

An Act to exempt certain persons from the operation of Chapter 48 of Volume 15 of the Laws of Delaware, and to enable them to establish schools for their children in Sussex County

Section 1. Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch of the legislature concurring), that Whittington Johnson, William A. Johnson, Samuel B. Norwood, George L. Norwood, Robert W. Norwood, Elisha Wright, Return Wright, Selema Wright, Nicholas Wright, James H. Kimmey, Robert Clark, Thomas H. Clark, Myers B. Clark, Isaac Harmon, John Harmon, James H. Clark, William R. Clark, Ann Johnson, Robert B. Johnson, John Thompson, Theodore Harmon, Stephen M. Norwood, John Harmon, Mitchell Harmon, Gardiner Draine, David P. Street, David R. Street, David Wright, George W. Clark, Elias C. Clark, William Clark, all of whom are residents of Indian River Hundred and Sussex County of this state are hereby and shall be hereafter exempted and relieved from the operation and burdens of Chapter 48 of Volume 15 of the Laws of Delaware, entitled, An Act to tax colored persons for the support of their own schools and the said Chapter 48 of Volume 15 of the Laws of Delaware shall in no manner apply to them.

Section 2. Be it further enacted, that the parties named in the first section and their successors are hereby incorporated in constituted a body politic under the name of "The Indian River School Districts for a certain class of colored persons," and in such name, may among other things, have a corporate seal, take and hold ground for two school houses, and the appurtenances and furniture, and for such purpose may take and hold by devise, bequest or donations, real and personal estate not exceeding in annual income five hundred dollars, for the use of the schools in said district, and may alien the same; may take bond from their collector; may prosecute actions upon it, and any action for injury done to any property of the district, in which they shall recover double damages and costs, 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 sums demanded do not exceed one hundred dollars and he shall proceed as in other demands of like amount. The said district shall not possess any powers or franchises other than those hereby expressly given it.

Section 3. Be it further enacted - that anyone may hereafter be made a member of this corporation by a two thirds vote of those present at any stated meeting thereof, upon his posting thirty days before said stated meeting written notice of his application for membership on the front door of each school house, provided that no one shall be a member of this corporation who does not belong to the class of colored persons to which those mentioned in section one belong; is not above the age of twenty one years, a citizen of this state and a resident of said Indian River Hundred.

Section 4. Be it further enacted that the said corporation shall be divided into two sub-districts called respectively "Warwick District" and "Hollyville District." The limits of said sub-districts shall be defined by five members of the corporation to be selected by ballot at the first meeting of the corporation. They shall make report of their proceedings to the corporation and the same shall be recorded in its records but said limits may in like manner be at any time changed, the five members only to be appointed at a stated annual meeting.

Section 5. Be it further enacted that the persons named in section one of this act shall meet on the first Saturday of April next at two o'clock in the afternoon at some place to be selected by a majority, and shall proceed, after selecting a chairman and secretary to elect by ballot two school committees, one for each of said sub-districts. Such school

committees shall consist of a clerk and two commissioners and shall be elected for the term of three years. They shall also resolve by a majority vote what sum shall be raised for the purpose of purchasing a lot of ground and erecting thereon a school house in each of said sub-districts provided said sum shall not exceed the sum of four hundred dollars and shall also resolve by a like vote what sum shall be raised for the purpose of supporting the said two schools for the ensuing year, provided said sum shall not exceed the sum of two hundred dollars.

Section 6. Be it further enacted that the members of said corporation shall have a stated meeting every year on the first Saturday of April at two o'clock in the afternoon. Such meeting shall be held at the Warwick School House and Hollyville School House in the alternate years, and shall be kept open at least one hour. Every member who has paid his school tax for the preceding year shall have a right to vote. One third of the members of the corporation shall constitute a quorum and may proceed to business. They may appoint a Secretary and Chairman and shall resolve by a majority vote what ever shall be raised for the support of said two schools provided that said sum shall not exceed in any one year the sum of two hundred dollars in the aggregate. They shall also elect a school committee as aforesaid for the term of three years whenever the terms have expired and shall have the power to fill any vacancies by electing some one to serve for the residue of the term. They shall also at said stated meeting elect by ballot five members who shall then and there proceed to apportion to each member of the corporation his or her share or portion of the sum to be raised during the ensuing year for school purposes as aforesaid and shall make report of the same to the said meeting. Any member of the corporation who is dissatisfied with the report may appeal to the meeting stating his grounds and the matter shall be there and then decided by a majority vote. When said report has been adopted by a majority vote it shall be fixed and conclusive upon all parties. They shall also at said meeting elect a collector, to whom they shall give a proper warrant to collect the sum aforesaid from the parties upon whom it is assessed and who shall give bond in the penal sum of four hundred dollars for the proper performance of his duties. His oath shall be proof of a demand, and if a member does not pay the amount apportioned to him for ten days after demand the collector may bring suit therefor before a justice of the peace. The collector for the past year shall at said stated meeting render an account thereto which shall be at once examined by a committee of three to be appointed by the chairman.

Section 7. Be it further enacted that the School Committee of each sub-district shall select the teachers for these respective schools but the stated annual meeting shall determine how many months the school shall be open and how much money shall be apportioned to each sub district from the aggregate sum to be raised for the year. Each school shall be open to all the children between the ages of seven and twenty one of those members who have duly paid to the collector of the preceding year the sums with which they were charged.

Section 8. Be it further enacted that any member who has paid all the sums with which he is charged as aforesaid may withdraw from membership in said corporation by giving notice at the annual stated meeting of his intention so to do, providing however that he shall immediately thereupon become again liable to the provisions of the said Chapter 48 of volume 15 of the Laws of Delaware.

Passed at Dover March 10, 1881

Reynear Williams
Speaker of the House of Representatives

Catesby F. F. Rust
Speaker of the Senate