

An. Code, 1924, sec. 37. 1912, sec. 21C. 1916, ch. 506, sec. 21C.

37. The state superintendent of schools shall prepare or cause to be prepared the annual report of the state board of education and shall submit the same to the board for its approval and adoption; he shall also prepare or cause to be prepared, all other reports which are or may be required of this board.

An. Code, 1924, sec. 38. 1912, sec. 21D. 1916, ch. 506, sec. 21D.

38. The state superintendent of schools shall perform such other duties as are assigned to him elsewhere in this Article, or may be assigned to him from time to time by the state board of education.

Chapter 4. County Board of Education.

An. Code, 1924, sec. 39. 1912, sec. 22. 1904, sec. 21. 1888, sec. 18. 1872, ch. 377. 1888, ch. 58. 1890, ch. 268. 1892, ch. 341. 1902, ch. 225. 1904, ch. 584. 1916, ch. 506, sec. 22.

39. The county board of education shall hold an annual meeting each year on the second Tuesday in May, or as near as possible thereto in May. At this meeting the board shall elect one of its members to serve as president and one to serve as vice-president. Other regular meetings shall be held at least once in each school term, and such special meetings may be held as the duties and business of the board may require. The members of the county boards of education shall receive no salary, but each member shall receive the sum of one hundred dollars annually for traveling and other expenses incident to attending the meetings and transacting the business of the board within the county.

Where board of county school commissioners is legislated out of office, the term of office of their secretary and treasurer, though employed for a period not yet expired, ends with appointment of his successor by new board. *Duer v. Dashiell*, 91 Md. 665.

The legislature is careful in this section to declare that power given belongs not to individuals, but to corporation. *School Commissioners v. Goldsborough*, 90 Md. 203. Cited but not construed in *Ash v. McVey*, 85 Md. 126.

See sec. 6 and notes.

An. Code, 1924, sec. 40. 1912, sec. 23. 1904, sec. 22. 1888, sec. 19. 1872, ch. 377. 1892, ch. 538. 1900, ch. 389. 1904, ch. 584. 1916, ch. 506, sec. 23.

40. The county board of education are hereby declared to be a body politic and corporate by the name and style of the board of education of county, and by that name shall have perpetual succession, and shall be capable to sue and to be sued, to use and to have a common seal, and the same at their pleasure to alter or break, and to exercise all the powers and privileges hereby granted to or vested in them.

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. The language "shall be capable to sue and be sued" construed. *Weddle v. School Commissioners*, 94 Md. 342; *Fisher Co. v. Mackall*, 138 Md. 593.

No single member of county board can bring a suit where ground of action is a matter affecting corporation as a whole. *Jones v. Keating*, 55 Md. 149.

Prior to act of 1870, ch. 377, the county school commissioners, while not incorporated, were a *quasi* corporation. *School Commissioners v. School Commissioners*, 35 Md. 202.

The members of the board of county school commissioners are not "civil officers" within meaning of art. 2, sec. 15, of the state Constitution, and hence, prior to act of 1900, ch. 29, they were not subject to removal by Governor—see sec. 59. *School Commissioners v. Goldsborough*, 90 Md. 198.

See secs. 6 and 39 and notes.