physiology and hygiene with special reference to the effect of alcoholic stimulants and narcotics upon the human system, history of the United States, the Federal and the State Constitutions, pedagogy and English grammar, and seventy-five per centum of all the questions asked on such other subjects or branches as the State Board of Education shall direct to be included in the examination; shall receive from the superintendent a first grade certificate, which shall be good for five years unless revoked as aforesaid.

Chapter 112  
Volume 22

If any person shall fail to answer ninety per centum of the questions asked in the branches specified for first grade certificates, but shall answer at least seventy-five per centum thereof, and shall also answer seventy-five per centum of all the questions upon the other subjects, or branches directed by the State Board as aforesaid, he shall receive from the superintendent a second grade certificate, which shall be good for two years, unless revoked as aforesaid.

Requirements  
for second  
grade certi-  
ficates

Chap. 112  
Vol. 22

(Paragraph repealed by Chapter 112 Volume 22.)

Every teacher in the free public schools of the State, including those employed in incorporated districts, shall attend at each day's session of the Teachers' Institute held in the county in which he is employed, unless excused from so doing by the committee or Board of Education employing him; and no such excuse shall or may be given except for sufficient cause. No committee or Board of Education shall make any reduction or deduction in the salary of a teacher on account of absence from school while attending such institute.

Attendance  
at Institute

Excuse

No reduction  
in pay

The salaries of teachers in the free public schools of the State shall be paid quarterly at least.

Salaries of  
teachers

Every teacher in the free public schools in the State shall, annually, make and send to the State Board of Education, through any of its members, during the month of May in each year, a statement of the number of pupils in attendance in his school, and the number of full days in attendance by each pupil, and the number of children, according to his best estimate, residing in the district, over the age of four years, not attending any school whatever, how many full days the school in which he teaches has been open and ready for instruction of pupils during the year, and how often, and for what length of time, the school was visited during the year by each member of the committee or Board of Education of the district, and by the county superintendent. Such statement shall be verified by the affidavit of the teacher making it, before any Justice of the Peace of the county; the fees of the justice in such matter shall be a debt of the district, and shall be paid

Annual report  
of teachers to  
Board of  
Education

Affidavit to

accordingly. In the case of graded schools the principal alone may make the statement.

Copy of report  
to county  
school com-  
mission

A copy of said statement shall also be transmitted by every school teacher as aforesaid and at the time aforesaid, to the County School Commission of the proper county, through any of its members.

Failure of  
teacher to  
report

It shall be the duty of the County School Commission, and also the State Board of Education, to report the neglect, omission or failure on the part of any teacher in any district, including incorporated district to make the statement at the time and in the manner aforesaid, to the proper superintendent, and thereupon the said superintendent shall have the power, and it shall be his duty, to suspend the certificate of such teacher until a complete and correct statement as aforesaid shall have been made by such teacher.

Suspension

Appeal of  
applicants for  
certificates

In case any applicant for certificate shall be refused one by the County Superintendent on the ground that the said applicant has failed to answer the per cent. of the questions asked in the examination, as hereinbefore in this section provided, such applicant shall, if he desires to appeal to either the State Board of Education or the proper County School Commission, have the right to require that said superintendent shall exhibit a copy of the questions submitted at such examination, together with the answers given by said applicant, when such answers were written; provided that the appeal be made at the stated meeting next following said examination.

Examination  
papers may be  
sent up

Teachers'  
Institute

Section 25. It shall be the duty of the superintendent of free schools for each county in the State, to hold in his county a teachers' institute for the teachers in the free public schools for white children under his supervision, at least once in every year, and of at least three days' session.

Appropriation  
for

To defray the expenses of the said institute, the State Treasurer shall, upon the draft of the County Superintendent, pay to the said superintendent, out of the general fund of the State, one hundred and fifty dollars to be expended by the said superintendent for the institute in his county, and for no other purpose.

\$150 for each

It shall be the duty of the said superintendent to be present at each day's session of the institute in his county, and to do all in is power to inform the teachers under his superintendence, by his own advice and suggestions, and by the advice and suggestions of professional educators whose services he can secure, of the most improved and advanced systems of instruction and discipline.

Duties of superintendents

Each of said superintendents shall, during the year, appear before the State Auditor and make settlement with him of all the moneys so expended by him for the institute in his county, and shall pay over to him all unexpended balances in hands.

Settlement with Auditor

The State Auditor shall issue to the County Superintendent for Kent County, in the month of October in every year a warrant for the payment of the sum of one hundred and fifty dolars for the support and maintenance of the Delaware Colored Teachers' State Institute.

Colored Teachers' Institute

\$150 for Chapter 116 Volume 22

The State Treasurer shall pay, out of the general fund of the State, to the said superintendent the said sum of one hundred and fifty dollars upon the presentation of the warrant of the State Auditor aforesaid.

Payment

Chapter 116, Volume 22

It shall be the duty of said Superintendent to make all arrangements for said Institute and to be present at each day's session, and to do all in his power to inform the said colored teachers by his own advice and suggestions and by the advice and suggestions of professional educators whose services he can secure, of the most improved and advanced system of instruction and discipline.

Superintendent to pay bills

Chapter 116, Volume 22

As soon as possible after the close of the said institute, the said Superintendent shall present his accounts and vouchers to the State Auditor for settlement and pay over any unexpended balance of said appropriation to the State Treasurer.

Settlement with Auditor

Section 26. The State Auditor shall between the first day of July and the first day of September in each year, settle the accounts of all the school committees of the State. For this purpose, every such committee shall, under penalty of forfeiting to the district twenty-five dollars

Settlement of accounts of school committees

Penalty for failure

for neglect, appear with its accounts and vouchers before him when he shall attend in the county for that purpose, whereof he shall give notice. He may compel them, by attachment, to appear and settle. The settlement shall show how long school was kept in the district, the compensation of the teacher, and the number of scholars; the sum raised, the sum drawn, and the sum expended; all of which shall be stated in the Auditor's report to the General Assembly.

May compel them

What settlement must show

When auditor shall refuse to settle

Consequence of refusal

In case any school committee shall have failed or neglected to make proper return upon the blank forms furnished it by the State Board of Education, as provided in this Act, or in case the schools in the districts for which the committee acts have not been kept open for the time specified in Section 15 of this Act, the Auditor shall refuse to settle the accounts of such committee; and if, in consequence, settlement of any account shall not be made during his attendance for that purpose, the school committee shall incur the forfeiture by this Section provided, and there shall be the same liabilities and consequences as if it had failed to appear.

Notice of failure to settle or to account

If any committee shall fail to appear and settle with the Auditor, or if, on such settlement, it appears that it, or any of its members, has misapplied, or does not account for the money received by it, or with which it is chargeable, the Auditor shall make known the facts by letter, addressed to the Chairman and secretary of the last stated meeting.

School fund how constituted

Section 27. The money appropriated by the General Assembly for the benefit of the free public schools, for each year, together with the income of the investments of the public school fund as it was constituted by law at the time of the passage of this Act, shall constitute the school fund for the year.

Trustee of School Fund

Apportionment of fund

The State Treasurer shall, by virtue of and during the continuance of his office, be the trustee of the school fund, and shall annually in the month of September apportion said fund among the several counties of this state, and



distribute each county's share of said apportionment among the school districts of the county, such apportionment and such distribution to be made in the manner and according to the same rules as prescribed and provided for the apportionment of the school fund by the laws of this State which were in force and operation at the time of the passage of this Act, except special Acts or parts of Acts, referring to the distribution of the school fund to particular districts, and such laws, so far as they affect the apportionment and distribution of the school fund, shall be, and are hereby continued in full force and operation; the amount appropriated by the General Assembly to be apportioned and distributed in the same manner as the fees for licenses, forming a part of the old school fund were apportioned and distributed prior to the passage of this Act. Provided, however, that in the distribution of each county's share of said school fund, among the school districts of the county, no discrimination shall be made between the districts for white schools, and the districts for colored schools to be created and laid out under the provisions of this Act but each of said districts for colored schools shall be deemed and taken by said Trustee of the School Fund to be on the same basis and entitled to the same provisions as any district for white schools in the same county. The distribution by the Trustee of the School Fund to several school districts as aforesaid, shall be in the following manner: He shall place the amount due the respective districts to the credit of the said respective districts in the Farmers' Bank of each of the counties in which the districts are severally situated; he shall then furnish the commissioners or Board of Education of each single, united and incorporated district with blank drafts, numbered consecutively, in the following form:

Manner of  
distribution

Drafts

No. —.

School District No. ——— County, Delaware. Form of

The Farmers' Bank of the State of Delaware pay to—  
or order ——— dollars, being salary due the payee, as  
teacher, for the ——— ending the ——— day of ——— A. D.,

19—. Charge same to the account of School District  
No.——County. \$——.

Commissioners of District No. —County —.

Clerk of District No.——, ——County.

Drawing fund

The money thus deposited in the Farmers' Bank of the State of Delaware to the credit of the respective districts, shall be drawn out only upon the presentation of drafts as aforesaid, made payable to the teacher of the school of the district, signed by a majority of the commissioners or Board of Education, as the case may be, attested by the clerk of the district, and endorsed by the teacher to whose order it is made payable. Such drafts made by the commissioners as aforesaid, shall be for the salary due the teacher, and for no other purpose; but no teacher employed in any free school in any single district that is not incorporated in this State, shall be paid from the school funds of this State apportioned to the district and deposited as aforesaid, a salary exceeding forty dollars per month.

Purposes of use

Limit of salary  
Chap. 89,  
Vol. 23

Trustee of fund  
to reapportion  
money left  
over in hands  
of districts

It shall be the duty of the trustee of the School Fund, in making the apportionment among the school districts as hereinbefore provided, in the month of September, in every year, to ascertain from the settlements of the State Auditor with the several districts of this State, made in the months of July and August preceding, as hereinbefore provided, the amount or amounts of money each district may have in hand that has been received from the State, and raised by taxation as required by this Act, and is unexpended at the end of the school year next preceding. He shall then deduct and retain from the sums or apportionments to which such districts are respectively entitled in the distribution of the school fund of the State, amounts equal to that which from the State Auditor's settlement aforesaid, appear to be respectively unexpended in the hands of the commissioners or clerks of the districts aforesaid, and place the balance of the apportionments or

amounts to which the districts are respectively entitled as aforesaid to the credit of the said districts in the manner provided elsewhere in this Act. Provided, however, that should any district raise by taxation more money than that district is by this Act required to raise in order to be entitled to receive its apportionment of the school fund aforesaid, such amount that is in excess of the amount required by this Act to be raised by taxation as aforesaid, shall not be charged against or be deducted from the apportionment for such district, but the amount so in excess as aforesaid, shall be retained by the districts raising the same, to be therein applied. The amounts retained by the trustee of the school fund, and deducted as aforesaid from the apportionment of the districts having in hand money unexpended at the end of the year, in excess of the amounts required to be raised by taxation aforesaid, shall be by said trustee of the school fund placed to the credit of the county in which the districts having moneys unexpended as aforesaid are respectively situated, and be reapportioned among the districts of the county entitled there to.

Proviso

Disposition of  
amounts  
deducted

No school districts in this State shall be entitled to share in the apportionment of the school fund for any year, nor shall the trustee of the school fund deposit any amount during the year to said district's credit, as hereinbefore provided, unless it shall appear from the settlement of the school committee of such district with the Auditor then next preceding the time of such apportionment, that said district has raised by taxation or subscription, the sum of one hundred dollars, if said district is situated in either of the counties of New Castle or Kent, or sixty dollars, if said districts are situated in the county of Sussex; in the case of districts for white schools, or fifty dollars if said district is situated in either of said counties of New Castle or Kent; or the sum of thirty dollars if said district is situated in said county of Sussex in the case of districts for colored schools.

Amounts to be  
raised by tax-  
ation to entitle  
districts to  
fundIn New Castle  
County

Kent County

Sussex County

Colored  
Schools

Section 23. Nothing in this Act shall be deemed or taken to prevent the reappointment or re-election of any school officer mentioned in this Act.

Reappoint-  
ment or re-  
election of  
school officers

Provisions of  
laws continued  
in force

Section 29. All the provisions of the school laws of this State which were in force and operation at the time of the passage of this Act providing penalties and forfeitures for the nonfeasance, misfeasance or malfeasance of any person whomsoever, shall and are hereby continued in full force and operation so far as to apply to any such non-doing, mis-doing or wrong-doing occurring prior to the passage of this Act.

Law applicable  
to incorpor-  
ated districts

Section 30. All the provisions of this Act, where not inconsistent with the provisions of the several acts incorporating the respective incorporated districts in this State, shall apply to such incorporated districts; and where any provision of this Act is expressly made applicable to incorporated districts, such provision shall apply to such districts, whether inconsistent or not.

Not to affect  
Wilmington  
Schools

Section 31. None of the provisions of this Act shall be deemed or taken to affect or in anywise alter the rights, privileges and immunities belonging, at the time of the passage of this Act, to the free schools in the City of Wilmington, including those for colored children in said city.

Certain laws  
continued

Section 32. All Acts and parts of Acts vesting in the school committees, trustees, or boards of education of certain particular school districts the power to raise and collect, without regard to any vote thereon, amounts in excess of those provided by this Act, are hereby continued in full force and operation.

Section 33. All Acts and parts of Acts inconsistent with this Act are hereby repealed.

Approved May 12, 1898, with all subsequent amendments.

## AMENDMENT.

## COMMISSIONER OF EDUCATION.

## CHAPTER 106, VOLUME 27.

## OF FREE SCHOOLS.

**AN ACT** in relation to free public schools of the State of Delaware, and in further amendment of an Act entitled, "An Act Concerning the establishment of a general system of free public schools," being Chapter 67, Volume 21, of the Laws of Delaware, as amended.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :*

Section 1. As soon as practicable after the approval of this Act the Governor shall appoint some suitable person, who shall be Commissioner of Education of the State of Delaware, and who shall also be Secretary of the State Board of Education. The term of said Commissioner shall be for two years, or until his successor is qualified, and the duties of said office shall begin on the first day of May, A. D., 1913. On or before the first day of May, A. D., 1915. the Governor shall appoint a successor to said Commissioner whose term of office shall be for two years, or until his Successor is duly qualified. Such appointment shall be made biennially thereafter and the duties of said office shall begin on the first day of May following such appointment. Said Commissioner shall be entitled to a salary of Two Thousand Dollars per annum, payable at least quarterly.

Governor to appoint a Commissioner of Education

Term of office

To be appointed biennially

Salary

He shall be a person of good moral character and well qualified mentally to perform the duties of his office. He must have had, at the time of his appointment, at least five years' experience as a teacher; and must hold a certificate of graduation from some reputable college or normal school.

Qualifications

Duties to be  
prescribed by  
Board of  
Education

The duties of said Commissioner shall be such as shall be prescribed by the State Board of Education and shall be directed toward the betterment and standardization of the free schools within this State. As Secretary of the State Board of Education he shall keep and file all documents, reports, communications and other papers of said Board and shall conduct the correspondence of said Board. The sum of Three Hundred Dollars is hereby appropriated to defray the traveling expenses incurred by said officer as Commissioner of Education and Secretary of the State Board of Education, and all other expenses incurred by said officer as Secretary of the State Board of Education shall be paid by the State Treasurer upon presentation to him of a statement of said expenses, bearing thereon the approval of the State Board of Education.

To be Secre-  
tary of the  
State Board of  
Education

Approved March 14, A. D. 1913.

## AMENDMENTS TO THE SCHOOL LAWS.

### CHAPTER 219, VOLUME 21.

#### OF FREE SCHOOLS

##### AN ACT Providing Graded School Facilities for the Children of the State.

Whereas, There are a number of School Districts in this State in which no graded schools exist, whereby the children of such districts are deprived of many of the advantages of a common school education enjoyed by the children in other districts;

And Whereas, such districts are contiguous or close to other districts in which free graded schools are now established and maintained, wherein the children of such first mentioned districts might receive all the advantages afforded by graded schools without impairing the rights and privileges of the children now attending such schools, if permitted so to do without extra cost and expense; now therefore

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :*

Section 1. That from and after the passage of this Act, it shall be the duty of the State Board of Education, and the same is hereby authorized, empowered and directed to select such and such number of the free graded schools now established and maintained in any of the school districts of this State, for the purpose of admitting to such schools the children of other districts in which no graded school exists; and that the schools so elected as aforesaid, shall then be free to all the children of school age of the county in which such schools are situated, or of such district or districts, or of such parts thereof, as shall be determined by said Board and under the rules and regulations to be promulgated by said Board as hereinafter provided.

Selection of  
Graded Schools

Schools selected to be free to children of county or districts

Regulations

Section 2. That the names and numbers of the free graded schools so selected as aforesaid, shall be certified by said Board to the school committees or Boards of Education of such schools, and also to the school committees of all the districts, the children of which the said Board shall determine may be admitted in such free graded school. And for the purposes and provisions of this Act, the said State Board of Education shall have full and final power to decide what shall constitute a graded school, and what district or districts are without such graded schools.

Section 3. That the said State Board of Education shall also have full and final power and authority to promulgate such rules and regulations governing the admission of all children under the provisions of this Act, provided that no free graded school shall be compelled to admit to any of its departments any child from another district, when such department is already full; and such rules and regulations shall be binding upon all the districts in this State. The said rules and regulations, together with the names and numbers of the districts affected, shall be certified by said Board to the School Committees or Boards of Education of all the districts affected thereby. Such rules and regulations, and such names and numbers shall be advertised in such manner, and for such length of time as said Board shall deem proper; which advertisement shall be paid for as other printing of said Board. The said Board shall also have full power to alter, change, or add to any of such rules and regulations at any time it may think proper.

Section 4. The several County School Commissioners now established by law shall have full and final power, jurisdiction and authority to hear and finally determine any disputes arising under this Act between any parent or guardian of any child, and any school officer, or between several school officers, school committees or Boards of Education; and in case any of said School Commissions shall determine that any child should be admitted to any free graded school, selected by the State Board as aforesaid, and any school officer shall refuse to admit such child, the

Certification of  
Schools  
Selected

Power of State  
Board of Edu-  
cation

Rules and reg-  
ulations gov-  
erning admis-  
sion of chil-  
dren

Certification of  
rules and regu-  
lations

Advertisement  
of

Alterations of  
rules, &c.

Powers of  
County School  
Commissioners



said commission shall certify the facts to the State Auditor, upon which it shall be unlawful for said Auditor to settle any of the accounts of the district wherein such graded school is situated, until a further certificate from said Commission that such child has been admitted.

Section 5. Whenever any child shall be admitted under provisions of this Act, to any free graded school, the teacher or principal of such school, shall within ten days, certify such fact, together with the name of the child, the date of admission, the name or number of the school district in which such child lives, and the name or number of the district of such free graded school, to the State Board of Education, and the said Board shall certify the substance of the aggregate of such certificates to the State Treasurer sometime before the first day of July in each year. Whenever it shall appear from the certificates of the principals or teachers in the free graded schools of any county, that two hundred and fifty children have been admitted to such schools under the provisions of this Act in any one county, it shall be the duty of the State Board to notify the committee or Board of Education of each of the graded schools so selected by it as aforesaid, in such county, that no further children shall be admitted under the provisions of this Act, and the said Board shall not certify any further names to the State Treasurer as aforesaid.

Teacher of graded school to certify admission, &c., of children, to State Board

State Board to certify to State Treasurer

Limit of number of children admitted

Section 6. That for every child admitted under the provisions of this Act to any free graded school, such free graded school shall be entitled to receive the sum of twenty cents for each day's attendance of such child in such graded school, and the entire amount, due to such graded school for such child, shall be paid to the district in which such graded school is situated, by the State Treasurer for every child so admitted as aforesaid, sometime in the month of July, upon receiving the vouchers of the teachers or principal of such graded school showing the name or names of such child or children so admitted as aforesaid, and the number of days' attendance of each such child in such graded school: provided, that no moneys shall be paid by

Graded Schools Compensation for non-resident pupils

How paid

Exception

the State Treasurer under the provisions of this Act to any district for on account of the admission of any child whose name does not appear upon the certificate of the State Board to the State Treasurer as provided in Section 5 of this Act, as having been admitted to the graded school of such district. The said State Treasurer shall then certify the amount so paid to any district, to the State Auditor who shall include it in the settlements of the accounts of the Districts so receiving said amount as aforesaid.

State Treasurer  
to certify to  
State Auditor

Board of  
Education in  
Wilmington  
may refuse to  
admit non-  
resident pupils

May charge  
and fix amount  
of tuition

When ad-  
mitted State  
Treasurer to  
pay the  
amount pro-  
vided by law

Board of  
Education of  
Wilmington  
same powers as  
County School  
Commissioners

Section 7. That nothing in this Act shall be deemed or construed to prohibit or prevent "The Board of Public Education in Wilmington" from refusing in its discretion to admit to any of the Public Schools in the City of Wilmington any child not residing in said city or from charging for the tuition of any such non-resident child, such sum as the said Board may deem proper; provided, however, that when any such child shall be so admitted to the Public Schools of the City of Wilmington, under the provisions of this Act and with the consent of the said Board of Education, then the said Board of Public Education in Wilmington shall be entitled to receive from the State Treasurer the amount due under the provisions of this Act for the tuition of such child and the amount so received from the State Treasurer for the tuition of such child shall be deducted from the amount due from the parents or guardian of such child for its tuition as fixed by "The Board of Public Education in Wilmington" and provided further, that all rights and powers vested in the State Board of Education or the County School Commissioners by virtue of this Act shall, within the corporate limits of the City of Wilmington, be vested in "The Board of Public Education in Wilmington."

Approved March 9, A. D. 1899.

Amended and approved February 25 and April 19, A. D. 1909.

CHAPTER 220, VOLUME 21.

OF FREE SCHOOLS.

**AN ACT Providing for Circulating Libraries for Use of the Public Schools of the State.**

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :*

Section 1. That the State Treasurer be, and he is hereby authorized and directed to pay on the first Monday in the month of April in each and every year after the passage of this Act, beginning on the first Monday in said month of April in the year eighteen hundred and ninety-nine (out of any moneys then being in his hands as such State Treasurer) the sum of one hundred dollars to the chairman of the "Committee on Traveling Libraries" of "The State Federation of Woman's Clubs of Delaware."

\$100 annually appropriated to committee on traveling libraries of the State Federation of Women's Clubs

When to be paid

Section 2. That the said sum of one hundred dollars so paid in each year as aforesaid shall be used by the said "Committee of Traveling Libraries" for the exclusive purpose of purchasing books and cases to hold the same, and circulating them among the Public Schools throughout this State, under such rules and regulations as said Committee shall deem proper. The said committee to receive no compensation whatever for their services.

How to be used

Section 3. That the said Committee shall make a report of their expenditure of said moneys to the General Assembly of this State at each of its bi-ennial sessions.

Report

Approved March 16, A. D. 1899.

## CHAPTER 112, VOLUME 22.

**AN ACT Prescribing the Method of Apportioning the Public School Fund  
Among the School Districts of this State.**

*Be it enacted by the Senate and House of Representatives of the  
State of Delaware in General Assembly met :*

State Auditor  
to make report  
to Trustee of  
School Fund

Section 1. That in order that the Trustee of the School Fund shall have the information necessary to distribute the public school fund of the State, it shall be the duty of the Auditor of Accounts, to examine and settle the accounts of every single, united, consolidated and incorporated school district in the State between the first day of July and the tenth day of August in each year, and to report the result of such settlements to the Trustee of the school Fund on or before the twentieth day of August, giving the amounts remaining in the hands of such districts unexpended of the moneys received from the State and required to be raised by taxation in order to entitle such districts to their shares of the said moneys from the State, the number of teachers employed in each school and the number of days taught by each teacher during the school year.

Amount of  
appropriation

Section 2. That the income arising from the investments for the benefit of the Public School Fund, together with the money appropriated from time to time by the General Assembly for the benefit of the free public schools, which said appropriation shall not be less than one hundred and thirty-two thousand dollars annually, shall be apportioned among the school districts of the State in the following manner:

Amended  
Chapter 339,  
Volume 22

How divided

The Trustee of the School Funds shall annually in the month of August divide the said income and appropriation among the school districts of the State, including consolidated, united and incorporated districts or schools, according to the number of teachers employed for at least one hundred and forty days during the previous school year.

In order to entitle any school district to receive a share of said money so apportioned such district shall have raised by taxation, or subscription for school purposes during the previous school year, if a white district, at least one hundred dollars for each teacher employed, and, if a colored school district, at least fifty dollars for each teacher employed.

Amount to be raised by taxation to entitle district to receive dividend

Provided, that the Trustee of the School Fund shall, at the time of making said apportionment, apportion to any school district that shall on or before the twentieth day of August, file with him a certificate of the County School Commission of the County in which such district is situated that an additional teacher or teachers are needed in such district and that such district is provided with suitable room or rooms for such teacher or teachers and has levied and assessed an additional tax in said district of, if a white school, one hundred dollars, and, if a colored school, fifty dollars for every such additional teacher so desired, and intended to be employed for the next school year, an additional share or shares of the moneys apportioned, according to the number of additional teachers so employed. And provided further, that no single, consolidated, united or incorporated school district or schools, shall under said apportionment receive more of the moneys so apportioned than one hundred and sixty-five teachers employed as aforesaid would entitle it to.

Additional dividend, how secured

Amended Chapter 339, Volume 22

Section 3. The said Trustee of the School Fund shall deduct and retain from the amount apportioned to any district or school the amount expended by him for text books for such district or school during the previous school year and shall also deduct and retain an amount equal to that which from the Auditor's settlement with such district or school made as aforesaid in that year appears to be in the hands of said district or school of the money received from the State and by taxation as aforesaid to entitle such district or school to its share of said State moneys, unexpended at the end of the year next preceding.

Amounts to be deducted

Duty of Trustee of School Fund upon failure to comply with provisions of this Act

In case any district or school having filed the certificate of the County School Commission and received an additional share or shares of the State moneys as hereinbefore provided for, shall fail to employ such teacher or teachers for which such money was apportioned for at least one hundred and forty days during the succeeding school year or in any case where a district or school shall not employ a teacher or teachers, for the said period of one hundred and forty days for the school year for which such districts or schools receive a share of State moneys for such teacher or teachers not so employed, then and in either event the Trustee of the School Fund shall deduct and retain out of the apportionment of such district or school for the succeeding year a sum equal to that which such district or school obtained for or on account of such teacher or teachers that such district or school so failed to employ. Provided, that should any district raise by taxation more money than that district is by this Act required to raise in order to entitle it to receive its apportionment of the School Fund, such amount that is in excess of the amount required by law to be raised by taxation aforesaid, shall not be charged against or deducted from the share of such district or school, but the amount so in excess shall be retained by the district or school raising the same.

Each District to make report to trustee of School Fund

Section 4. That each district or school shall within thirty days after this Act becomes a law report to the Trustee of the School Fund the number of teachers employed in such district or school, which reports shall be a record in the office of said Trustee of the School Fund of the number of teachers for which such districts or schools are entitled to State moneys subject to the additions hereinbefore provided for.

Section 5. That all Acts or parts of Acts providing for special apportionments of the School Fund to certain districts or schools or a different apportionment from that hereinbefore provided for and all other Acts inconsistent with the provisions of this Act be and the same are hereby repealed.

Approved March 16, A. D., 1901.

## CHAPTER 92, VOLUME 26.

## OF THE SCHOOL FUND.

**AN ACT** to further amend Chapter 112, Volume 22, Laws of Delaware entitled, "An Act prescribing the method of apportioning the Public School Fund among the School Districts of this State," by increasing the number of teachers upon which such apportionment may be made for any District or school.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :*

Section 1. That Chapter 112, Volume 22, Laws of Delaware, entitled, "An Act prescribing the method of apportioning the Public School Fund among the School Districts of this State," as the same has since been amended, be, and the same is hereby further amended by striking out the words "one hundred and sixty-five" where they occur in the thirty-fifth and thirty-sixth lines of Section 2 of said Act, as the same has been amended, and inserting in lieu thereof the words "two hundred."

Chapter 112,  
Volume 22,  
further  
amended

Words "two  
hundred"  
inserted

Approved April 27, A. D. 1911.

CHAPTER 340, VOLUME 22.  
OF FREE SCHOOLS.

**AN ACT Authorizing Certificates to Teach in the Free Schools Without Examinations, in Certain Cases.**

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

County Superintendents to give certificate to teach to any person holding diploma from Normal School or College

Section 1. That from and after the adoption of this Act it shall be lawful for any County Superintendent of Free Schools in this State, in his discretion, to give to any person holding a diploma or certificate of graduation from any respectable normal school or college, a certificate to teach in any of the free schools of the county in which such superintendent holds office, without requiring such person to take any examination.

Good for one year

Such certificate shall be good for one year from its date, and no longer.

Certificate given to the same person only once

Section 2. No such certificate to teach without examination shall ever be given to the same person more than once except by and through the authority of the State Board of Education of this State.

Section 3. That all Acts and parts of Acts inconsistent with the provisions of this Act are hereby repealed.

Approved February 17, A. D., 1903.



CHAPTER 341, VOLUME 22,  
OF FREE SCHOOLS.

**AN ACT to Encourage the Education at Normal Schools of Certain Persons Intending to Teach in the Public Schools.**

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :*

Section 1. That each of the County School Commissions of this State be, and it is hereby authorized and empowered to expend yearly a sum not exceeding in any one year the sum of one thousand dollars, for the purpose of helping to defray the expenses of the education at normal schools of certain persons intending to teach in the public schools of this State.

County School Commissions to expend money for Normal School pupils

Section 2. To carry out the objects of this Act, each of said Commissioners shall have the right in each year to select any person or persons then being residents of the State, as shall be approved by the Superintendent of Public Schools in the County in which said applicant resides.

County School Commissioner may select students from any part of State  
Amended Chapter 90, Volume 23

Every such person so selected shall enter into an obligation, the nature, terms and condition of which shall, in each case, be fixed by said commission, provided that a part of its condition shall be, in substance, that such person shall attend such normal school as said commission shall designate, and for such time as it shall determine, and that after such person shall, with the consent of said commission, cease to attend said normal school, that he or she shall teach in the public schools of said county for such time as the commission shall, in each case, appoint, if said commission shall arrange with the proper authorities to offer such person an engagement as teacher in said public schools.

Pupils selected to enter into an obligation as to time of course in Normal School and time of teaching in public schools

The said obligation shall be taken in the name of The State of Delaware, and shall be for such sum and with or without surety, and with or without warrant of attorney

Form and character of obligation

for the confession of judgment, as said commission shall, in each case, determine.

Attorney Gen-  
eral to collect  
penalty named  
if obligation is  
not complied  
with

The Attorney General is hereby authorized and required, upon a certificate of such commission that there has been a breach of any of the conditions of any such obligation, to proceed to collect the penalty therein named, and after collection, to pay over the amount so collected to the State Treasurer for the use of the State.

Money to be  
paid by Com-  
missions

Section 3. After any such person selected as aforesaid shall have given the obligation as provided in Section 2 of this Act, said commission is hereby authorized and empowered to pay such sum or sums to aid in defraying the expenses of the education of such person at a normal school as aforesaid, as said commission shall deem proper; provided that said commission shall not in any one year pay, in the aggregate, for any one person for the purpose aforesaid, more than a sum equal to two dollars a week for each week spent in actual attendance at a normal school as aforesaid by such person.

Amount not to  
exceed two  
dollars per  
week

Money appro-  
priated to be  
paid County  
School Com-  
missions by  
State Treasurer

Section 4. The money necessary to carry into effect the provisions of this Act shall be paid to the several County School Commissions by the State Treasurer, at such time or times and in such sum or sums in each year, as the said commission shall, under the hands of its president and secretary, draw orders for on said State Treasurer.

Approved March 26, A. D., 1903.

## AMENDMENT.

## CHAPTER 96, VOLUME 26.

## OF FREE SCHOOLS.

**AN ACT to Amend Chapter 341, Volume 22, Laws of Delaware, entitled: "An Act to Encourage the Education at Normal Schools of certain persons intending to teach in the Public Schools.**

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Section 1. That Section 1 of Chapter 341, Volume 22, Laws of Delaware, entitled, "An Act to Encourage the Education at Normal Schools of Certain Persons intending to Teach in the Public Schools" be hereby amended by striking out the words "One Thousand" where they occur in the fourth line of said Section and inserting in lieu thereof the words "One Thousand, Five Hundred." Sec. 1, Chap. 341, Vol. 22, amended

Section 2. That Section 2 of said Chapter 341, Volume 22, Laws of Delaware, be hereby amended by striking out the words "for such time as the Commission shall, in each case, appoint," where they occur in the thirteenth and fourteenth lines of said Section, and inserting in lieu thereof the words "for at least two years next following such date." Sec. 2, Chap. 341, Vol. 22, amended

Section 3. That said Section 2 of said Act be hereby further amended by adding after the word "determine" in the twentieth and twenty-first lines of said Act, the words "The form of said bond shall be prepared for the said Commission by the Attorney General." Sec. 2 further amended

Section 4. That Section 3 of said Act be hereby amended by striking out the words "Two Dollars" where they occur in the eighth line of said Section and inserting in lieu thereof the words "Two Dollars and a Half." Sec. 3 of act amended

Approved April 4, A. D., 1911.

## CHAPTER 121, VOLUME 24.

## OF FREE SCHOOLS.

**AN ACT to Compel the Attendance of Children at the Public Schools of the State.**

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :*

Children  
between 7 and  
14 years to  
attend school  
at least 5  
months  
annually

Section 1. That following the approval of this Act every parent, guardian or other person in this State having control of a child or children between the ages of seven and fourteen years shall be required to send such child or children to a day school in which the common English branches are taught; and such child or children shall attend such school continuously for at least five months each year during the time in which the public school in their respective districts shall be in session, beginning not less than one month after the opening of said school, unless such child or children shall be excused from attendance by a majority of the Commissioners of the School District in which the parent, guardian or other person resides, upon the presentation to said Commissioners of satisfactory evidence showing such child or children are prevented from attendance upon school or application to study by mental, physical or other urgent reasons, and such excuse must be countersigned by the County Superintendent of the County in which such District is located; but the urgent reasons shall be strictly construed and shall not permit of irregular attendance.

Exceptions

School district  
may reduce  
compulsory  
period to three  
months

Provided, that each school district shall have power each year at its regular annual meeting to reduce the period of compulsory attendance to not less than three months, in which case the school meeting must at that date fix a time for compulsory attendance to begin, but such date shall not be later than January 2nd, of each

school year. Provided that in case there be no public school in session within two miles by the nearest traveled road of any person within the school district, he or she shall not be liable to the provisions of this Act, unless a free conveyance is provided.

Applicable only to pupils within 2 miles from school house

Provided, that this Act shall not apply to any child that has been or is being otherwise instructed in English in the common branches of learning for a like period of time in any private school, or by any legally qualified governess or private teacher in a family, or by any other means which shall be approved by the County Superintendent of the proper county.

Instruction for like period in private school &c. exempts attendance at public school

Provided further that any principal or teacher of any private school or educational institution shall report non-attendance as provided in Section 5 of this Act. And provided also that the certificate of any principal or teacher of a private school or of any institution for the education of children in which the common English branches are taught, setting forth that the work of said school is in compliance with the provisions of this Act, shall be sufficient and satisfactory evidence thereof, and the principal or teacher of said school or institution shall have the power to excuse any child or children for non-attendance during temporary periods in accordance with the provisions of this Act.

Private school must report

Section 2. That for every neglect of duty imposed by the first section of this Act, the principal or teacher or person in parental relation, offending, shall be guilty of a misdemeanor, and shall, upon conviction thereof before a justice of the peace, magistrate or alderman, forfeit a fine not exceeding two dollars on first conviction, and a fine not exceeding five dollars for each subsequent conviction, and in default of payment of said fine, the defendant may be committed to the county prison for a period not exceeding two days for the first conviction, and for a period not exceeding five days for each subsequent conviction. Provided, upon conviction, the defendant or defendants may appeal to the Court of General Sessions of the proper county within fifteen days, upon entering into re-

Violation of law & misdemeanor

Penalty

Appeal to Court of General Sessions

cognizance with one surety for the amount of fines and costs. Provided, however, that before such action shall be brought for any of the aforesaid penalties, the parent, guardian or other person liable therefor, shall be notified in writing by the County Superintendent of Schools, or such person as he shall designate, of such liability, and shall have opportunity, by compliance with the requirement of this Act within three school days then and thereafter to avoid the imposition of such penalty. The mailing of such notice to the usual address of offending party shall be deemed sufficient under this Act. But after such notice has been given, if the same child is absent from school three days or their equivalent in time during the remaining period of compulsory attendance, without excuse provided by Section 1 of this Act, the parent, guardian or person in parental relation, shall be liable to prosecution under this Act without further notice.

Duty of  
superintend-  
ent before  
prosecution

What notice  
sufficient

Fines, to whom  
payable

The fines provided for by this Act, shall, when collected, be paid over by the officers collecting the same, to the treasurer or clerk of the school committee or board of the respective districts for the use of the school district in which such person convicted resides, to be applied and accounted for by such treasurer or clerk in the same way as other moneys raised for school purposes; such fines shall be collected by a process of law similar to the collection of other fines.

Attendance  
officers

Duties of

Section 3. Boards of education and school committees may, in all districts, employ one or more persons to be known as "attendance officers" whose duty shall be, in addition to the duties provided elsewhere in this Act, to look after, apprehend and arrest without warrant, truants and others who fail to attend school in accordance with the provisions of this Act. When an attendance officer arrests or apprehends any truant or other person, as herein set forth, he shall have power immediately to place him or her in the school in which he or she is or should be enrolled, or at the expense of the parent, guardian or person in parental relation, in such private school as provided by Section 1 of this Act, as the parent, guardian or person in

parental relation may select. And in case the parent, guardian or person in parental relation shall refuse or neglect immediately to select such school, the school commissioners or secretary for school commissisoners shall have full power to designate the school in which the child shall be placed.

The persons serving as such attendance officers, shall be entitled to such compensation as shall be fixed by the boards appointing them, and such compensation may be paid out of the school funds. But the sums paid for such services must be approved by the Superintendent of Schools of County. In case no truant officer be appointed, the secretary or clerk of the local school commissioners shall serve as such officer.

Commissioners of any school district or districts or of two or more districts jointly, may establish special schools for children who are habitual truants or who are insubordinate or disorderly during their attendance upon instruction in the public schools, and may provide for the proper care, maintenance an instruction of such children in such schools for such period of time as the Board may prescribe. But before the pupil shall be placed in such special school, the parent, guardian or person in parent relation shall have opportunity to be heard.

All truancy and incorrigibility shall be deemed disorderly conduct, and in case no special school, as herein prescribed has been established, the County Superintendent of Schools, or secretary or attendance officer, as the County Superintendent shall designate, shall proceed against such truant or incorrigible pupil as a disorderly person before a justice of the peace, magistrate or alderman, and upon conviction the pupil may be sentenced for a definite time to the Ferris Industrial School or Delaware Industrial School for Girls. The State Treasurer shall pay to the authorities of the said school, the sum of forty cents per day, from money not otherwise appropriated, for each day such pupil is confined in said institution.

Section 4. That it shall be the duty of the assessors when making each assessment of property for taxation for school purposes, when not notified and directed to the contrary by the school commissioners, to make in a substantial book, provided by the County Superintendent of Schools at the expense of the State for that purpose, a careful and correct list of all children between the ages of seven and fourteen years within his district, giving the full name, date of birth, age, sex, race, estimated distance from school house by nearest traveled road, name and address of parent, guardian or person in parental relation; which enumeration, after approval by the secretary of the said school district, shall be sent by the assessor to the County Superintendent of Schools of the County in which the enumeration is made on or before the first day of September. And the receipt of the County Superintendent of Schools shall entitle the aforesaid assessor, to a fee of one dollar for each one hundred names or fraction thereof, of children on such list; said sum to be paid from the school funds of the district in which such enumeration shall have been made.

Duty of Assessors

List of children between 7 and 14 years

Fees of Assessors

County Superintendent to send list of children to teacher of district

It shall be the duty of the said County Superintendent of Schools to forward to the principal teacher of the proper school district prior to September 15<sup>th</sup> in each year, a list of all children in his or her district who are subject to the provisions of this Act.

School officers may add or correct list

Provided further, that the attendance officer, if there be any, or the County Superintendent of Schools or the Secretary or clerk of the school commissioners, or principal teacher, shall have authority to make any additions or corrections to the assessor's list aforesaid for the purpose of carrying into effect the provision of this Act.

Report of teacher to Attendance Officer and County Superintendent

Section 5. That it shall be the duty of each teacher of the school district at the close of each school month, to report to the attendance officer, and to the County Superintendent of Schools the names of all children in the district who have been absent without lawful excuse; when, if it shall appear that any parent, guardian or other person



having control of any child or children shall have failed to comply with the provisions of this Act, after notification in writing as provided in Section 2, the County Superintendent, or such attendance officer as he shall direct, shall proceed in the name of the State under authority of the commissioners of the local district affected, against the offending party or parties in accordance with the provisions of this Act.

Provided further, that if sufficient cause be shown for a failure to comply with the provisions of this Act, or if the costs of prosecution cannot be collected from the defendant in case of his or her conviction, said costs shall be paid out of the school funds, upon a proper voucher approved by the commissioners of said district.

Section 6. That the assessor of school taxes, principal, teacher, secretary or attendance officer if there be one, of any Board of Commissioners, who willfully neglects or refuses to comply with the provisions of this Act shall upon complaint lodged by the County Superintendent of Schools be guilty of a misdemeanor and upon conviction thereof before an alderman, magistrate or justice of the peace, shall forfeit or pay a fine not exceeding twenty-five dollars, subject to the right of appeal to the Court of General Sessions of the proper county within fifteen days upon entering into recognizance with one surety for the amount of fines and costs.

Section 7. That the State Treasurer of Delaware shall withhold one-fourth the State dividend from any school district or districts which neglects or refuses to enforce the provisions of this Act in a manner satisfactory to the County Superintendent of Schools of the county in which such school shall be located.

Section 8. That the necessary expenses incurred by State officials in carrying out and enforcing the provisions of the Act shall, upon approval by the State Board of Education, be paid by the State Treasurer.

Superintendent of schools of Wilmington same power of County Superintendent

Board of Education in Wilmington to have control in the city of Wilmington

Section 9. That in enforcing the provisions of this Act within the limits of the school districts of the City of Wilmington, the powers and duties herein conferred upon the county superintendents of schools, board of school commissioners by whatever title known, and assessors, are hereby conferred upon the "The Board of Public Education in Wilmington," and it shall be the duty of the Board of Police Commissioners of the city of Wilmington to cooperate with "The Board of Public Education in Wilmington," in enforcing the provisions of this Act, to look after, apprehend and arrest without warrant, truants and others who fail to attend school in accordance with the provisions of this Act.

Approved March 15, A. D. 1907.

Amended and approved March 18, A. D. 1909.

## CHAPTER 122, VOLUME 24.

## OF FREE SCHOOLS.

**AN ACT** prescribing the Method by which the School Districts of this State may Borrow Money for the Purpose of Building and Furnishing or Improving and Enlarging School Houses.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :*

Section 1. That in order that the Board of Education or School Committee of any school district in this State, single, united, consolidated or incorporated, may borrow money for the building and furnishing of new school houses, or the repairing, remodelling, or enlarging and furnishing of school houses already erected, they and each of them are severally authorized, directed and empowered to borrow money on the faith of the respective districts, and to provide for the payment of the same as hereinafter set forth.

School District may borrow money for building, &c.

Section 2. At any time when ten or more taxables of any of the aforesaid school districts in this State shall present a written petition to the Board of Education or School Committee of the district in which the said petitioners reside, setting forth the necessity of a new school house for said district, or of the repairing, remodelling, or enlarging and furnishing of the school house already in said district, and naming in said petition the amount of money necessary therefor, and praying that a special election be called that the voters of said school district may vote upon the proposition, it shall be the duty of said Board or committee forthwith to issue a call for a special election to be held at which the question of borrowing money for the purposes aforesaid shall be voted upon.

Procedure to secure special election to determine whether or not to borrow

Notices of the election aforesaid shall be posted in at least ten public places in the district affected for at least ten days prior to the date fixed for such election. In case

Notice of election aforesaid

When secured  
election may  
be called

the proposal to borrow money shall not be approved by the majority of the votes cast at such special election, the Commissioners of said district shall, on the further application of ten or more freehold taxables as aforesaid, call another election with the same notices as aforesaid: provided twelve months shall have elapsed since any preceding election for the purpose was held.

Qualification  
of electors

Section 3 At every election held under the provisions of this Act each person who would have had a right to vote at the regular school election of the district, next preceding such special election, and also every female resident seized of an estate of freehold situated in said district, shall have a right to cast one vote for every dollar and fractional part of a dollar of school tax assessed for the year in which such election is held, against him or her respectively. At every election held under the provisions of this Act, the voting upon the question aforesaid, shall be by ballot upon which shall be written or printed either the words "For Better School Houses" or the words "Against Better School Houses."

Form of  
ballots

When bonds  
must be issued

Section 4. In case a majority of the ballots cast at any such election held under the provisions of this Act, shall be "For Better School Houses," the Board of Education or School Committee of said district shall, as soon as practicable thereafter issue and sell the bond or bonds of the district for such amount or amounts and in such denomination or denominations as they shall deem proper, provided that the aggregate of said bonds shall not exceed the sum named in the petition for the special election as aforesaid; such bond or bonds shall be known as "Bonds of School District No. ——— in ——— County, Delaware" inserting the number of the school district or the incorporated name of said district as the case may be, and of the county in which such district is situated. Their form, their date, the time of their interest payments and of their maturity, the place of their payments and their rate of interest not exceeding six per centum per annum, shall be as prescribed by the said Board of Education or School Committee. They shall be signed by the president

Bonds, form,  
conditions, &c.

How signed

of said Board or by the senior member of the School Committee, and shall be attested by the secretary or clerk thereof. If the school district have a corporate seal, said seal shall be affixed to said bond, but if the district have no seal, then the usual seal being the word "seal" with a scroll around it appearing upon said bond, shall be deemed and taken to be the corporate seal of the district. If the Board of Education or School Committee shall deem it proper a mortgage may also be given for the sum to be borrowed as aforesaid, and said mortgage may cover any of the real property belonging to said district. The foregoing provisions as to bonds to be issued under this Act relative to their form, date, time and place of interest payments, and of maturity, rate of interest, and the mode or manner of their execution, shall apply with respect to any mortgage which may be given under the provisions of this section. The faith and credit of the district shall be deemed to be pledged by the execution and delivery of any bonds or mortgages under the provisions of this Act. The Board of Education or School Committee of the district is authorized and directed in each year after any sum of money has been borrowed as aforesaid and until the full payment of the sum or sums so borrowed with interest, to provide for the payment of interest on the indebtedness and for the establishment of a sinking fund to pay the principal thereof, by fixing and levying a tax sufficient for this purpose.

Mortgage may be made instead of issuing bonds

Same conditions as to mortgage as of bond issue

Districts to provide by taxation for interest and provide for sinking fund

The tax levied and collected for the interest and sinking fund as aforesaid, shall be levied and collected as other school taxes in the district, and shall be in addition to the amount which the school district is authorized to raise by taxation for other purposes.

Such tax to be levied and collected as other tax

Section 5. This Act shall be deemed and taken to be a public Act.

Approved April 4, A. D., 1907.

## CHAPTER 123, VOLUME 24.

## OF FREE SCHOOLS.

**AN ACT** Authorizing the County School Commissions to Alter, Divide, Consolidate or Unite School Districts for Colored People.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :*

Colored School  
Districts may  
be altered, &c.  
by County  
School Com-  
missioners

Section 1. That the County School Commissions of the respective counties of this State be and the same are hereby authorized and empowered to alter, divide, consolidate or unite the School District for colored people whenever said School Commissions shall deem such action for the best interests of the colored pupils in said districts.

Approved March 29, A. D., 1907.

## CHAPTER 124, VOLUME 24.

## OF FREE SCHOOLS.

**AN ACT** Pertaining to the State of Delaware.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Constitution to  
be taught in  
schools

Section 1. That the Constitution of this State shall be taught and explained to the scholars in each and every one of the public schools of this State.

It shall be the duty of the several School Commissioners or Board having control of said schools to see that the provisions of this Act are complied with.

Approved April 9, A. D., 1907.

## CHAPTER 129, VOLUME 24.

## OF FREE SCHOOLS.

**AN ACT** Fixing the Time for Holding School Meetings in Kent County.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :*

Section 1. A stated meeting of the school voters of each district in Kent County exclusive of those held in incorporated districts whose respective charters fix the time for holding their school meetings, shall be held on the first Saturday in June of each year at two o'clock in the afternoon.

Stated meeting  
in Kent Co. to  
be held  
first Saturday  
in June

Section 2. That all Acts or parts of Acts inconsistent with this Act are hereby repealed.

Approved February 25, A. D., 1907.

## CHAPTER 90, VOLUME 25.

## OF FREE SCHOOLS.

**AN ACT for the Improvement of School Houses for Colored Children in Sussex County and Making an Appropriation Therefor.**

Whereas, Many of the buildings now used by the colored children for school houses are unfit and inadequate for the purpose; and

Whereas, The financial condition of the colored people is such that they cannot afford to build school houses through taxation, solely, as provided in the general school laws of the State; therefore,

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :*

Appropriation to enlarge and rebuild school houses for colored children in Sussex County Expenditure under control of County Commission

Section 1. That the sum of one thousand dollars is hereby appropriated from the State Treasury for the purpose of enlarging and rebuilding school houses for the colored children of Sussex County; the expenditure of said amount to be under the control and direction of the County School Commission for said County.

County School Commission to decide upon location of building

Section 2. The County School Commission of Sussex County shall decide after conference with the school committees of the respective districts upon the location of the building, and, before the commencement of the work, shall determine the amount that is to be appropriated to the particular district; provided, however, that the amount appropriated any particular district shall not exceed one-half the amount estimate to be necessary to complete the contemplated school improvement in that district.

Shall determine amount, which shall not exceed one-half necessary

How appropriation is to be paid

Section 3. That the amount herein appropriated shall be paid by the State Treasurer on orders drawn by the President of the County School Commission, attested by the Secretary of the Commission.

Approved March 26, A. D., 1909.



## CHAPTER 362, VOLUME 22.

**AN ACT Providing for the Establishment and Maintenance of Free Public Libraries.**

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (three-fourths of the members elected to each House concurring therein):*

Section 1. That as soon as may be after the adoption of this Act, there shall be created and established a board to be known as "The State Library Commission for the State of Delaware." Said Commission shall be composed of nine persons to be appointed by the Governor, who shall respectively hold office for the term of five years or until their successors are duly chosen; provided, that in the first Commission created under this Act, the Governor shall appoint three members for the term of one year, three members for the term of three years, and three members for the term of five years. All vacancies on said Commission whether occurring by expiration of term, or otherwise, shall be filled by the Governor. No person shall be ineligible by reason of sex to serve on the Commission.

Creation of  
State Library  
Commission

How composed

Terms of office

Vacancies

Section 2. The said Commission shall organize by the selection from its members of a chairman and such other officers as are or may be deemed advisable; provided, that the State Librarian shall, by virtue of his office, be the Secretary of said Commission, but shall have no vote or voice in the acts and proceedings of said Commission. No member shall receive any salary or compensation for his services as such Commissioner.

Organization  
of Commission

State Librarian  
Secretary of

No salary for  
member

The Commission is hereby authorized and empowered to expend such sum or sums as it shall deem proper and necessary for effectuating the objects of this Act, provided said sum shall not in the aggregate in any one year exceed the sum of one thousand dollars exclusive of the expenses actually incurred by the members in attendance on the Commission, and of sums expended for necessary print-

Additional  
powers

ing, postage and stationery. Such sums, together with the actual expenses of the members incurred in attending the Commission and all bills for necessary printing, postage and stationery, shall be paid by the State Treasurer to the said Commission, upon the order or orders of its Chairman or President, attested by its Secretary.

State Treasurer  
to pay  
contingent  
expenses

Duties of

Section 3. The said Commission shall have general supervision over all libraries in this State established or maintained under the provisions of this Act; and shall have the supervision and control of all circulating libraries now, or hereafter to be established under the provisions of Chapter 220, of Volume 21, of the Laws of Delaware; shall have power to require of any and all District Library Commissions created as hereinafter provided such reports as are or may be deemed proper; shall make certificate to the State Treasurer when any library is entitled to State aid, as is hereinafter provided; and shall have all further and other powers necessary and proper for the general supervision of the libraries aforesaid. The said State Library Commission shall have power to make all rules and by-laws for its own government. The said Commission shall, in the month of January in each year in which there is a regular biennial session of the General Assembly of this State, make report to said General Assembly of its doings and of an recommendations deemed advisable.

Make biennial  
report

School district  
may receive  
bequests, &c.

Section 4. Any Single, united, consolidated or incorporated School District in this State may receive in its corporate capacity and hold any devise, bequest or donation for the foundation and establishment or for the maintenance, support and increase of a free public library within same.

School District  
to maintain  
a Free Public  
Library if  
approved by  
voters thereof

Section 5. Any single, united, consolidated or incorporated School District in this State is hereby authorized and empowered to establish and maintain a free Public Library, with or without reading room, provided that at any election held as hereinafter provided, a majority of the qualified electors of said School District then present and voting, shall vote in favor of such establishment.

Section 6. For the purposes of this Act, all the School Districts in this State, single, united, consolidated and incorporated, are classified according to the sums which the several Boards of Education or School Committees are authorized by law to levy and raise by taxation annually for current school expenses, as follows, namely:

Classification  
of districts

Every District in which the sum authorized as aforesaid is six thousand dollars or more, shall be deemed and taken to be a District of the First Class; every District in which the sum authorized as aforesaid is not less than four thousand nor as much as six thousand dollars, shall be deemed and taken to be a District of the Second Class; every District in which the sum authorized as aforesaid is not less than two thousand, nor as much as four thousand dollars, shall be deemed and taken to be a District of the Third Class; every District in which the sum authorized as aforesaid is not less than one thousand, nor as much as two thousand dollars, shall be deemed and taken to be a District of the Fourth Class; every District in which the sum authorized as aforesaid is not less than five hundred, nor as much as one thousand dollars, shall be deemed and taken to be a District of the Fifth Class; every District in which the sum authorized as aforesaid is not less than two hundred, nor as much as five hundred dollars, shall be deemed and taken to be a District of the Sixth Class; and every district in which the sum authorized as aforesaid is less than two hundred dollars shall be deemed and taken to be a District of the Seventh Class.

Provided, however, that the provisions of paragraphs one and two of this Section shall not govern or determine of which class United School Districts Nos. 67, 96, 106 and 107 in Sussex County is; and said United School Districts Nos. 67, 96, 106 and 107 in Sussex County be and the same is hereby expressly declared to be a District of the First Class; and all the provisions of this Act relating to a District of the First Class are hereby expressly declared to be applicable to United School Districts Nos. 67, 96, 106 and 107 in Sussex County.

School Dis-  
tricts Nos. 67,  
96, 106 and 107  
district of first-  
class

Question of establishment of Free Public Libraries to be submitted to qualified electors of each district

Section 7. Every Board of Education or School Committee in this State shall submit the question as to the establishment of a free public library in said District to the qualified electors thereof, at a special election to be held on the day next following the ensuing regular school election in such District, not being Sunday or a legal holiday; provided said Board or Committee be petitioned so to do thirty days at least before the next succeeding regular school election in such District, by a number of the qualified electors thereof. The number of qualified electors who must petition as aforesaid, shall be as follows, namely: in districts of the First or Second Class, twenty qualified electors; in Districts of the Third, Fourth or Fifth Class, ten qualified electors; and in Districts of the Sixth or Seventh Class, five qualified electors.

Petition

Number of petitioners

Defining conditions for submission to voters of school Districts Nos. 67, 96, 106 and 107

Provided, however, that in United School Districts Nos. 67, 96, 106 and 107 in Sussex County the method of petitioning for and the time of holding such election shall be as follows: "The Board of Commissioners of the Public Schools of Georgetown, Sussex County" of said District shall, when petitioned so to do by at least twenty qualified electors in said District, submit the question as to the establishment of a free public library in said District to the qualified electors thereof, at a special election to be held on the fifth Monday next succeeding the date of the presentation of said petition to the said "The Board of Commissioners of the Public Schools of Georgetown, Sussex County."

Vote to be by ballot

Form of Question to be voted on

Section 8. The vote on the question as to the establishment of a free public library, when submitted as aforesaid, shall be by ballot, upon which shall be printed or written either the words "for a free library," or the words "against a free library." A majority of the ballots cast legally at said election shall determine the question. All persons entitled to vote at the regular school election next before such special election shall be entitled to vote on such question.

Qualification of voters

Election

In all respects the place of voting, and the conduct of the election, counting of ballots, and the like shall be as now are, or hereafter may be, provided by law for the regular school election in the School District wherein such question is submitted. Provided, that the Board of Education or School Committee, upon being petitioned to submit the question of the establishment of a free library as hereinbefore provided, shall give notice of such submission by printed advertisements posted in at least five public places in said District at least ten days before the election. The said advertisements shall state the question to be submitted as hereinbefore provided, and the time and place of voting upon such question. In case any Board of Education or School Committee shall neglect or refuse to give such notice, any qualified elector may do so, and the notice so given shall be as effectual as though given by said Board or Committee.

How held

Notice of

Neglect of notice

How made effectual

Section 9. If a majority of the ballots cast as aforesaid shall be against the establishment of a free library, the question as to such establishment may again be submitted at special election to be held on the day next following any regular school election thereafter ensuing (not being Sunday or a legal holiday) as often as petitions therefor shall be presented to the said Board of Education or School Committee as hereinbefore provided.

Subsequent elections

Section 10. If at any election the qualified electors shall in the manner aforesaid, declare in favor of the establishment of a free public library in any District, then the Board of Education or School Committee thereof shall, and it is hereby authorized, empowered and required to levy and raise by taxation for the purpose of the establishment of such library therein, and also for the maintenance, increase and support of said Library for the year then next ensuing, a sum determinable by the class in which such District belongs, that is to say: If such District be of the First Class, the sum required to be levied and raised as aforesaid shall be not less than five hundred nor more than one thousand dollars; if such District be of the Second Class, the sum so required as aforesaid shall be

Powers of Board of Education or School Committee

Taxation for purpose of act

Classification of districts

Amount of tax in each class

not less than one hundred and fifty, nor more than four hundred dollars; if such District be of the Third Class the sum so required as aforesaid shall be not less than one hundred, nor more than three hundred dollars; if such District be of the Fourth Class, the sum so required aforesaid shall be not less than seventy-five dollars, nor more than two hundred dollars; if such District be of the Fifth Class, the sum so required as aforesaid shall be not less than fifty, nor more than one hundred and fifty dollars; if such District be of the Sixth Class, the sum so required as aforesaid shall be not less than forty nor more than one hundred dollars; and if such District be of the Seventh Class, the sum so required as aforesaid shall be not less than twenty-five, nor more than seventy-five dollars.

Subsequent  
annual taxa-  
tion

And annually thereafter such Board of Education or School Committee shall levy and raise by taxation for the maintenance and increase of the library so established as aforesaid, a sum as hereinbefore prescribed and limited in this section for the establishment of such library.

Taxes collected  
in same man-  
ner as school  
taxes.

All sums authorized to be levied and raised by taxation under this Act, shall be levied, raised and collected as school taxes for current school expenses are, and shall, if the said Board or Committee deem it necessary, be in excess of and in addition to the sum or amount authorized to be raised in said District by taxation for current school expenses.

Each district to  
determine  
amount of  
money to be  
raised, but not  
less than mini-  
mum.

Any District in which a library has been established as aforesaid, may fix any sum (not less than the minimum sum required to be raised in said District as hereinbefore prescribed in this section) to be levied and raised in the District for the maintenance and increase of the library therein during the ensuing year. The vote to fix any sum shall be by ballot, and a majority of the ballots cast at such election shall determine the question.

To elect School  
District Libra-  
ry Commission

Section 11. Every School District in this State which shall establish a free public library pursuant to the provisions of this Act, shall annually thereafter, at an election held on the day next following the regular school election

(not being Sunday or a legal holiday) elect members of a school District Library Commission.

The said District Library Commission shall be composed of the following number of members, namely: if it be a commission in a District of the First or Second Class, nine members; in a District of the Third or Fourth Class, five members; in a district of the Fifth, Sixth or Seventh Class, three members. The members shall hold office for the term of three years, or until their successors are duly elected and qualified; provided that at the first election of said commission next succeeding the establishment of a free public library as aforesaid the members of said commission shall be elected for the following terms, namely: for a District of the First or Second Class, three members shall be elected for one year, three for two years, and three for three years, or until their successors are duly chosen and qualified; for a District of the Third or Fourth Class, two of the members shall be elected for one year, two for two years, and one for three years, or until their successors are duly chosen and qualified; for a District of the Fifth, Sixth or Seventh Class, one of the members shall be elected for one year, one for two years, and one for three years, or until their successors are duly chosen and qualified; provided further, that the Board of Education or School Committee in any School District wherein the question as to the establishment of a free public library has been submitted and carried in favor of such establishment as hereinbefore provided, shall, as soon as may be after the decision upon such question has been ascertained, elect all of the members of such district library commission to compose the first district library commission to act until their successors have been elected by the qualified electors of the district at the time hereinbefore provided for such election.

The members of any district library commission may or may not be members of the Board of Education or School Committee of the district and no person shall be ineligible to serve on said commission by reason of sex. The election of the members of said Commission at any district

Number of members

Classification of districts as to number of members.

Members of School Committee may be members of Commission

election shall be by ballot by the qualified electors of said district, and, in all other respects except as to the day of election shall be conducted as is the election of members of the Board of Education or School Committee in the District.

First meeting. Section 12. The first meeting of the District Library Commission shall be on the evening of Tuesday next succeeding the election of its members. The Commission shall organize by electing from its members a chairman and secretary, and such other officers as it may deem proper. The treasurer of the School District shall be the treasurer of said Commission, and shall be subject to all orders of said commission relative to moneys in his hands of which the said commission, has custody, as provided in this Act. The official bond of said Treasurer shall be held and deemed to cover and include all such moneys, and the due and proper accounting therefor. A vacancy in said Commission caused by refusal to act, death, resignation, or otherwise, shall be filled by said Commission until the regular school election next succeeding. A failure to attend three meetings of said Commission in succession shall, at the option of said Commission, be deemed a vacancy.

Organization.

Treasurer.

Bond of.

Vacancy.

How filled.

Library land, money or property to be in hands of District Library Commission

Section 13. The District Library Commission so elected as aforesaid shall have the entire custody and management of the library and all property owned or leased, or donated, relating thereto, and all money raised by the district or donated for its establishment and maintenance, or paid by the State Treasurer, as hereinafter provided, shall be placed in the care and custody of said Commission to be expended or retained by said Commission for and in behalf of the district for the foundation and establishment and for the maintenance and increase of its free public library.

Report.

The Commission shall make an explicit report to the district at each annual school meeting of all its receipts and expenditures, and of all the property of the district in its care and custody, including a statement of any unexpended balance of money, and of any bequests or dona-



tions in behalf of the district, and of any sum or sums received from the State as hereinafter provided, with such recommendations with reference to same as are deemed necessary for the district to consider.

The said Commission shall also make report and recommendation concerning the amount of money deemed necessary and proper by said Commission to be raised by taxation for any one year for said Library, to the Board of Education or School Committee after the selection of said Commission as aforesaid and prior to the fixing of the rate of taxation for said purpose by said Board of Education, or School Committee. The said District Library Commission shall also make such reports, at such times and embracing such matters, to the State Library Commission created by this Act, as the said State Library Commission shall order and direct.

The said District Library Commission shall also have the power to procure by purchase, lease or acceptance of a gift or donation, a room or rooms for said library, and to fit and furnish for the heat and light in the same, and the care thereof; and may, with the consent of the Board of Education or the school Committee use any school room or rooms for this purpose: to purchase or accept donations or gifts of books, magazines, newspapers and reviews; to employ a librarian or librarians and a custodian and caretaker and shall have such further and additional powers in the premises as are or may be deemed necessary for the foundation and establishment, and the support and maintenance of a library, or a library and reading room.

The said Commission shall also have the power to make such rules and regulations for the conduct of the persons employed by it, and for the care and use of the books, newspapers, magazines and reviews in said library by the persons having authority to use said library, and also concerning the conduct and deportment of all persons while in or about said library or library and reading room, as said Commission shall or may from time to time deem proper and advisable; provided, the use of said library or library and reading room or the contents thereof shall be

Infraction of rules	free to said district, or to any person outside the district who owns real estate assessable for the school of the district. The rules and regulations so made by said Commission shall be enforceable by a penalty which the Commission is hereby authorized the same for a library, or library and reading room, to provide to impose.
Penalty	Such penalty shall consist either of a suspension from the privileges of said library or library and reading room and the contents thereof, or by a money fine. All money
Fines	fines imposed as aforesaid may be collected by proceedings instituted in the corporate name of the district before any Justice of the Peace of the County, and jurisdiction to hear and finally determine all such proceedings is hereby conferred upon any and all justices of the peace. The process, mode of proceeding and rendering of judgment shall be as now is, or hereafter may be, provided by law for the collection of fines before Justices of the Peace.
How Collected	All fines so collected shall be paid to the district and by it paid over to the District Library Commission to be used as other money of which it has the custody and care as hereinbefore provided.
Disposition of fines	Section 14. In addition to its other powers, the District Library Commission may, if it deem proper, permit persons living without the corporate limits of said districts, to enjoy and use said library or library and reading room exactly as though residents of said district upon the payment to said Commission for the use of the library such fee or fees as said Commission shall deem proper.
Additional powers as to residents without the district	Section 15. That any two or more School Districts may unite for the purpose of obtaining the benefit of this Act. Whenever any School Committee of any such districts shall be petitioned therefor by at least five qualified electors thereof, said Committee shall arrange with the School Committee of any other of said districts for the holding of a special election to determine the question. At such election, any qualified elector in any one of said Districts shall be entitled to vote at said special election. If a majority of the votes then cast shall be in favor of
Consolidation of two or more Districts for the purposes of this act	How effected

uniting and establishing a free library for said Districts, the same shall be deemed and taken to be effected. The districts so united shall be taken to be one district for the purposes of this Act, and shall be considered as belonging to the class which any one of said Districts would have belonged to if there had been no union.

Section 16. Whenever the State Library Commission shall certify to the State Treasurer of the State of Delaware that any single, united, consolidated or incorporated School District in this State has established a free public library therein, and has raised by taxation, gift, or otherwise a sum not less than the sum prescribed by Section 10 of this Act for the class to which such District belongs, for the support and maintenance of said library for the year then next ensuing, that then said State Treasurer shall pay to the District Library Commission of any such School District, a sum equal to one-half of the lowest sum prescribed in Section 10 of this Act for the class in which such district belongs; and annually thereafter, the said State Treasurer shall pay to said District Library Commission a like sum, upon the certificate of the State Library Commission that said District has raised by taxation, gift, or otherwise a sum as hereinbefore provided for the maintenance and support of free public library therein for the year next ensuing.

Amount of annual appropriation to each Free Library District

Section 17. That the free public library heretofore established in the Town of Dover be, and the same is hereby transferred to and made the free public library of the United School District known as "Dover Public Schools"; and all the rights, powers, privileges and duties prescribed by this Act for free libraries to be established under its provision, shall immediately vest in the library so transferred, and in the said United School District, and in the Board of Education thereof, and in the local library commission having control thereof precisely as if said free library had been established in said united school districts in the first instance. The members of the local library commission having control of said free library at the time of the passage of this Act shall compose the District Library Com-

Free Public Library of Dover transferred to United School District of "Dover Public Schools"

Members of Library Commission to be continued for terms of election

mission after such transfer during the respective terms for which they were severally elected.

Corbit Library  
made a School  
District Li-  
brary of the  
third class

That the free library known as the "Corbit Library" provided for under Chapter CCCCXVI of Volume 11 of the Laws of Delaware be and the same is hereby made a School District Library for the purpose of receiving all benefits provided in Section 17 of this Act, and for the purpose of ascertaining what appropriation said library shall receive under said Section from the State Treasurer, said Corbit library shall be deemed and taken to be a library established under the provisions of this Act in a School District of the third Class; but in all other respects said Corbit Library shall remain and continue as though this Act had not been passed.

District  
Library Com-  
mission may  
borrow money

Section. 18. That whenever the District Library Commission of any free public library now or hereafter established under the provisions of this Act shall deem it proper or expedient that a sum or sums of money should be borrowed for the purpose of the purchase of a library building or of a site for such building and for the erection of a building thereon or for the improvement or repair of any library building owned by such district or for the purchase of books for the use of any free public library as aforesaid, or for any or all of said purposes, that then the said District Library Commission shall adopt a resolution to that effect, and shall submit the approval or rejection of said resolution to the qualified voters of said District at any regular annual meeting of said voters. The approval or rejection of such resolution by the voters of such district shall be by ballot and a majority of the ballots cast for or against said resolution shall determine the question; provided, however, that if the resolution aforesaid shall be rejected by the voters at any meeting as aforesaid, the question may be again presented to said voters at any subsequent regular annual meeting of the voters of said District. The ballots shall be written or printed "For the Resolution to Borrow Money" or "Against the Resolution to Borrow money." If the resolution aforesaid shall be approved by the voters of the district as aforesaid, then

For what  
purpose

Shall adopt  
resolution  
and submit it  
to qualified  
voters of  
District

Shall vote by  
ballot and  
majority of  
votes shall  
determine

Question may  
be again sub-  
mitted at next  
annual meet-  
ing of voters

Form of

the District Library Commission shall certify the results of said election to the Board of Education or School Committee of said district and thereupon the said Board or Committee shall be deemed to have the power and authority and are hereby required to issue and sell a bond or bonds for the amount named in said resolution. Such bond or bonds shall be in such form and denomination, and shall bear such date and be at such rate of interest, not exceeding six per centum per annum, and shall mature at such time or times as said Board of Education or School Committee shall determine; provided, always however, that the aggregate of any sums borrowed under the provisions of this Section shall not exceed the sum of Ten Thousand Dollars in a district of the first class, nor the sum of Five Thousand Dollars in districts of the second, third or fourth class, nor the sum of Twenty five Hundred Dollars in districts of any other class. Any bond issued as aforesaid shall be signed by the president of the Board of Education or the Senior Member of the School Committee of the school district affected, and in case said district shall have a corporate seal, shall be sealed with the same, but if such district shall have no corporate seal, then the word seal with a scroll around the same shall be deemed and taken to be the seal of the district. Every such bond shall also be attested by the Secretary of the said Board or the Clerk of said School Committee. The faith and credit of the school district shall be deemed to be pledged by any bond issued under the provisions of this Section. The meeting at which the approval or rejection of the resolution to borrow money as aforesaid shall be any meeting at which members of the District Library Commission of said district are elected. Whenever any bond or bonds shall have been issued under the provisions of this Section, the Board of Education or the School Committee of the district shall annually raise by levy and taxation a sum sufficient for the payment of the interest on the amount or amounts so borrowed, and shall likewise raise from time to time by levy and taxation such sum or sums as shall be necessary to establish a sinking fund for the payment of the debt secured by said bond or

Shall certify result to Board of Education

Form of bond, denomination and rate of interest etc.

Amount borrowed shall not exceed a certain amount in districts of certain class

Bond How signed

Faith and credit of school district pledged

Meeting for approval or rejection

Kind of meeting

Tax for payment of interest and establish sinking fund

How raised

bonds at or before the maturity thereof. The sums authorized to be raised for interest and a sinking fund as afore-said shall be raised in the same manner as school taxes in said district are raised, and shall be in excess of any sum or sums authorized to be raised by said district by any other statute.

Approved March 9 A. D., 1901.

## CHAPTER 361, VOLUME 22.

## Part II.

## OF FREE PUBLIC LIBRARIES.

**AN ACT** amending an Act entitled "An Act providing for the establishment and maintenance of Free Public Libraries," approved March 9th, A. D. 1901, making School Districts the centres for Free Libraries, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :*

Section 1. That the Act entitled "An Act providing for the establishment and maintenance of Free Public Libraries," approved March, 9 A. D. 1903, being Chapter 136 of Volume 22 of the Laws of Delaware, be and the same is hereby amended by striking out all of Section 2 of said Act after the word "Commissioner" in the seventh line of said section, and inserting in lieu thereof the following, "The Commission is hereby authorized and empowered to expend such sum or sums as it shall deem proper and necessary for effectuating the objects of this Act, provided said sums shall not in the aggregate in any one year exceed the sum of seven hundred dollars exclusive of the expenses actually incurred by the members in attendance on the Commission, and of sums expended for necessary printing, postage and stationary. Such sums, together with the actual expenses of the members incurred in attending the Commission and all bills for necessary printing, postage and stationery, shall be paid by the State Treasurer to the said Commission, upon the order or orders of its Chairman or President, attested by its Secretary."

Additional powers

State Treasurer to pay contingent expenses

Section 2. That said act be amended further by striking out the word "Town" in the seventh line of Section 3 thereof, and inserting in lieu thereof the word "District."

Extension of territory

Section 3. That said Act be amended further by striking out the words "Any incorporated city or town in this State," in the first line of Section 4 thereof, and inserting in lieu thereof, the following, "Any single, united, consolidated or incorporated School District in this State."

Section 4. That said Act be amended further by striking out all of Section 5 thereof, and substituting in lieu thereof, the following:

School District  
to maintain a  
free Public  
Library if  
approved by  
voters thereof

"Section 5. Any single, united, consolidated or incorporated School District in this State is hereby authorized and empowered to establish and maintain a free Public Library, with or without reading room, provided that at any election held as hereinafter provided, a majority of the qualified electors of said School District then present and voting, shall vote in favor of such establishment."

Section. 5. That said Act be further amended by striking out all of Section 6, and substituting in lieu thereof the following:

Classification  
of Districts

"Section 6. For the purpose of this Act, all the School Districts in this State, single, united, consolidated and incorporated are classified according to the sums which the several Boards of Education or School Committees are authorized by law to levy and raise by taxation annually for current school expenses, as follows, namely:

Every District in which the sum authorized as aforesaid is six thousand dollars or more, shall be deemed and taken to be a District of the First class; every District in which the sum authorized as aforesaid is not less than four thousand nor as much as six thousand dollars, shall be deemed and taken to be a District of the Second class; every District in which the sum authorized as aforesaid is not less than two thousand, nor as much as four thousand dollars, shall be deemed and taken to be a District of the Third Class; every District in which the sum authorized as aforesaid is not less than one thousand, nor as much as two thousand dollars, shall be deemed and taken to be a District of the Fourth Class; every District in which the



sum authorized as aforesaid is not less than five hundred, or as much as one thousand dollars, shall be deemed and taken to be a District of the Fifth Class; every District in which the sum authorized as aforesaid is not less than two hundred, nor as much as five hundred dollars, shall be deemed and taken to be a District of the Sixth Class; and every District in which the sum authorized as aforesaid is less than two hundred dollars, shall be deemed and taken to be a District of the Seventh Class."

Section 6. That said Act be further amended by striking out all of Section 7 thereof and substituting in lieu thereof, the following:

"Section 7. Every Board of Education or School Committee in this State shall submit the question as to the establishment of a free public library in said District to the qualified electors thereof, at a special election to be held on the day next following the ensuing regular school election in such District, not being Sunday or a legal holiday; provided said Board or Committee be petitioned so to do thirty days at least before the next succeeding regular school election in such District, by a number of the qualified electors thereof. The number of qualified electors who must petition as aforesaid, shall be as follows, namely: in Districts of the First or Second Class, twenty qualified electors; in Districts of the Third, Fourth or Fifth Class, ten qualified electors; and in Districts of the Sixth or Seventh Class, five qualified electors."

Question of establishment of free Public Libraries to be submitted to qualified electors of each district.

Petition.

Number of petitioners.

Section 7. That said Act be amended further by striking out all of Section 8 thereof after the word "question," in the sixth line of said section and substituting in lieu thereof the following, "All persons entitled to vote at the regular school election next before such special election, shall be entitled to vote on such question." In all respects the place of voting and the conduct of the election, counting of ballots and the like, shall be as now are, or hereafter may be, provided by law for the regular school election in the School District wherein such question is submitted. Provided, that the Board of Education or School Commit-

Qualification of voters.

Election.

How held.

tee, upon being petitioned to submit the question of the establishment of a free library as herein before provided, shall give notice of such submission by printed advertisements posted in at least five public places in said District at least ten days before the election. The said advertisement shall state the question to be submitted as hereinbefore provided, and the time and place of voting upon such question. In case any Board of Education or School Committee shall neglect or refuse to give such notice, any qualified elector may do so, and the notice so given shall be as effectual as though given by said Board or Committee."

Notice of.

Neglect of notice.

How made effectual.

Section 8. That said Act be amended further by striking out the word "Town" in the fourth line of Section 9 thereof, and inserting in lieu thereof the word "school," and by striking out the words "Town Council" in the sixth and seventh lines of said Section 9, and inserting in lieu thereof the words, "said Board of Education or School Committee."

Section 9. That said Act be amended further by striking out all of Section 10 thereof and substituting in lieu thereof the following:

Powers of Board of Education or School Committee.

Taxation for purpose of act

Classification of districts.

Amount of tax in each class.

"Section 10. If at any election the qualified electors shall in the manner aforesaid, declare in favor of the establishment of a free public library in any District, then the Board of Education or School Committee thereof shall, and it is hereby authorized, empowered and required to levy and raise by taxation for the purpose of the establishment of such library therein, and also for the maintenance, increase and support of said library for the year then next ensuing, a sum determinable by the class in which such District belongs, that is to say: If such District be of the First Class, the sum required to be levied and raised as aforesaid, shall be not less than two hundred and fifty, nor more than six hundred dollars; if such District be of the Second Class, the sum so required as aforesaid shall be not less than one hundred and fifty, nor more than four hundred dollars; if such District be of the Third Class, the sum so required as aforesaid, shall be not less than one

hundred, nor more than three hundred dollars; if such District be of the Fourth Class the sum so required as aforesaid, shall be not less than seventy-five dollars, nor more than two hundred dollars; if such District be of the Fifth Class, the sum so required as aforesaid, shall be not less than fifty, nor more than one hundred and fifty dollars; if such District be of the Sixth Class, the sum so required as aforesaid, shall be not less than forty, nor more than one hundred dollars; and if such District be of the Seventh Class, the sum so required as aforesaid shall not be less than twenty-five, nor more than seventy-five dollars.

And annually thereafter, such Board of Education or School Committee shall levy and raise by taxation for the maintenance and increase of the library so established as aforesaid, a sum as hereinbefore prescribed and limited in this Section for the establishment of such library.

All sums authorized to be levied and raised by taxation under this Act, shall be levied, raised and collected as school taxes for current school expenses are, and shall, if the said Board or Committee deem it necessary, be in excess of and in addition to the sum or amount authorized to be raised in said District by taxation for current school expenses.

Any District in which a library has been established as aforesaid, may fix any sum (not less than the minimum sum required to be raised in said District as hereinbefore prescribed in this Section) to be levied and raised in the District for the maintenance and increase of the library therein during the ensuing year; the vote to fix any sum shall be by ballot, and a majority of the ballots cast at such election shall determine the question."

Section 10. That said Act be amended further by striking out all of Section 11 thereof and substituting in lieu thereof the following:

"Section 11. Every School District in this State which shall establish a free public library pursuant to the provisions of this Act, shall annually thereafter, at an election

Subsequent annual taxation.

Taxes collected in same manner as school taxes.

Each district to determine amount of money to be raised, but not less than minimum.

To elect School District Library Commission

held on the day next following the regular school election (not being Sunday or a legal holiday), elect members of a School District Library Commission.

Number of members.

Classification of districts as to number of members.

The said District Library Commission shall be composed of the following number of members, namely: If it be a commission in a District of the First or Second Class, nine members; in a District of the Third or Fourth Class, five members; in a District of the Fifth, Sixth or Seventh Class, three members. The members shall hold office for the term of three years, or until their successors are duly elected and qualified; provided, that at the first election of said commission next succeeding the establishment of a free public library as aforesaid the members of said commission shall be elected for the following terms, namely: For a District of the First or Second Class, three members shall be elected for one year, three for two years, and three for three years, or until their successors are duly chosen and qualified; for a District of the Third or Fourth Class, two of the members shall be elected for one year, two for two years, and one for three years, or until their successors are duly chosen and qualified; for a District of the Fifth, Sixth or Seventh Class, one of the members shall be elected for one year, one for two years, and one for three years, or until their successors are duly chosen and qualified; provided further, that the Board of Education or School Committee in any School District wherein the question as to the establishment of a free public library has been submitted and carried in favor of such establishment as hereinbefore provided, shall, as soon as may be after the decision upon such question has been ascertained, elect all of the members of such district library commission to compose the first district library commission to act until their successors have been elected by the qualified electors of the district at the time hereinbefore provided for such election.

Members of School Committees may be members of Commission

The members of any district library commission may or may not be members of the Board of Education or School Committee of the District, and no person shall be ineligible to serve on said commission by reason of sex.

The election of the members of said commission at any district election shall be by ballot by the qualified electors of said district, and in all other respects, except as to the day of election, shall be conducted as is the election of members of the Board of Education or School Committee in the district."

Section 11. That said Act be amended further by striking out all of Section 12 thereof and substituting in lieu thereof the following:

"Section 12. The first meeting of the District Library Commission shall be on the evening of the Tuesday next succeeding the election of its members. The commission shall organize by electing from its member a chairman and secretary, and such other officers as it may deem proper. The treasurer of the School District shall be the treasurer of said Commission, and shall be subject to all orders of said Commission relative to moneys in his hands of which the said Commission has custody, as provided in this Act. The official bond of said treasurer shall be held and deemed to cover and include all such moneys, and the due and proper accounting therefor. A vacancy in said Commission caused by refusal to act, death, resignation or otherwise, shall be filled by said Commission until the regular school election next succeeding. A failure to attend three meetings of said Commission in succession shall, at the option of said Commission, be deemed a vacancy."

Section 12. That said Act be amended further by striking out all of Section 13 and Section 14 thereof, and substituting in lieu thereof the following two Sections:

"Section 13. The District Library Commission so elected as aforesaid shall have the entire custody and management of the library and all property owned or leased or donated, relating thereto, and all money raised by the district or donated for its establishment and maintenance, or paid by the State Treasurer, as hereinafter provided, shall be placed in the care and custody of said Commission, to be expended or retained by said Commission for and in behalf of the district for the foundation and establish-

First meetings.

Organization.

Treasurer.

Bond of.

Vacancy.

How filled.

Library land, money or property to be in hands of District Library Commission

ment and for the maintenance and increase of its free public library.

Report.

The Commission shall make an explicit report to the district at each annual school meeting of all its receipts and expenditures, and of all the property of the district in its care and custody, including a statement of any unexpended balance of money, and of any bequests or donations in behalf of the district, and of any sum or sums received from the State as hereinafter provided, with such recommendations with reference to same as is deemed necessary for the district to consider.

The said Commission shall also make report and recommendation concerning the amount of money deemed necessary and proper by said Commission to be raised by taxation for any one year for said library, to the Board of Education or School Committee after the selection of said Commission as aforesaid and prior to the fixing of the rate of taxation for said purpose by said Board of Education, or School Committee. The said District Library Commission shall also make such reports, at such times and embracing such matters, to the State Library Commission created by this Act as the said State Library Commission shall order and direct.

Additional powers.

The said District Library Commission shall also have the power to procure by purchase, lease or acceptance of a gift or donation, a room or rooms for said library, and to fit and furnish the same for a library, or a library and reading room, to provide for the heat and light in the same, and the care thereof; and may, with the consent of the Board of Education or the School Committee use any school room or rooms for this purpose; to purchase or accept donations or gifts of books, magazines, newspapers and reviews; to employ a librarian or librarians and a custodian and caretaker, and shall have such further and additional power in the premises as are or may be deemed necessary for the foundation and establishment, and the support and maintenance, of a library, or a library and reading room.

The said Commission shall also have the power to make such rules and regulations for the conduct of the persons employed by it, and for the care and use of the books, newspapers, magazines and reviews in said library by the persons having authority to use said library, and also concerning the conduct and deportment of all persons while in or about said library or library and reading room, as said Commission shall or may from time to time deem proper and advisable; provided, the use of said library or library and reading room or the contents thereof, shall be free to said district, or to any person outside the District who owns real estate assessable for the school of the District. The rules and regulations so made by said Commission shall be enforceable by a penalty which the Commission is hereby authorized to impose.

Such penalty shall consist either of a suspension from the privileges of said library or library and reading room and the contents thereof, or by a money fine. All money fines imposed as aforesaid may be collected by proceedings instituted in the corporate name of the district before any Justice of the Peace of the County, and jurisdiction to hear and finally determine all such proceedings is hereby conferred upon any and all justices of the peace. The process, mode of proceeding and rendering of judgment shall be as now is, or hereafter may be, provided by law for the collection of fines before justices of the peace.

All fines so collected shall be paid to the district and by it paid over to the District Library Commission, to be used as other money of which it has the custody and care as hereinbefore provided."

"Section 14. In addition to its other powers, the District Library Commission may, if it deem proper, permit persons living without the corporate limits of said district, to enjoy and use said library or library and reading room exactly as though residents of said district, upon the payment to said Commission for the use of the library such fee or fees as said Commission shall deem proper."

Section 13. That said Act be amended further by striking out Section 15 thereof and substituting in lieu thereof the following:

Consolidation  
of two or more  
districts for the  
purposes of this  
act.

“Section 15. That any two or more School Districts may unite for the purpose of obtaining the benefit of this Act. Whenever any School Committee of any of such districts shall be petitioned therefor by at least five qualified electors thereof, said Committee shall arrange with the School Committee of any other of said districts for the holding of a special election to determine the question. At such election, any qualified elector in any one of said Districts shall be entitled to vote at said special election. If a majority of the votes then cast shall be in favor of uniting and establishing a free library for said Districts, the same shall be deemed and taken to be effected. The districts so united shall be taken to be one district for the purposes of this Act, and shall be considered as belonging to the class which any one of said Districts would have belonged to if there had been no union.”

How effected.

Section 14. That said Act be amended further by striking out all of Section 16 thereof, and substituting in lieu thereof the following:

Amount of  
annual appro-  
priation to each  
Free Library  
District.

“Section 16. Whenever the State Library Commission shall certify to the State Treasurer of the State of Delaware that any single, united or incorporated School District in this State has established a free public library therein, and has raised by taxation, gift or otherwise a sum not less than the sum prescribed by Section 10 of this Act for the class to which such District belongs, for the support and maintenance of said library for the year then next ensuing, that then said State Treasurer shall pay to the District Library Commission of any such School District, a sum equal to one-half of the lowest sum prescribed in Section 10 of this Act for the class in which such district belongs; and annually thereafter, the said State Treasurer shall pay to said District Library Commission a like sum, upon the certificate of the State Library Commission that said District has raised by taxation, gift, or otherwise a sum as hereinbefore provided for the maintenance and support of a free public library therein for the year next ensuing.”



Section 15. That said Act be amended further by adding at the end thereof the following Section:

“Section 17. That the free library heretofore established in the Town of Dover be, and the same is hereby transferred to and made the free public library of the United School District known as ‘Dover Public Schools’; and all the rights, powers, privileges and duties prescribed by this Act for free libraries to be established under its provisions, shall immediately vest in the library so transferred, and in the said united school districts and in the Board of Education thereof, and in the local library commission having control thereof precisely as if said free library had been established in said united school districts in the first instance. The members of the local library commission having control of said free library at the time of the passage of this Act shall compose the District Library Commission after such transfer during the respective term for which they were severally elected.”

Free Public Library of Dover transferred to United School District of “Dover Public Schools”.

Members of Library Commission to be continued for terms of election.

“That the free library known as the ‘Corbit Library’ provided for under Chapter CCCXVI of Volume 11 of the Laws of Delaware be and the same is hereby made a School District Library for the purpose of receiving all benefits provided in Section 17 of this Act, and for the purpose of ascertaining what appropriation said Library shall receive under said Section from the State Treasurer, said Corbit library shall be deemed and taken to be a library established under the provision of this Act in a School District of the Third Class; but in all other respects said Corbit library shall remain and continue as though this Act had not been passed.”

Corbit Library made a School District Library of the third class.

Section 16. The Secretary of State be and he is hereby authorized and required to publish the Act to which this is an Amendment as the same is hereby amended.

Approved March 3, A. D. 1903.

## CHAPTER 362.

## OF FREE PUBLIC LIBRARIES.

**AN ACT Providing for the Establishment and Maintenance of Free Public Libraries.**

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (three-fourths of the members elected to each House concurring therein):*

Creation of  
State Library  
Commission.

How composed

Terms of office

Vacancies.

Organization  
of Commission

State Librarian  
Secretary of.

No Salary for  
member

Additional  
powers

Section 1. That as soon as may be after the adoption of this Act, there shall be created and established a board to be known as "The State Library Commission for the State of Delaware." Said Commission shall be composed of nine persons to be appointed by the Governor, who shall respectively hold office for the term of five years or until their successors are duly chosen; provided, that in the first Commission created under this Act, the Governor shall appoint three members for the term of one year, three members for the term of three years, and three members for the term of five years. All vacancies on said Commission, whether occurring by expiration of term or otherwise shall be filled by the Governor. No person shall be ineligible by reason of sex to serve on the Commission.

Section 2. The said Commission shall organize by the selection from its members of a chairman and such other officers as are or may be deemed advisable; provided, that the State Librarian shall, by virtue of his office, be the Secretary of said Commission, but shall have no vote or voice in the acts and proceedings of said Commission. No member shall receive any salary or compensation for his services as such Commissioner.

The Commission is hereby authorized and empowered to expend such sum or sums as it shall deem proper and necessary for effectuating the objects of this Act, provided said sums shall not in the aggregate in any one year exceed the sum of seven hundred dollars exclusive of the ex-

penses actually incurred by the members in attendance on the Commission, and of sums expended for necessary printing, postage and stationery. Such sums, together with the actual expenses of the members incurred in attending the Commission and all bills for necessary printings, postage and stationery, shall be paid by the State Treasurer to the said Commission, upon the order or orders of its Chairman or President, attested by its Secretary.

State Treasurer  
to pay con-  
tingent ex-  
penses

Section 3. The said Commission shall have general supervision over all libraries in this State established or maintained under the provisions of this Act; and shall have the supervision and control of all circulating libraries now, or hereafter to be, established under the provisions of Chapter 220, of Volume 21, of the Laws of Delaware; shall have power to require of any and all District Library Commissions created as hereinafter provided such reports as are or may be deemed proper; shall make certificate to the State Treasurer when any library is entitled to State aid, as is hereinafter provided; and shall have all further and other powers necessary and proper for the general supervision of the libraries aforesaid. The said State Library Commission shall have power to make all rules and by-laws for its own government. The said Commission shall, in the month of January in each year in which there is a regular biennial session of the General Assembly of this State, make report to said General Assembly of its doings and of any recommendations deemed advisable.

duties of

Make bi-ennial  
report.

Section 4. Any single, united, consolidated or incorporated School District in this State may receive in its corporate capacity and hold any devise, bequest or donation for the foundation and establishment or for the maintenance, support and increase of a free public library within same.

School District  
may receive be-  
quests, &c.

Section 5. Any single, united, consolidated or incorporated School District in this State is hereby authorized and empowered to establish and maintain a free Public Library, with or without reading room, provided that at any election held as hereinafter provided, a majority of

School District  
to maintain a  
free Public  
Library if  
approved by  
voters thereof

the qualified electors of said School District then present and voting, shall vote in favor of such establishment.

Classification  
of Districts

Section 6. For the purpose of this Act, all the School Districts in this State, single, united, consolidated and incorporated, are classified according to the sums which the several Boards of Education or School Committees are authorized by law to levy and raise by taxation annually for current school expenses, as follows, namely:

Every District in which the sum authorized as aforesaid is six thousand dollars or more, shall be deemed and taken to be a District of the First Class; every District in which the sum authorized as aforesaid is not less than four thousand nor as much as six thousand dollars, shall be deemed and taken to be a District of the Second Class; every District in which the sum authorized as aforesaid is not less than two thousand nor as much as four thousand dollars shall be deemed and taken to be a District of the Third Class; every District in which the sum authorized as aforesaid is not less than one thousand nor as much as two thousand dollars, shall be deemed and taken to be a District of the Fourth Class; every District in which the sum authorized as aforesaid is not less than five hundred, nor as much as one thousand dollars, shall be deemed and taken to be a District of the Fifth Class; every District in which the sum authorized as aforesaid is not less than two hundred, nor as much as five hundred dollars, shall be deemed and taken to be a District of the Sixth Class; and every District in which the sum authorized as aforesaid is less than two hundred dollars shall be deemed and taken to be a District of the Seventh Class.

Question of es-  
tablishment of  
free Public  
Libraries to be  
submitted to  
qualified elec-  
tors of each  
district.

Petition.

Section 7. Every Board of Education or School Committee in this State shall submit the question as to the establishment of a free public library in said District to the qualified electors thereof, at a special election to be held on the day next following the ensuing regular school election in such District, not being Sunday or a legal holiday; provided said Board or Committee be petitioned so to do thirty days at least before the next succeeding regular school election in such District, by a number of the quali-

fed electors thereof. The number of qualified electors who must petition as aforesaid, shall be as follows, namely: in districts of the First or Second Class, twenty qualified electors; in Districts of the Third, Fourth or Fifth Class, ten qualified electors; and in Districts of the Sixth or Seventh Class, five qualified electors.

Number of  
petitioners.

Section 8. The vote on the question as to the establishment of a free public library, when submitted as aforesaid, shall be by ballot, upon which shall be printed or written either the words "for a free library," or the words "against a free library." A majority of the ballots cast legally at said election shall determine the question. All persons entitled to vote at the regular school election next before such special election shall be entitled to vote on such question. In all respects the place of voting, and the conduct of the election, counting of ballots, and the like, shall be as now are, or hereinafter may be, provided by law for the regular school election in the School District wherein such question is submitted. Provided, that the Board of Education or School Committee, upon being petitioned to submit the question of the establishment of a free library as hereinbefore provided, shall give notice of such submission by printed advertisements posted in at least five public places in said District at least ten days before the election. The said advertisements shall state the question to be submitted as hereinbefore provided, and the time and place of voting upon such question. In case any Board of Education or School Committee shall neglect or refuse to give such notice, any qualified elector may do so, and the notice so given shall be as effectual as though given by said Board or Committee.

Vote to be by  
ballot

Form of question  
to be voted  
on

Qualification  
of voters.

Election.

How held.

Notice of.

Neglect of  
notice.

How made  
effectual.

Section 9. If a majority of the ballots cast as aforesaid shall be against the establishment of a free library, the question as to such establishment may again be submitted at special elections to be held on the day next following any regular school election thereafter ensuing (not being Sunday or a legal holiday) as often as petitions therefor shall be presented to the said Board of Education or School Committee as hereinbefore provided.

Subsequent  
elections.

Powers of Board of Education or School Committee.

Section 10. If at any election the qualified electors shall in the manner aforesaid, declare in favor of the establishment of a free public library in any District, then the Board of Education or School Committee thereof shall, and it is hereby authorized, empowered and required to levy and raise by taxation for the purpose of the establishment of such library therein, and also for the maintenance, increase and support of said Library for the year then next ensuing, a sum determinable by the class in which such District belongs, that is to say: If such District be of the First Class, the sum required to be levied and raised as aforesaid shall be not less than two hundred and fifty, nor more than six hundred dollars; if such District be of the Second Class, the sum so required as aforesaid shall be not less than one hundred and fifty, nor more than four hundred dollars; if such District be of the Third Class the sum so required as aforesaid shall be not less than one hundred, nor more than three hundred dollars; if such District be of the Fourth Class, the sum so required as aforesaid shall be not less than seventy-five dollars, nor more than two hundred dollars; if such District be of the Fifth Class, the sum so required as aforesaid shall be not less than fifty, nor more than one hundred and fifty dollars; if such District be of the Sixth Class, the sum so required as aforesaid shall be of not less than forty nor more than one hundred dollars; and if such District be of the Seventh Class, the sum so required as aforesaid shall be not less than twenty-five, nor more than seventy-five dollars.

Taxation for purpose of act

Classification of districts

Amount of tax in each class

Subsequent annual taxation

And annually thereafter, such Board of Education or School Committee shall levy and raise by taxation for the maintenance and increase of the library so established as aforesaid, a sum as hereinbefore prescribed and limited in this section for the establishment of such library.

Taxes collected in same manner as school taxes.

All sums authorized to be levied and raised by taxation under this Act, shall be levied, raised and collected as school taxes for current school expenses are, and shall, if the said Board or Committee deem it necessary, be in excess of and in addition to the sum or amount authorized to

be raised in said District by taxation for current school expenses.

Any District in which a library has been established as aforesaid, may fix any sum (not less than the minimum sum required to be raised in said District as hereinbefore prescribed in this section) to be levied and raised in the District for the maintenance and increase of the library therein during the ensuing year; the vote to fix any sum shall be by ballot, and a majority of the ballots cast at such election shall determine the question.

Section 11. Every School District in this State which shall establish a free public library pursuant to the provisions of this Act, shall annually thereafter, at an election held on the day next following the regular school election (not being Sunday or a legal holiday) elect members of a School District Library Commission.

The said District Library Commission shall be composed of the following number of members, namely: if it be a commission in a District of the First or Second Class, nine members; in a District of the Third or Fourth Class, five members; in a District of the Fifth, Sixth or Seventh Class, three members. The members shall hold office for the term of three years, or until their successors are duly elected and qualified; provided that at the first election of said commission next succeeding the establishment of a free public library as aforesaid the members of said commission shall be elected for the following terms, namely: for a District of the First or Second Class, three members shall be elected for one year, three for two years, and three for three years, or until their successors are duly chosen and qualified; for a District of the Third or Fourth Class, two of the members shall be elected for one year, two for two years, and one for three years, or until their successors are duly chosen and qualified; for a District of the Fifth, Sixth or Seventh class, one of the members shall be elected for one year, one for two years, and one for three years, or until their successors are duly chosen and qualified; provided further, that the Board of Education or School Committee, in any School District wherein

Each district to determine amount of money to be raised, but not less than minimum.

To elect School District Library Commission

Number of members.

Classification of districts as to number of members.

the question as to the establishment of a free public library has been submitted and carried in favor of such establishment as hereinbefore provided, shall, as soon as may be after the decision upon such question has been ascertained, elect all of the members of such district library commission to compose the first district library commission to act until their successors have been elected by the qualified electors of the district at the time hereinbefore provided for such election.

Members of  
School Com-  
mittee may be  
members of  
Commission

The members of any district library commission may or may not be members of the Board of Education or School Committee of the District and no person shall be ineligible to serve on said commission by reason of sex. The election of the members of said commission at any district election shall be by ballot by the qualified electors of said district, and, in all other respects except as to the day of election shall be conducted as is the election of members of the Board of Education or School Committee in the District.

First meeting.

Organization.

Treasurer.

Bond of.

Vacancy.

How filled.

Section 12. The first meeting of the District Library Commission shall be on the evening of Tuesday next succeeding the election of its members. The Commission shall organize by electing from its members a chairman and secretary, and such other officers as it may deem proper. The treasurer of the School District shall be the treasurer of said Commission, and shall be subject to all orders of said Commission relative to moneys in his hands of which the said Commission has custody, as provided in this Act. The official bond of said Treasurer shall be held and deemed to cover and include all such moneys, and the due and proper accounting therefor. A vacancy in said Commission caused by refusal to act, death, resignation or otherwise, shall be filled by said Commission until the regular school election next succeeding. A failure to attend three meetings of said Commission in succession shall, at the option of said Commission, be deemed a vacancy.



Section 13. The District Library Commission so elected as aforesaid shall have the entire custody and management of the library and all property owned or leased, or donated, relating thereto, and all money raised by the district or donated for its establishment and maintenance, or paid by the State Treasurer, as hereinafter provided, shall be placed in the care and custody of said Commission to be expended or retained by said Commission for and in behalf of the district for the foundation and establishment and for the maintenance and increase of its free public library.

Library land,  
money or  
property to  
be in hands of  
District Libra-  
ry Commission

The Commission shall make an explicit report to the district at each annual school meeting of all its receipts and expenditures, and of all the property of the district in its care and custody, including a statement of any unexpended balance of money, and of any bequests or donations in behalf of the district, and of any sum or sums received from the State as hereinafter provided with such recommendations with reference to same as is deemed necessary for the district to consider.

Report.

The said Commission shall also make report and recommendation concerning the amount of money deemed necessary and proper by said Commission to be raised by taxation for any one year for said Library, to the Board of Education or School Committee after the selection of said Commission as aforesaid and prior to the fixing of the rate of taxation for said purpose by said Board of Education, or School Committee. The said District Library Commission shall also make such reports, at such times and embracing such matters, to the State Library Commission created by this Act as the said State Library Commission shall order and direct.

The said District Library Commission shall also have the power to procure by purchase, lease or acceptance of a gift or donation, a room or rooms for said library, and to fit and furnish for the heat and light in the same, and the care thereof; and may, with the consent of the Board of Education or the School Committee use any School room or rooms for this purpose; to purchase or accept donations

Additional  
Powers.

or gifts of books, magazines, newspapers and reviews; to employ a librarian or librarians and a custodian and caretaker, and shall have such further and additional powers in the premises as are or may be deemed necessary for the foundation and establishment, and the support and maintenance of a library or a library and reading room.

The said Commission shall also have the power to make such rules and regulations for the conduct of the persons employed by it, and for the care and use of the books, newspapers, magazines and reviews in said library by the persons having authority to use said library, and also concerning the conduct and deportment of all persons while in or about said library or library and reading room, as said Commission shall or may from time to time deem proper and advisable; provided, the use of said library or library and reading room or the contents thereof shall be free to said district, or to any person outside the district who owns real estate assessable for the school of the district. The rules and regulations so made by said Commission shall be enforceable by a penalty which the Commission is hereby authorized the same for a library or a library and reading room, to provide to impose.

Infraction of  
rules

Penalty

Fines

How Collected

Such penalty shall consist either of a suspension from the privileges of said library or library and reading room and the contents thereof, or of a money fine. All money fines imposed as aforesaid may be collected by proceedings instituted in the corporate name of the district before any Justice of the Peace of the County, and jurisdiction to hear and finally determine all such proceedings is hereby conferred upon any and all justices of the peace. The process, mode of proceeding and rendering of judgment shall be as now is, or hereafter may be, provided by law for the collection of fines before Justices of the Peace.

Disposition of  
fines

All fines so collected shall be paid to the district and by it paid over to the District Library Commission to be used as other money of which it has the custody and care as hereinbefore provided.

Section 14. In addition to its other powers, the District Library Commission may, if it deem proper, permit persons living without the corporate limits of said district, to enjoy and use said library or library and reading room exactly as though residents of said district, upon the payment to said Commission for the use of the library such fee or fees as said Commission shall deem proper.

Additional powers as to residents without the district

Section 15. That any two or more School Districts may unite for the purpose of obtaining the benefit of this Act. Whenever any School Committee of any such districts shall be petitioned therefor by at least five qualified electors thereof, said Committee shall arrange with the School Committee of any other of said districts for the holding of a special election to determine the question. At such election, any qualified elector in any one of said Districts shall be entitled to vote at said special election. If a majority of the votes then cast shall be in favor of uniting and establishing a free library for said Districts, the same shall be deemed and taken to be effected. The districts so united shall be taken to be one district for the purposes of this Act, and shall be considered as belonging to the class which any one of said Districts would have belonged to if there had been no union.

Consolidation of two or more Districts for the purposes of this act

How effected

Section 16. Whenever the State Library Commission shall certify to the State Treasurer of the State of Delaware that any single, united, consolidated or incorporated School District in this State has established a free public library therein, and has raised by taxation, gift, or otherwise a sum not less than the sum prescribed by Section 10 of this Act for the class to which such District belongs, for the support and maintenance of said library for the year then next ensuing, that then said State Treasurer shall pay to the District Library Commission of any such School District, a sum equal to one-half of the lowest sum prescribed in Section 10 of this Act for the class in which such district belongs; and annually thereafter, the said State Treasurer shall pay to said District Library Commission a like sum, upon the certificate of the State Library Commission that said District has raised by taxation,

Amount of annual appropriation to each Free Library District

gift, or otherwise a sum as hereinbefore provided for the maintenance and support of a free public library therein for the year next ensuing.

Free Public Library of Dover transferred to United School District of "Dover Public Schools"

Section 17. That the free public library heretofore established in the Town of Dover be and the same is hereby transferred to and made the free public library of the United School District known as "Dover Public Schools"; and all the rights, powers, privileges and duties prescribed by this Act for free libraries to be established under its provisions, shall immediately vest in the library so transferred, and in the said United School District, and in the Board of Education thereof, and in the local library commission having control thereof precisely as if said free library had been established in said united school districts in the first instance. The members of the local library commission having control of said free library at the time of the passage of this Act shall compose the District Library Commission after such transfer during the respective terms for which they were severally elected.

Members of Library Commission to be continued for terms of election

Corbit Library made a School District Library of the third class

That the free library known as the "Corbit Library" provided for under Chapter CCCCXVI of Volume 11 of the Laws of Delaware be and the same is hereby made a School District Library for the purpose of receiving all benefits provided in Section 17 of this Act, and for the purpose of ascertaining what appropriation said Library shall receive under said Section from the State Treasurer, said Corbit Library shall be deemed and taken to be a library established under the provision of this Act in a School District of the Third Class; but in all other respects said Corbit Library shall remain and continue as though this Act had not been passed.

Approved March 9, A. D. 1901.

Amended and Approved March 31, A. D. 1903.

CHAPTER 114, VOLUME 23, PART 1.  
OF FREE PUBLIC LIBRARIES.

**AN ACT** to amend Chapter 362, Volume 22, Laws of Delaware, being an Act entitled "An Act providing for the establishment and maintenance of Free Public Libraries" making United School Districts Nos. 67, 96, 106 and 107, in Sussex County, a District of the first-class, prescribing the mode of calling and fixing the time for holding the Election at which the question of the establishment of a Free Public Library in said District shall be submitted to the qualified electors of said District.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :*

Section 1. That Chapter 362, Volume 22, Laws of Delaware, being an Act entitled "An Act Providing for the Establishment and Maintenance of Free Public Libraries" approved March 9, A. D. 1901, and amended and approved March 31, A. D. 1903, be and the same is hereby amended by adding at the end of Section 6 thereof the following paragraph, viz: "Provided, however, that the provisions of paragraphs one and two of this Section shall not govern or determine of which class United School Districts Nos. 67, 96, 106 and 107 in Sussex County is; and said United School Districts Nos. 67, 96, 106 and 107 in Sussex County be and the same is hereby expressly declared to be a District of the First Class; and all the provisions of this Act relating to a District of the First Class are hereby expressly declared to be applicable to United School Districts Nos. 67, 96, 106 and 107 in Sussex County."

Section 6 of Chapter 362, Volume 22, amended.

School Districts Nos. 67, 96, 106 and 107 district of first class.

Section 2. That said Chapter 362, Volume 22, Laws of Delaware, be and the same is further amended by adding at the end of Section 7 thereof the following:

Section 7, Chapter 362, Volume 22, amended.

"Provided, however, that in United School Districts Nos. 67, 96, 106 and 107 in Sussex County the method of petitioning for and the time of holding such election shall be as follows: The Board of Commissioners of the Public Schools of Georgetown, Sussex County" of said District shall, when petitioned so to do by at least twenty qualified

Defining condition for submission to voters of School Districts Nos. 67, 96, 106 and 107.

electors in said District, submit the question as to the establishment of a Free public library in said District to the qualified electors thereof, at a special election to be held on the fifth Monday next succeeding the date of the presentation of said petition to the said "The Board of Commissioners of the Public Schools of Georgetown, Sussex County."

Approved March 21, A. D. 1905.

## CHAPTER 106, VOLUME 25, PART 1.

## OF FREE PUBLIC LIBRARIES.

**AN ACT** to amend an Act entitled "An Act providing for the establishment and maintenance of Free Public Libraries," approved March 9, A. D. 1901, being Chapter 136 of Vol. 22 of the Laws of Delaware, as amended by Chapter 361 of the said Vol. 22 of the Laws of Delaware.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :*

Section 1. That the Act entitled "An Act Providing for the Establishment and Maintenance of Free Public Libraries" approved March 9, A. D. 1901, being Chapter 136 of Vol. 22, of the Laws of Delaware, as amended by Chapter 361 of the said Vol. 22 of the Laws of Delaware, be amended as follows:

Amendments  
to law relating to Free  
Public  
Libraries

First: By striking out the words "be not less than two hundred and fifty, nor more than six hundred dollars" appearing in the eleventh and twelfth lines of Section 10 of the act aforesaid, as amended as aforesaid, as said act so amended is printed in Chapter 362 of Vol. 22 of the Laws of Delaware aforesaid, and by inserting in lieu of the words so stricken out the following words: "be not less than five hundred nor more than one thousand dollars."

Amount  
increased

"Section 18. That whenever the District Library Commission as amended as aforesaid, after Section 17 thereof, as follows:

Second: That a new section be added to the act aforesaid, of any free public library now or hereafter established under the provision of this Act shall deem it proper or expedient that a sum or sums of money should be borrowed for the purpose of the purchase of a library building or of a site for such building and for the erection of a building thereon, or for the improvement or repair of any library building owned by such district, or for the pur-

District  
Library  
Commission  
may borrow  
money

For what  
purpose

Shall adopt resolution and submit it to qualified voters of District  
 Shall vote by ballot and majority of votes shall determine question  
 May be again submitted at next annual meeting of voters  
 Form of ballot  
 Shall certify result to Board of Education  
 Form of bond denomination and rate of interest Etc.  
 Amount borrowed shall not exceed a certain amount in districts of certain class  
 Bond  
 How signed.

chase of books for the use of any free public library as aforesaid, for any or all of said purposes, that then the said District Library Commission shall adopt a resolution to that effect, and shall submit the approval or rejection of said resolution to the qualified voters of said District at any regular annual meeting of said voters. The approval or rejection of such resolution by the voters of such District shall be by ballot and a majority of the ballots cast for or against said resolution shall determine the question; provided, however, that if the resolution aforesaid shall be rejected by the voters at any meeting as aforesaid, the question may be again presented to said voters at any subsequent regular annual meeting of the voters of said district. The ballots shall be written or printed "For the Resolution to Borrow Money" or "Against the Resolution to Borrow Money." If the resolution aforesaid shall be approved by the voters of the district as aforesaid, then the District Library Commission shall certify the results of said election to the Board of Education or School Committee of said district and thereupon the said Board or Committee shall be deemed to have the power and authority and are hereby required to issue and sell a bond or bonds for the amount named in said resolution. Such bond or bonds shall be in such form and denomination, and shall bear such date and be at such rate of interest, not exceeding six per centum per annum, and shall mature at such time or times, as said Board of Education or School Committee shall determine; provided, always however, that the aggregate of any sums borrowed under the provisions of this Section shall not exceed the sum of Ten Thousand Dollars in a district of the first class, nor the sum of Five Thousand Dollars in districts of the second, third, or fourth class, nor the sum of Twenty-five Hundred Dollars in districts of any other class. Any bond issued as aforesaid shall be signed by the President of the Board of Education or the Senior Member of the School Committee of the school district affected, and in case said district shall have a corporate seal, shall be sealed with the same, but if such district shall have no corporate seal, then the word seal with a scroll around the same shall be deemed



and taken to be the seal of the district. Every bond shall also be attested by the Secretary of said Board or the Clerk of said School Committee. The faith and credit of the school district shall be deemed to be pledged by any bond issued under the provisions of this Section. The meeting at which the approval or rejection of the resolution to borrow money as aforesaid shall be any meeting at which members of the District Library Commission of said district are elected. Whenever any bond or bonds shall have been issued under the provision of this section, the Board of Education or the School Committee of the district shall annually raise by levy and taxation a sum sufficient for the payment of the interest on the amount or amounts so borrowed, and shall likewise raise from time to time by levy and taxation such sum or sums as shall be necessary to establish a sinking fund for the payment of the debt secured by said bond or bonds at or before the maturity thereof. The sum authorized to be raised for interest and for a sinking fund as aforesaid, shall be raised in the same manner as school taxes in said district are raised, and shall be in excess of any sum or sums authorized to be raised by said district by any other statute."

Faith and credit of School district pledged

Meeting for approval or rejection

Kind of meeting

Tax for payment of interest and establish sinking fund.

How raised.

Approved April 15, A. D. 1909.

## CHAPTER 107, VOLUME 25, PART 1.

## OF FREE PUBLIC LIBRARIES.

**AN ACT** to amend Chapter 362, Volume 22, of the Laws of Delaware, entitled "An Act providing for the establishment and maintenance of Free Public Libraries," by increasing the appropriation therefor.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :*

Appropriation  
for Free  
Public Libra-  
ries increased.

Section 1. That Section Two, Chapter 362, Volume 22, the Laws of Delaware, be and the same is hereby amended by striking out the words "the sum of Seven Hundred" in line eleven and twelve of said Section and inserting in lieu thereof the words "the sum of One Thousand."

Approved April 15, A. D. 1909.

## MORAL AND HUMANE EDUCATION.

## CHAPTER 93, VOLUME 26.

## OF FREE SCHOOLS.

**AN ACT** to provide for moral and humane education in the public schools and to prohibit certain practices inimical thereto.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :*

Section 1. That it shall be the duty of every teacher of a public school in this State to teach the pupils thereof honesty, kindness, justice and moral courage for the purpose of lessening crime and raising the standard of good citizenship.

Duty of public school teachers

Section 2. In every public school within this State not less than one-half hour of each week, during the whole term of school, shall be devoted to teaching the pupils thereof kindness, justice, humane treatment and protection to birds and animals and of their important part in the economy of nature. It shall be optional with each teacher whether it shall be a consecutive half-hour or a few minutes daily, or whether such teaching shall be through humane reading, daily incidents, stories, personal examples or in connection with nature-study, or recitations or quotations bearing upon these virtues memorized by the pupil.

Not less than one-half hour each week to be devoted to moral and humane teaching.

Mode of teaching optional

The memorizing and reciting by each pupil to the teacher of quotations or a declamation of not less than fifty words, and upon these subjects shall be equivalent to and take the place of four weeks' requirements named in this Section.

Shall be equivalent to above requirements

The City of Wilmington is exempt from the provisions of this Bill.

City of Wilmington exempt

No experiment upon any living creature shall be made

Section 3. No experiment upon any living creature for the purpose of demonstration in any study shall be made in any public school of this State. No animal provided by, nor killed in the presence of any pupil of a public school, shall be used for dissection in such school, and in no case shall dogs or cats be killed for such purpose. Dissection of dead animals or any parts thereof, shall be confined to the class room and shall not be practiced in the presence of any pupil not engaged in the study to be illustrated thereby.

Superintendent of Schools to include in program of Teachers' Institute

Section 4. The superintendent of schools of each county and of each City shall include once each year moral and humane education in the program of the Teachers' Institute which is held under his or her supervision.

Compensation of teachers withheld for failure to comply with the provisions of this act

Section 5. That no teacher in the public schools within the State of Delaware shall be entitled to receive any portion of the public school moneys as compensation for services rendered unless such teacher shall have complied with the provisions of this Act.

Section 6. All Acts or parts of acts in conflict herewith are hereby repealed.

Section 7. This act shall take effect and be in force from and after its passage and approval.

Approved April 19, A. D. 1911.

# APPENDIX

TRANSFERRING PROPERTY FROM ONE SCHOOL DISTRICT Section 9  
TO ANOTHER, OR ALTERING THE BOUNDARIES OF EX-  
ISTING DISTRICTS OR CREATING NEW DISTRICTS.

## NOTICE OF INTENTION TO PRESENT PETITION.

### FORM OF

Notice is hereby given that (I or we, as the case may be) will present a petition to the County School Commission of.....County at its meeting at Dover, on.....the.....day of.....A. D. ....for(stating object of petition.) (Signed by petitioners.)

## FORM OF PETITION.

*To the County School Commissioners of—County :*

The petition of (in case of petition to transfer, the name of the owner or owners, in case of petition for new districts or to alter the boundaries of old districts, the name of twelve or more freeholders of the districts affected) respectfully represents:

That (state the object sought and the reason therefor).

And your petitioner (or petitioners) will ever pray, etc.

(Date)

(Signed here by owner or owners in case of transfer, or by twelve freeholders in case of new districts or change of boundaries)

UNITING OF TWO OR MORE DISTRICTS FOR ESTABLISHING Section 10  
AND SUPPORTING A SCHOOL FOR THEIR COMMON  
BENEFIT. NOTICE MUST BE GIVEN AS REQUIRED FOR  
SCHOOL MEETING.

## FORM OF NOTICE TO BE GIVEN IN EACH DISTRICT.

Notice is hereby given that a meeting of the school voters in School District No.....in..... County will be held on.....the.....day of.....next (or instant as the case may be) at..... o'clock..... M., at..... in said District, for the purpose of (state here the object).

(Date)

(Clerk to sign here.)

After the terms of the union are settled and adopted, a meeting of the united district is held for the election of a school committee, &c., upon notice in the same form as the notice for stated meetings on page 3, except that the words "United School District Nos. — in — county" are inserted instead of "School District No. —"

In case there is a proposal to have several school houses in a united district, that fact must be stated in the notices for the meeting.

### YEARLY OR STATED MEETINGS.

Under Section 14.

The clerk of the school district, or if there be no clerk, the commissioners, or one of them or if there be none, the Clerk of the Peace (on application of five or more school voters of the district) are required to give notice of this meeting by advertisements under hand, of the day, hour and place, posted in five or more of the most public places of the district at least five days before the day of meeting.

#### FORM OF ADVERTISEMENT FOR YEARLY MEETING. School Voters.

Notice is hereby given that a stated meeting of the school voters in School District No. . . . . (or United School Districts Nos. . . . .) in . . . . . County, will be held on Saturday, the . . . . . day of . . . . . next ( or instant, as the case may be, ) at two o'clock, afternoon. at . . . . . in said district. Dated the . . . . . day of . . . . . 19 . . . . .

A. . . . . B. . . . . , Clerk.

When there is no clerk, the commissioners, or one of them, signs, thus:

C. . . . . D. . . . . } Com'rs.  
E. . . . . F. . . . . }

The acts of the meeting are not void although no notice be given; but the clerk or commissioner neglecting to give notice forfeits ten dollars.

### OCCASIONAL MEETINGS.

Occasional meetings of the school voters in a district

may be called by the clerk and commissioners, or any two of them.

The call is by advertisements, under hand, of the business, and day, hour, and place, posted in five or more of the most public places of the district at least five days before the day of meeting. The business must be specified in the advertisements, and business not specified cannot be transacted. It must be at the place where the stated meetings are held. The meeting must be kept open one hour.

A vacancy in the school committee may be filled at an occasional meeting; in that case, in place of the words "to consider and determine," &c., in the annexed form, use the words: "To elect a clerk (or a commissioner, as the case may be,) in lieu of ——."

**FORM OF ADVERTISEMENT FOR OCCASIONAL MEETING.—School Voters.**

An occasional meeting of the school voters in School District No. .... in ..... County, is hereby called by the subscribers, to be held on ..... the ..... day of ..... next (or instant, as the case may be,) at ..... o'clock in the ..... noon, ..... in said district to consider and determine (here describe the business.)

Dated the ..... day of ..... 19 .....

E. .... F. ....	} School Committee.
G. .... H. ....	
I. .... J. ....	

*(Two are sufficient)*

**MEETINGS CALLED BY THE CLERK OF THE PEACE.  
FORM OF APPLICATION TO THE CLERK OF THE PEACE  
TO ADVERTISE A MEETING.**

*To the Clerk of the Peace for——County :*

The subscribers, school voters of School District No. ...., in said county, request you to give notice according to law of the stated meeting of the school voters of said district on the ..... Saturday in ..... 19 .....; there being no clerk or commissioner of said school district to give the notice. Witness our hands the ..... day of ..... 19 .....

This application must be signed by at least five school voters of the district.

The clerk may observe the foregoing form of advertisement of yearly meetings, concluding with the words:

Given under my hand upon the application of five school voters of said district, (there being no clerk or commissioner to give this notice) the.....day of.....,19.....

.....,Clerk of the Peace of.....County.

This advertisement must be posted, as required for other stated meetings, in five or more public places in the district.

#### ORDER OF BUSINESS AT ANNUAL MEETING.

1. Appoint a chairman and secretary.
2. Let the School Committee of the past year present their account, also their report, and at the meeting appoint persons to settle the account; and as soon as the settlement is made, let it be reported to the meeting and entered on the minutes.
3. Elect by ballot a clerk or commissioner (as the case may be) in place of the one whose term expires on this day; or fill any other vacancy that may exist of clerk or commissioner. A majority of the ballots given is necessary to elect. No person but a school voter of the district can be elected.
4. Resolve, whether any sum above that required to be raised by law shall be raised for the ensuing year, if so, to determine by a majority ballot whether it shall be raised by tax or subscription.

This last vote must be taken at the annual meeting or the substitute therefor; it can be taken at no other time.

The vote respecting a tax must be by ballot: it may be taken by writing "For a Tax," on some slips of paper and "Against a Tax," on other slips; and each for a tax voting a slip "For a Tax;" each against a tax, a slip "Against a Tax."

It is important to attend to each of these items separately and have the proper entry distinctly made in respect to it. The proceedings of a meeting have been a mere



nullity in consequence of blending votes on several items. In respect to raising money it is best to vote first what sum shall be raised, and enter the vote; and then vote concerning a tax, and enter this vote.

If two or more persons receive an equal number of votes for clerk or commissioner (as the case may be,) there is no choice, and the meeting should vote again, and so on until one person receives the majority of all the votes.

### CERTIFICATES.

Three certificates of the proceedings of every meeting must be signed by the chairman and secretary, and delivered, one to the clerk of the district, one to the Auditor of Accounts, and the other to the Clerk of the Peace of the county. These certificates ought to be made and signed at once, and delivered without delay.

A chairman or secretary not doing his duty in this particular, within one month, is liable to a fine not exceeding \$50; and the proceedings of the meeting shall be void.

#### FORM OF CERTIFICATE OF YEARLY MEETING.

At the stated meeting of the school voters in School District No. .... (or United School District Nos. ....) in ..... County, held according to law on Saturday, the ..... day of ..... 19 ..... at the district school house. .... in said district.

A. .... B. ...., was appointed Chairman, and  
C. .... D. ...., Secretary.

The account of the school committee of the past year, namely, ..... and ..... was laid before the meeting, and on motion E. .... F. .... and G. .... H. .... were appointed to examine and settle the same. By a report, also, of said school committee, it appeared that there had been kept in the district by a teacher (or ..... teachers) a school for the period of ....., the teachers wages, the rate of ....., and of the highest number of scholars ..... males, and ..... females.

Upon a vote by ballot, K. .... L. .... was elected clerk, (or commissioner, as the case may be), of the said district he having a majority of votes.\*

*(Here may be inserted the adoption of any resolution or statement of other business transacted which is not specified in this form).*

---

\*The above should be substantially observed; but varied from so as to conform to facts.

Resolved, that the sum of.....be raised in this district above the sum required to be raised by law.

The meeting voted by ballot respecting a tax for raising the above sum.

And there was a majority of votes for a tax, (or against the tax, as the case may be.)\*

E.....F..... and G.....H....., appointed as above to examine and settle the account of the school committee of the past year, report, that they have examined and settled the same, and that upon said account there is a balance due to, (or from, as the case may be,) the district of.....

Said report was adopted.

A.....B....., Chairman.

Attest: C.....D....., Secretary.

#### FORM OF CERTIFICATE OF OCCASIONAL MEETING.

At an occasional meeting of the school voters in School District No. .... in .... County duly called by (insert the name of the school committee calling the meetings,) the school committee (or two of the school committee as the case may be,) of said district, and held on.....the....day.....of.....19...., at (here insert the place where the stated meetings are held,) in said district.

A.....B....., was appointed Chairman, and  
C.....D....., Secretary.

The Chairman and secretary inquired respecting the advertisements of this meeting, and found that advertisements of the business, and the day, hour and place of this meeting were posted on the ..... day of.....(or last, as the case may be) at (here mention by a proper description every place in which an advertisement was posted), being five of the most public places of said district, and the business mentioned in said advertisements was (here set forth the business as contained in the advertisements.)

Upon a vote by ballot G.....H....., was chosen clerk in place of K.....L....., removed, (or refusing to serve, or deceased as the case may be.)

*Resolved, (setting down any proceedings of the meeting, observing that no business can be transacted not mentioned in the advertisements.)*

A.....B....., Chairman.

Attest:.....C.....D....., Secretary.

---

\*The above should be substantially observed; but varied from so as to conform to facts.

SELECTION OF SITE FOR SCHOOL HOUSE.  
FORM OF PETITION.

To the Levy Court of— — County :

The petition of . . . . . and . . . . . School Commis-  
sioners of School District No. . . . . in . . . . . County, respectively  
represent : Section 17

That we are not able to procure by agreement with the owner  
a lot of land in said district suitable and proper for the erection of  
a school house for the use of said district.

Your petitioners therefore pray that three judicious and impar-  
tial freeholders of this County, residing without the limits of said  
district, be appointed by this Court to select a site for a school  
house and appurtenances in said district.

And your petitioner will ever pray, etc.

(Signed here by Commissioners.)

.....  
.....  
.....

NOTICE TO FREEHOLDERS.  
FORM OF NOTICE.

To . . . . .

You are hereby notified that you and . . . . . and . . . . . have  
been appointed by the Levy Court of . . . . . County to go upon and  
select a site for a school house in School District No. . . . . in said  
County.

We have fixed . . . . . the . . . . . day of . . . . . A. D. . . . . , at  
. . . . . o'clock . . . . . M., as the day for you to meet and select  
the site as aforesaid.

(Date) (Signed by Commissioners.)

Notice should be sent to each freeholder.

FORM OF NOTICE TO VOTERS OF DISTRICT.

Notice is hereby given that we have selected . . . . . the . . . . .  
day of . . . . . A. D. . . . . at . . . . . o'clock . . . . . M., for the meeting  
of freeholders appointed by the Levy Court to select a site for a new  
school house in this District.

(Signed by Commissioners.)

## ASSESSMENT AND COLLECTION OF TAXES.

As to the proceedings required in the assessment and collection of taxes, the law is so explicit that explanations of its provisions do not seem necessary. A form of notice of posting assessment list is given below.

## POSTING ASSESSMENT LIST.

## FORM OF NOTICE

Section 18

Notice is hereby given that a copy of the assessment list of School District of No. .... is posted at ..... for inspection, and that we will sit on ..... the day of ..... A. D., ..... at ..... o'clock ..... M., at ..... to hear any objection to said list.

(Signed by Commissioners.)

The form of warrant to collector is given in the law in Section 20.

## FORM OF NOTICE TO SCHOOL COMMITTEE OF DISTRICT

We, the undersigned, tax payers in School District No. ...., .... County respectfully petition the School Committee of said district to call a meeting of the school voters for the purpose of voting on the raising of a tax of ..... dollars to be used in repairing building or furnishing a school house in the district.

(Signed by Tax Payers).

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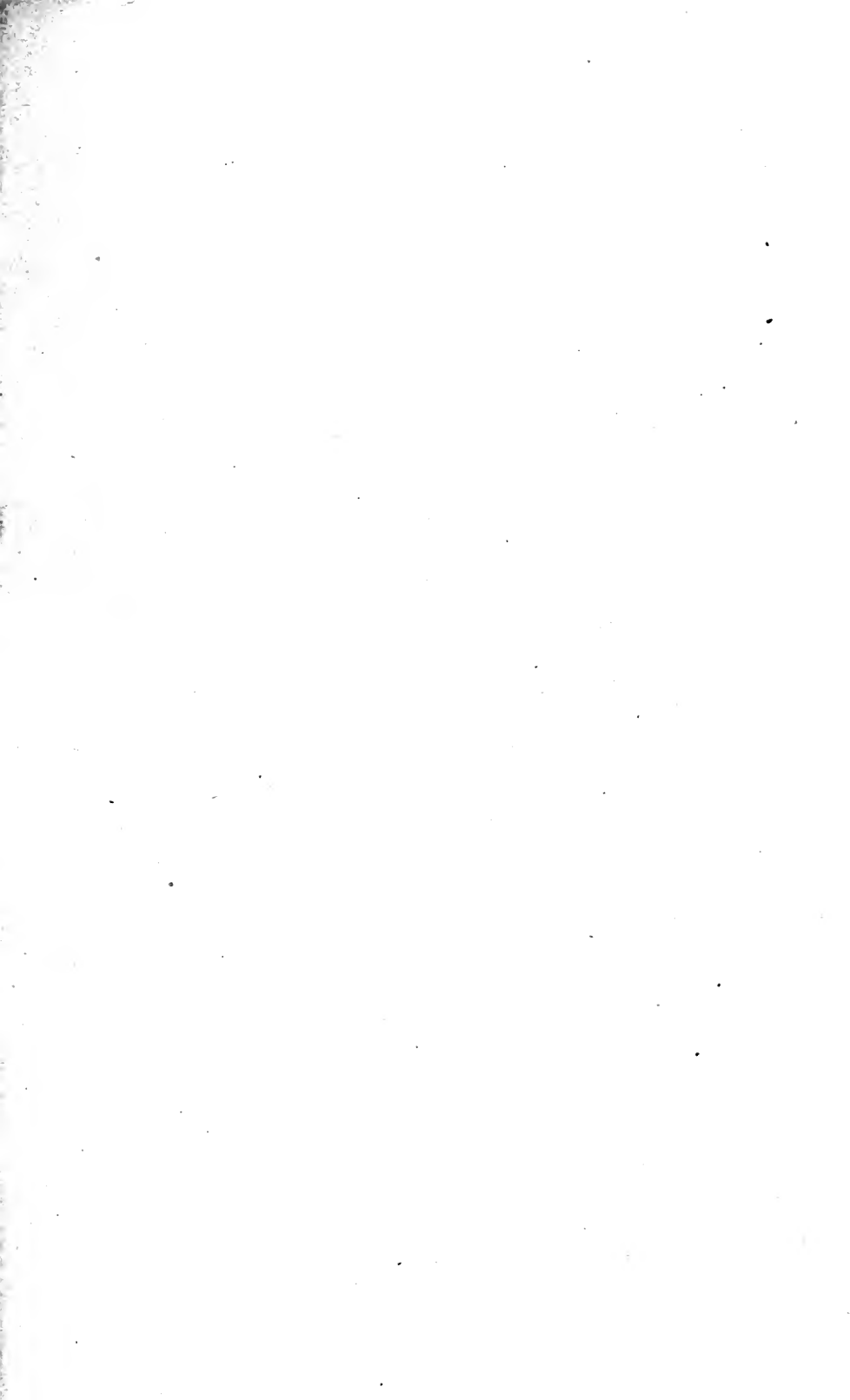
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