

An. Code, 1924, sec. 1. 1912, sec. 1. 1904, sec. 1. 1888, sec. 1. 1868, ch. 407, 1870, ch. 311. 1872, ch. 377.

1. There shall be throughout the State of Maryland a general system of free public schools, according to the provisions of this article.

Such schools as Maryland Institute for Promotion of the Mechanic Arts, and St. Mary's Industrial School for Boys, are not within the general system of public schools of this state. *St. Mary's Industrial School v. Brown*, 45 Md. 333.

For cases involving act of 1865, ch. 160, see *School Commissioners v. Board of Education*, 26 Md. 506; *Shriver v. Hering*, 97 Md. 22; *Hooper v. New*, 85 Md. 576.

For cases involving act of 1825, ch. 162, see *School Commissioners v. Board of Education*, 26 Md. 513; *Hammond v. Haines*, 25 Md. 559; *Burgess v. Pue*, 2 Gill, 17; *Burgess v. Pue*, 2 Gill, 286.

As to public schools in Baltimore City, see sec. 182 and notes.

Chapter 1. Control and Supervision.

An. Code, 1924, sec. 2. 1912, sec. 2. 1904, sec. 2. 1888, sec. 2. 1872, ch. 377. 1916, ch. 506, sec. 2.

2. Educational matters affecting the State and the general care and supervision of public education shall be entrusted to a State Department of Education, at the head of which shall be a State Board of Education.

Cited but not construed in *Williams v. Zimmerman*, 172 Md. 569.

An. Code, 1924, sec. 3. 1912, sec. 3. 1904, sec. 3. 1888, sec. 3. 1872, ch. 377. 1916, ch. 506, sec. 3.

3. Educational matters affecting a County shall be under the control of a County Board of Education.

At common law no action for tort could be maintained against a board of county school commissioners, nor is there any statute making them so liable. Such board is given no power to raise money to pay damages, and all of their funds are appropriated to specific purposes from which they cannot be diverted. *Weddle v. School Commissioners*, 94 Md. 342; *Fisher Co. v. Mackall*, 138 Md. 593.

The county school commissioners are proper parties to demand performance by county commissioners of their duty to levy taxes under sec. 93. *Worcester County v. School Commissioners*, 113 Md. 312.

An. Code, 1924, sec. 4. 1912, sec. 4. 1904, sec. 4. 1888, sec. 4. 1872, ch. 377. 1916, ch. 506, sec. 4.

4. Educational matters affecting a school district shall be under the care of a District Board of School Trustees.

Chapter 2. Formation of Boards.

An. Code, 1924, sec. 5. 1912, sec. 5. 1904, sec. 5. 1888, sec. 5. 1870, ch. 311. 1872, ch. 377, sub-ch. 2, sec. 1. 1874, ch. 463. 1890, ch. 157. 1904, ch. 584. 1916, ch. 506, sec. 5. 1929, ch. 249, sec. 5.

5. The State Board of Education shall be composed of seven members, who shall be appointed from the citizens of the State by the Governor for a term of seven years, from the first Monday in May next succeeding their appointment, and they shall hold office until their successors qualify. Provided that the terms of office of persons who are members of the Board, on the passage of this Act, shall not be affected by its provisions; and provided further, that in making appointments under this section the Governor shall appoint two members, before the first Monday, in May, 1929, one of whom he shall designate to hold office for a term of seven years, and one for a term of six years, from the first Monday in May, 1929. Thereafter the term of each member appointed to the Board shall be seven years. The members of the Board shall be appointed solely because of their character and fitness, but no person shall be appointed to the Board