

The legislature may authorize the county commissioners, they being a public corporation, to lease a building for school purposes. *Webster v. Cambridge Seminary*, 78 Md. 210.

The county school commissioners are the proper parties to demand the performance by the county commissioners of their duty to levy taxes under section 60. *Worcester County v. School Commissioners*, 113 Md. 312.

Cited but not construed in *School Commissioners v. Goldsborough*, 90 Md. 203.

1904, art. 77, sec. 25. 1888, art. 77, sec. 22. 1872, ch. 377. 1904, ch. 584.

**26.** The state school tax and free school fund are primarily intended, under this article, to pay the salaries of the teachers of the several counties and to provide school books and stationery for the children of the State; if, however, in apportioning the said school tax among the different counties and the city of Baltimore, the share of any county should prove inadequate for the purposes aforesaid, then the county commissioners of such county are hereby authorized, empowered, directed and required to levy and collect such a tax upon the assessable property of such county as the board of county school commissioners shall designate to make good the deficiency; provided, that said tax shall not exceed fifteen cents on the hundred dollars, unless the county commissioners shall approve and sanction an additional tax: taxes so levied and collected shall be paid quarterly, on the day fixed for payment of the state school tax to the several counties (but the proceeds from special taxes may be paid oftener, upon the order of the board of county school commissioners to the treasurer of said board of county school commissioners) in order that the schools of said counties may be kept open for time herein set forth, and said tax shall be levied and collected as other taxes; any sums of money which may have been specially collected or levied on any election or school house district for educational purposes connected with these districts shall be collected for and applied to the purposes so intended originally, and shall be used for no other purpose; and if said funds have been used otherwise they shall be returned and applied as aforesaid.

The duty of the county commissioners to levy the sum demanded by the school commissioners up to fifteen cents on the hundred dollars, is imperative. The county commissioners can not withhold any portion of the levy, nor reduce the amount. When mandamus will lie. *School Commissioners v. Gantt*, 73 Md. 523; *Worcester County v. Melvin*, 89 Md. 41.

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See sec. 135.

*Ibid.* sec. 26. 1888, art. 77, sec. 23. 1872, ch. 377.

**27.** In all cases where the county has not been properly divided into school districts, and full records of the boundaries thereof have not been made and recorded, the board of county school commissioners shall appoint a committee, if in their opinion they deem it necessary, consisting of three persons of intelligence and sound judgment, who shall divide the county into suitable school districts, define and describe the boundaries of each; provided that no school district shall contain a