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TO: COUNCIL MEMBERS

FROM: David Whitaker, Director 
Legislative Policy Division Staff

DATE: April 26, 2021

RE: Detroit Public Library Relationship

Councilmember Scott Benson requested for the Legislative Policy Division to compile a comprehensive historical report of the relationship between the City of Detroit and the Detroit Public Library (DPL), as well as, identify who owns DPL's assets, in addition to determining Detroit Public Schools Community District's (DPSCD) role in the operations and governance of DPL.

Background

The Detroit Public Library system is the second largest library in the State of Michigan and the twentieth largest in the United States in terms of the number of volumes held. DPL offers over 7.5 million volumes and more than 800 public access computers at its Main Library, 8 mobile libraries, and 21 neighborhood branches. All of the volumes are owned by the Library Commission.

There are a total of 29 buildings that are either still functioning as libraries or were at some point a functioning library. According to the Assessor's office most recent data available, 18 of those 29 libraries are owned by the Library Commission, 7 are privately owned and 4 are owned by the City through Planning and Development Department (PD&D) of the Detroit Building Authority (DBA) and the Water & Sewage Department¹. As of today, the mobile libraries and 7 of the 22 library branches are open, and 15 are temporarily closed due to Covid-19 restrictions and other funding difficulties².

¹ The public library at 10100 E. Jefferson was the Hurlbut Library which according to reports was created to house the personal collection of Chauncey Hurlbut a leader of the Detroit Board of Water Commissioners and father of Water Works Park. In 1874, the Detroit Board of Water Commissioners purchased the 56-acre site which includes the location of the Hurlbut Library.

² See Appendix A (Compiled by Historic Designation Advisory Board, HDAB using parcel data from the Assessor's Office (last updated Dec 1, 2020))

Establishing the Detroit Public Library

The State of Michigan authorized in its 1835 State Constitution, for the establishment of Libraries. At that time, legislators decided that penal fines³ levied as a punishment for a violation of the criminal penal code, or a violation against the state. The penal fines would be placed into a library fund to finance the creation and operation of libraries. The county treasurer was to disburse funds collected from penal fines to libraries located in its county. This law remains in the current Michigan Constitution, under Article VIII, section 9. Presently, only 12 states use penal fines to fund libraries and Michigan is the only state to constitutionally mandate the use of penal fines for that purpose.

Article VIII, section 9 of the Michigan constitution states: “The legislature shall provide by law for the establishment and support of public libraries which shall be available to all residents of the state under regulations adopted by the governing bodies thereof. All fines assessed and collected in the several counties, townships and cities for any breach of the penal laws shall be exclusively applied to the support of such public libraries, and county law libraries as provided by law.”

The Board of Education was established by the City of Detroit’s mayor, Douglass Houghton, in 1842. Houghton served as its president and recorder, with two inspectors from each of the six education wards across the City constituted the Board⁴. It became the mission of the school board to establish a public library as an extension of the education system. That same year, the board petitioned the State to allow a property tax to fund its operation and to authorize the election of the board of education. Soon after, the Governor signed Special Act 70 of 1842 called “An Act relative to free schools in the city of Detroit”, which recognized the establishment of the Detroit Board of Education, provided for a tax to fund the school board, authorized the board to establish a library, and declare penal fines as the rightful property of the newly created Detroit Board of Education⁵.

Section 12 of Act No. 70 of 1842 states: “The board of education shall establish a district library and for the increase of the same, the common council are authorized annually to lay a tax on real and personal property within said city, of a sum not exceeding two hundred dollars, which tax shall be levied and collected in the same manner as the moneys raised to de-fray the general expenses of said city.”

More than 20 years later, after fighting for and finally receiving a sufficient amount of penal fine revenue in 1860, the Detroit Board of Education opened the first Detroit Public Library in a small room of the Capitol High School on Griswold Street in 1865. The high school had been converted from the old State Capitol Union Building in 1863.

There is a misconception that Local Act 233 of 1869⁶ provided for the establishment of the Detroit Public Library. This is inaccurate. Special Act No. 70 of 1842⁷, in fact, provided for the establishment of the Detroit Public Library. LPD supposes this discrepancy extends from an article written by Citizens

³ The term “Penal Fine” comes from the “**Penal code**” of Michigan laws that denote criminal laws and their punishment as defined by Black’s Law Dictionary (11th ed. 2019). Generally, “penal” is used for criminal laws – laws for the protection of the state as a whole.

⁴ The Detroit Historical Society: <https://detroithistorical.org/learn/encyclopedia-of-detroit/detroit-public-library>

⁵ Section 12 of Special Act No. 70 of 1842 from the e-book **Acts of the Legislature of the State of Michigan (Passed at the Annual Session of 1842)** published by the State of Michigan, page 696-700

<https://play.google.com/books/reader?id=aDg4AAAAIAAJ&printsec=frontcover&pg=GBS.RA2-PA112> & “Parnassus on Main Street; a History of the Detroit Public Library: Woodford, Frank B. (Frank Bury), 1903-1967: Free Download, Borrow, and Streaming.” *Internet Archive*, Detroit, Wayne State University Press, 1 Jan. 1965, archive.org/details/parnassusonmains0000wood/page/64/mode/2up.

⁶ See Appendix D: Local Act 233 of 1869

⁷ See Appendix B: Special Act No. 70 of 1842

Research Council of Michigan⁸ in 1990, which states DPL was established by LA 233 of 1869 and others have subsequently referenced it mistakenly. Additionally, DPL was established 4 years before the 1869 Act was passed.

In 1873, the Board of Education petitioned the State legislature again, this time, to authorize a bond sale of \$150,000 to fund a new library building, which was granted. The Detroit Board of Estimates approved a \$125,000 bond sale for the Board of Education in 1874 to build a new library in Centre Park at the dismay of City Council. A 50-year lease for the Centre Park Branch was signed and its construction was completed in 1877. The Centre Park Library was demolished in 1931 in order to build what is now, the Skillman Branch.

The library remained under the control of the Detroit Board of Education until 1881, when its governance authority was transferred to the Library Commission. Governance was transferred to the Commission because the Board of Education was expanding the public school system causing the need for library system to be overlooked. Local Act 314 of 1881⁹, authorized the creation of the Library Commission for the purpose of managing the library, including all funds, property, and employees connected to it, as well as, to provide for a property tax of a fifth of a mill to fund maintenance expenses.

Local Act 314 of 1881 stated, “ The Board of Education shall establish and maintain a district library: Provided, that the said Board of Education may, in its discretion, elect a Board of Commissioners of the Public Library of Detroit, to which it may transfer the care and custody of the funds and property of such district library...and it shall make annual reports to the Board of Education of the condition of the library and its funds...Such board shall be known as the Detroit Library Commission...A special library tax of one-fifth of one mill on the dollar on property assessed for City purposes shall be levied each year with the other City taxes and paid over to said Commission...Such commission may appoint, remove, and otherwise control all persons employed in such Library, and fix their compensation from time to time, in their discretion...”

In its transfer of authority, the only continuing power of the Board of Education over the governance of the library is appointing the Board of Library Commissioners¹⁰, which consists of 7 members, with the president of the Board of Education acting as ex-officio. The Commissioners continue to be the sole governing body of the public library system today.

In 1902, Detroit voters approved another library bond sale of \$500,000 to fund a new main library building. Proceeds from that bond sale, along with a \$750,000 donation in 1910 from Andrew Carnegie, a library philanthropist, was used to build the main library on Woodward Ave., and seven smaller branches. The main library was completed in 1921.

By the end of the 1920s, more than twenty libraries had been constructed with the help of donations, private investors, bond sales, and contributions from the City of Detroit. By 1960, eighteen libraries were either constructed or remodeled, with eleven of the eighteen occurring in the 1950s. Other buildings were later constructed in part with funds provided by the Library Service Construction Act (LSCA) after its adoption in 1964.

DPL's Legal Definition

It is important to determine how a library is established, in order, to determine the manner in which a library can function. There are 6 different types of libraries recognized by the State of Michigan,

⁸ Queller, Robert L. “The Taxing Authority of the Detroit Public Library.” *CRCMich, Citizens Research Council of Michigan*, Sept. 1990, cremich.org/wp-content/uploads/librarymil.pdf.

⁹ See Appendix C: Local Act of the State Legislature 314 of 1881 amended Local Act 233 of 1869 “The Free School Act”, and the 1869 Act amended Special Act No. 70 of 1842, “An Act Relative to Free Schools in the City of Detroit, which authorized a free education system in the City.”

¹⁰ Local Act 359 of 1901, as amended by LA 390 of 1903

including: City, Village, Township¹¹, District¹², County¹³, and School District Libraries¹⁴. Each type has its own set of rules of establishment, governance, funding acquisition, and budget policies.

Below is an excerpt of a chart from the State of Michigan’s website, which currently lists DPL as a “city library.” However, based on the information LPD has obtained, DPL is not a “city library” because it was not created by a local petition, ordinance, resolution, or charter provision.

Location	Library Class	Type	Total Population Served
Dearborn Public Library	Class 6: Serve 50,000+	City	98,153
Detroit Public Library	Class 6: Serve 50,000+	City	713,777
Farmington Community Library	Class 6: Serve 50,000+	District	90,112
Flint Public Library	Class 6: Serve 50,000+	District	102,434

*Clipped from Michigan.gov pdf called “Michigan Public Libraries by Governance and Class Size”¹⁵

As stated before, Special Act No. 70 of 1842 provided for the establishment of a “district library” by the Detroit Board of Education. However, DPL is not a “district library,” as currently defined as a joint library system comprised of multiple municipalities under “the District Library Establishment Act” of 1989 (MCL 397.171).

According to DPL, the Detroit Public Library does not fit any of the aforementioned types due to its unique establishment under Local Act No. 70 of 1842. Established as a district library, in 1881 the State under Local Act 314 provided for the creation of the Library Commission to manage and operate the library. The Library Commission was incorporated by an amendment to the 1881 law under Local Act 359 of 1901¹⁶.

Detroit Public Library’s Relationship with the City of Detroit

As previously mentioned, Local Act 359 of 1901¹⁷ amended Local Act 314 that established the Library Commission in 1881, to provide for the incorporation of the Detroit Library Commission. This amendment made DPL an independent municipal corporation that can acquire land, construct library buildings, and maintain those buildings. Act 359 of 1901 was amended by Local Acts 390 of 1903 and Local Acts 460 of 1905, which made the library’s budget subject to City Council’s approval.

Local Act 460 of 1905 states: “It shall be the duty of the Detroit Library Commission to transmit to the common council through the city controller, on or before the first day of February in each year, or at such time or times as the common council of the City of Detroit may by ordinance prescribe for the submission of annual estimates, an estimate of the amount of money said commission may deem necessary for the proper maintenance of the public libraries of the City of Detroit, during the fiscal year next ensuing, which estimate shall, as far as practicable, be made in detail, specifying the amounts required for books, magazines and other publications, for salaries of employees, repairs, new buildings, additions to library buildings, fuel, supplies, and general current expenses, together with an estimate of the revenues to be derived during the fiscal year next ensuing, from sources other than taxation. So much of the said estimate as the common

¹¹ City, Village, Township Libraries Act, PA 164 of 1877 (MCL 397.201, 397.210a)

¹² The District Library Establishment Act, PA 24 of 1989 (MCL 397.171, 397.176) amended PA 164 of 1955

¹³ County Library Act, PA 138 of 1917 (MCL 397.301)

¹⁴ Section 1451 of the School Code of 1976 (MCL 380.1451)

¹⁵ https://www.michigan.gov/documents/libraryofmichigan/FY2019_Michigan_Public_Libraries_by_Governance_and_Class_Size_669948_7.pdf

¹⁶ According to Michigan Attorney General, Frank Kelley opinion #6224 written in 1984, “The Detroit Library Commission (commission), as a body corporate, was established as a separate municipal corporation to administer the Detroit Public Library.”

¹⁷ Act 314 of 1881 established DPL. Local Act 359 of 1901 superseded Act 314 of 1881.

council and the board of estimates of the City of Detroit shall approve shall be levied and collected the same as other city taxes of the said city; Provided, however, that the amount so approved, together with the revenues to be derived from other sources than taxation, except gifts, grants, devises, bequests, fines for breach of the penal laws of the State and funds from other than public sources, shall not be less than one-fifth of a mill on the dollar on property assessed for city purposes. It shall be unlawful for the said Detroit Library Commission to pay out or agree to pay out any object or objects disallowed by the said common council or board of education.”

In 1909, the State of Michigan passed a law, that stated it would no longer enact local acts, where a general act was possible. This led to the adoption of PA 26 of 1921¹⁸, which clarified the aforementioned Local Acts of 1901, 1903, and 1905. PA 126 of 1921, mandated that library commissions in cities with a population of more than 250,000, must have the library budget prepared and approved in the same manner as other city departments¹⁹. Due to the population requirement, Detroit was the only city affected by this provision.

Furthermore, PA 126 of 1921 was amended by PA 185 of 1947²⁰, which strengthened the scope of services the City of Detroit must provide to the Library Commission.

PA 185 of 1947, Section 5 states: “All payrolls, bills, accounts and claims of every character against the library commission after having been duly audited and approved by the commission, ... shall be transmitted to the city controller, who shall endorse thereon his approval or disapproval. When so endorsed with approval the controller shall draw his warrant or warrants on the city treasurer in payment therefor.”

Additionally, the Courts have identified libraries as an integral and instrumental part of the education system, the Court has also recognized that the educational system is the direct purview of the State. In *Bird v Board of Education of City of Detroit*, 154 Mich. 584 118 N.W. 606 (1908) the Court determined:

“In our opinion the very purpose of the amendment was but a new grant of power.’ ‘Education in Michigan belongs to the state. It is no part of the local self-government inherent in the township or municipality, except so far as the Legislature may choose to make it such. The Constitution has turned the whole subject over to the Legislature.”

Also, State law does not require municipalities to provide any appropriations to the public library. However, the 2012 Detroit City Charter allows the City to contribute from its general fund appropriations to the library, in accordance with Section 9-504 of the Detroit City Charter.

Section 9-504 of the 2012 Detroit City Charter states: “The City may make appropriations to, and exercise its power in aid of, the Detroit Library Commission for the operation of libraries within the City.”

DPL and Property Taxes

In 1933, Article X, Section 21 of the 1908 State Constitution was amended, to place a 15-mill limitation on property taxes (.15 cents for every \$10 of property value at that time) for any one year. This limitation was a response to tax delinquencies during the Great Depression causing a substantial number of foreclosures²¹. A 1963 constitutional amendment increased the limit to 18 mills, if approved by residents of the City of Detroit.

¹⁸ MCL 397.401-397.405

¹⁹ PA 62 of 1933 (MCL 397.201 – 397.205)

²⁰ PA 185 of 1947 (MCL 387.405), amended Act 26 of 1921

²¹ <https://crcmich.org/wp-content/uploads/rpt295.pdf>

1963 Michigan Constitution Article IX, 6 Section states: “...the total amount of general ad valorem taxes imposed upon real and tangible personal property for all purposes in any one year shall not exceed 15 mills on each dollar of the assessed valuation of property as finally equalized... separate tax limitations for any county... and for school districts therein, the aggregate of which shall not exceed 18 mills on each dollar of such valuation, may be adopted and thereafter altered by the vote of a majority of the qualified electors of such county voting thereon... These limitations may be increased to an aggregate of not to exceed 50 mills on each dollar of valuation, for a period of not to exceed 20 years at any one time...”

The City of Detroit is exempt from the 15 mill limitation because it is a Home Rule City governed by a charter with its own millage limitations²². However, the library is not exempt since it is defined as an independent municipal corporation that operates separately from the City.

A report written by Citizens Research Council determined DPL does not have taxing authority²³; while, the Michigan Attorney General, Frank Kelley in 1984²⁴ stated that Local Act 460 of 1905:

“[a]uthorizes a special library tax of not less than one-fifth of a mill to be levied upon property assessed for city purposes, taking into account certain other sources of support...”

The Attorney General further explained:

“As a local unit, the Detroit Library Commission may seek within the 15 mill limitation additional allocation, based upon its budget, from the Wayne County Allocation Board. 1933 PA 62, *supra*, § 11(e). The right to any additional levy over .64 mills depends upon a favorable election to increase the tax rate limitation.”

Public Libraries’ most stable and indispensable source of funding is its dedicated millage. Currently, approximately 89% of the library’s budget is funded by 4.63 mills per \$1,000 in taxable property value. Of that 4.63 mills, 3.9943 mills was approved by voters in 2014 until 2025, and .64 mills is collected and paid by the school district to the Library Commission in perpetuity²⁵. The remaining 11% of the budget is funded by grants, fundraisers, revenues from library’s assets, applicable penal fines²⁶, shared taxes, state aid as a sole member of the Detroit Library Cooperative²⁷, federal aid through the federal Library Services and Technology Act (LSTA).

Millage revenue has been hindered by several laws enacted by the State Legislature. The Headlee Act of 1978 and Proposal A passed by voters in 1994, severely limited local government revenue from property taxes by limiting the growth of state equalized value and taxable value of properties, respectively. Millage Revenue for the library is further impacted by the approval of projects that use Tax Incremental Financing (TIF)²⁸ administered by the Detroit Downtown Development Authority (DDA)²⁹.

DPL’s Retirement Services Provided by the City of Detroit

The State of Michigan enacted PA 339 in 1927, which mandated the establishment of a retirement system

²² The Home Rule City Act, PA 279 of 1909, MCL 117.1 et seq., gives the City of Detroit the authority to establish a charter and set reasonable taxes.

²³ Queller, Robert L. “The Taxing Authority of the Detroit Public Library.” *CRCMich, Citizens Research Council of Michigan*, Sept. 1990, crcmich.org/wp-content/uploads/librarymil.pdf.

²⁴ Mich. Op. Atty Gen. 297 (Mich.A.G.) Opinion No. 6224.

²⁵ MCL 211.211, Section 11(4) County tax allocation board; powers and duties in determining tax rates

²⁶ MCL 600.8379, Public Act 236 of 1961

²⁷ PA 89 of 1977 (MCL 397.551) formed by an agreement between two or more libraries upon approval by the state legislative council. DPL has been a Library Cooperative since 2005.

²⁸ MCL 125.4303

²⁹ MCL 125.4203

for library workers. The act required the Library Commission to submit a retirement plan for employees of the library to City Council or, if no plan was submitted by the commissioners, the City would place the library workers on the same retirement plan as the employees of the City³⁰. Today, the City of Detroit continues this practice by administering retirement contributions for library workers under the General Retirement System (GRS). According to *Public Act 339 of 1927*

Section 1 States: “The legislative body of any incorporated city of 250,000 or more, where free public libraries have been or may hereafter be established is hereby authorized, upon the application and recommendation of the local library board or commission or body duly authorized by law to maintain free public libraries in such city, to establish a system of retiring allowances for the employees of such libraries which system shall be based upon the principle that there shall be accumulated, year by year, a reserve fund sufficient to provide the agreed annuity at the time of retirement. Upon the establishment of such system, the local legislative body shall raise by taxation each year a sum which will provide an adequate reserve fund.”

Section 6 States: In lieu, however, of formulating any plan under the foregoing sections of this act the library board and the local legislative body may, by concurrent resolution, adopt and put into effect for the employees of the library any plan which may have been, or may hereafter be, adopted for the employees of the city.

Conclusion

The relationship between the City of Detroit, the Library Commission, and the Detroit Board of Education is completely established by the State of Michigan. As an Independent municipal corporation, the library handles its own hiring, purchasing, and internal planning. Conversely, State law places the responsibility of budgeting and accounting in the hands of the City of Detroit. Ownership, maintenance, and governance of the Detroit Public Library’s collections, operations, and properties are entirely handled by the Library Commission. The Board of Education only appoints the commissioners, while the City has the authority to approve/disapprove of expenditures during the budget process, but cannot control day to day spending.

The most noteworthy revelation in compiling DPL’s history is DPL not fitting any of the six types of libraries defined by State law and Michigan’s website mistakenly identifying DPL as a city library. Both of these assertions are inconsistent with the language found in the 1842 law that established DPL, which uses the term “district library,” before it was defined by State law more than a century later.

Any actions taken in regards to the operation, funding, or control over the Detroit Public Library would have to be done by the State legislature. The State will have to decide whether the financial operations of the library are of greater concern than the historical recognition that libraries are an integral part of the education system, which is under the purview of the State.

If there are any other questions or concerns, please do not hesitate to call upon LPD.

³⁰ MCL 38.701 – 38.706 City library employees' retirement system; establishment.

Appendix A (Compiled by HDAB)

Using parcel data from the Assessor's Office (last updated Dec 1, 2020)

Analysis of Detroit Public Library Branch Buildings

Name	Address	Status	Ownership	Historic
Campbell Branch	8733 W. Vernor	Open	Private	
Edison Branch	18400 Joy Rd	Open	Library Commission	
Jefferson Branch	12350 E. Outer Dr	Open	P&DD care of DBA	
Main Branch	5201 Woodward	Open	Library Commission	Yes
Parkman Branch	1766 Oakman	Open	Library Commission	
Redford Branch	21200 Grand River	Open	Library Commission	
Wilder Branch	7140 E. Seven Mile	Open	Library Commission	
Butzel Branch	2025 E. Grand Blvd	Demolished	N/A	
Lothrop Branch	W. Warren and W. Grand Blvd	Demolished	N/A	
Mark Twain Branch	8500 Gratiot	Demolished	N/A	
Monnier Branch	13600 Grand River	Demolished	N/A	
Osius Branch	Gratiot and Burns	Demolished	N/A	
Schoolcraft Branch	Davison and Lumkin	Demolished	N/A	
Scripps Branch	Scripps Park	Demolished	N/A	
Walker Branch	10720 Mack	Demolished	N/A	
Bowen Branch	3648 W. Vernor	Closed (temporary)	Library Commission	Yes
Chandler Park Branch	12800 Harper	Closed (temporary)	P&DD care of DBA	
Chaney Branch	16101 Grand River	Closed (temporary)	Library Commission	
Chase Branch	17731 W. Seven Mile	Closed (temporary)	P&DD care of DBA	
Conely Branch	4600 Martin	Closed (temporary)	Library Commission	Yes
Douglass Branch	3666 Grand River	Closed (temporary)	Library Commission	
Duffield Branch	2507 W. Grand Blvd	Closed (temporary)	Library Commission	Yes
Elmwood Park Branch	550 Chene	Closed (temporary)	Private	
Franklin Branch	13651 E. McNichols	Closed (temporary)	Library Commission	Yes
Hubbard Branch	12929 W. McNichols	Closed (temporary)	Library Commission	
Knapp Branch	13330 Conant	Closed (temporary)	Library Commission	Yes
Lincoln Branch	1221 E. Seven Mile	Closed (temporary)	Library Commission	
Monteith Branch	14100 Kercheval	Closed (temporary)	Library Commission	Yes
Sherwood Forest Branch	7117 W. Seven Mile	Closed (temporary)	Library Commission	
Skillman Branch	121 Gratiot	Closed (temporary)	Library Commission	Yes
Ginsburg Branch	91 Brewster	Closed (permanent)	Private	Yes
Gray Branch	1117 Field	Closed (permanent)	Private	Yes
Hosmer Branch	3506 Gratiot	Closed (permanent)	Private	Yes
Hurlbut Branch	10100 E. Jefferson	Closed (permanent)	Water & Sewage Dept	Yes
Richard Branch	9876 Grand River	Closed (permanent)	Library Commission	Yes
Utley Branch	8726 Woodward	Closed (permanent)	Private	
Williams Branch	20845 Fenkell	Closed (permanent)	Private	Yes

*8 mobile libraries are open outside Chase, Conely, Douglass, Duffield, Elmwood Park, Franklin, Knapp, and Sherwood Forest Branches

Appendix B

Special Act No. 70 of 1842, Section 12

from Acts of the Michigan Legislature e-book, published by the State of Michigan

[No. 70.]

AN ACT relative to free schools in the city of Detroit.

City of De-
troit one
school dis-
trict.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That the city of Detroit shall be considered as one school district, and hereafter all schools organized therein, in pursuance of this act, shall, under the direction and regulations of the board of education, be public and free to all children residing within the limits thereof, between the ages of five and seventeen years, inclusive.

Election of
school in-
spectors.

SEC. 2. In lieu of the school inspectors now required to be elected in said city, there shall be twelve school inspectors, to be elected in the manner following : At the next annual charter election, there shall be elected in each ward of said city, two school inspectors, one of whom shall hold his office for two years, and the other for one year ; and, at every annual election thereafter, there shall be elected in each ward, one school inspector, who shall hold his office for two years. No school inspector shall be entitled to receive any compensation for his services.

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common council of the city of Detroit may fill the same, until the next annual election, when, if such vacancy happen in the first year of the term of said office, the electors of the proper ward may choose a suitable person to fill the remainder of such term : *Provided*, the city clerk shall give notice of such vacancy prior to such election, as may be required in other cases. In cases of
vacancy.

SEC. 4. Every person elected to the office of school inspector, who, without sufficient cause, shall neglect or refuse to serve, shall forfeit to the board of education, for the use of the library, the sum of ten dollars, to be recovered in an action of debt in some competent court : *Provided*, no person shall be compelled to serve two terms successively ; and the said board shall make all necessary rules and regulations relative to its proceedings, and punish by fine, not exceeding five dollars for each offence of any member of the board, who may, without sufficient cause, absent himself from any meeting thereof, to be collected as they may direct. Fine for ne-
glect or refu-
sal to serve.

Power to
fine.

SEC. 5. The school inspectors, together with the mayor and recorder of said city, (who are declared to be ex-officio school inspectors,) shall be a body corporate, by the name and style of "The board of education of the city of Detroit," and, in that name, may be capable of suing and being sued, and of holding or selling and conveying real and personal property, as the interest of said common schools may require; and shall also succeed to, and be entitled to demand, all moneys and other rights belonging to, or in possession of, the board of school inspectors, or any member thereof, or of any school district board, or any member thereof, or any real and personal property or other rights, of any such district in said city, and the clear proceeds of all such property which may come into the possession of said board, as last aforesaid, shall be accounted for and distributed among the several persons of whom the same may have been collected, in such manner as the said board may deem just and proper.

Disposition
of property.

SEC. 6. The board of education, (eight members whereof may form a quorum,) may meet from time to time at such place in said city as they may designate; the mayor shall be president of the board, and shall preside at all meetings thereof, but in case of his absence, or the absence of the recorder, a majority of the inspectors present

Eight mem-
bers form a
quorum.

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at any meeting, may choose one of their number president *pro tempore*.

Clerk. SEC. 7. The clerk of said city shall be *ex-officio* clerk of said board, and shall perform such duties as the board of education may reasonably require. In case of the absence of said clerk, or for any other cause, the board may choose some suitable person to perform his duties, either as principal or deputy clerk.

The recorder. SEC. 8. The recorder of said city shall be entitled to a seat at the meeting of said board, for the purpose of deliberation, and of acting on committees, but shall have no vote therein, except when the mayor shall be absent, in which case he shall act as president.

General powers. SEC. 9. The board of education shall have full power and authority, and it shall be their duty, to purchase such school houses, and apply for and receive from the county treasurer or other officer, all moneys appropriated for the primary schools and district library of said city, and designate a place where the library may be kept therein. The said board shall also have full power and authority to make by-laws and ordinances relative to taking the census of all children in said city between the ages of five and seventeen years: relative to making

all necessary reports and transmitting the same to the proper officers, as designated by law, so that said city may be entitled to its proportion of the primary school fund; relative to visitation of schools; relative to the length of time schools shall be kept, which shall not be less than three months in each year; relative to the employment and examination of teachers, their powers and duties; relative to regulation of schools and the books to be used therein; relative to the appointment of necessary officers, and prescribe their powers and duties; relative to any thing whatever that may advance the interest of education, the good government and prosperity of common schools in said city, and the welfare of the public concerning the same.

Jurisdiction. SEC. 10. The mayor's court shall have jurisdiction of all suits wherein said board may be a party, and of all prosecutions for violation of said by-laws and ordinances.

Annual statement. SEC. 11. The said board shall annually, in the month of February, publish in some newspaper of the city, a statement of the number of schools in said city; the number of pupils instructed therein

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the year preceding; the several branches of education pursued by them, and the expenditures for all things authorized by this act, during the preceding year.

SEC. 12. The board of education shall establish a district library, ^{District library.} and for the increase of the same, the common council are authorized annually to lay a tax on the real and personal property within said city, of a sum not exceeding two hundred dollars, which tax shall be levied and collected in the same manner as the moneys raised to defray the general expenses of said city.

SEC. 13. The common council of said city are hereby authorized, ^{Taxes for support of.} once in each year, to assess and levy a tax on all the real and personal property within said city, according to the city assessment roll of that year, which shall not exceed one dollar for every child in said city between the ages of five and seventeen years; the number of children to be ascertained by the last report on that subject, on file in the office of the clerk of the county of Wayne, or in the office of the clerk of said board of education, and certified by the president thereof, and the said tax shall be collected in the same manner as the moneys raised to defray the general expenses of said city; all such

moneys shall be disbursed and expended by the authority of said board for the support and maintainance of said schools, and for no other purpose whatever.

SEC. 14. The treasurer of said city shall be the treasurer of said ^{Treasurer.} board, unless otherwise directed by said board; he shall keep all moneys belonging to said schools separate from the moneys belonging to the corporation of said city; and he shall not pay out or expend the school moneys, without the authority of the said board.

SEC. 15. The collector of said city, when he shall have paid ^{Collector.} any school moneys to said treasurer or other person, shall take a receipt therefor, and file the same with the clerk of said board; and it shall be the further duty of the collector, when he shall have made his final return concerning the collection of said tax, to make a report to said board, stating the whole amount of school tax, the amount collected, and the amount returned by him to the common council as unpaid or uncollected.

SEC. 16. The collector and treasurer shall, before they enter on ^{Collector and treasurer give bonds.} their duties under this act, enter into such bonds to said board, and ^{Do not give bonds.}

with such sureties as may be deemed necessary, conditioned for the faithful discharge of their duties respectively, under this act.

Acts repealed.

SEC. 17. All parts of acts, so far as they relate to the city of Detroit, inconsistent with this act, are hereby repealed; and it shall not be necessary to elect any school district officers in said city, as heretofore required by law.

SEC. 18. This act shall take effect from and after its passage.

Approved February 17, 1842.

Appendix C

Act 314 of 1881

Provided by the Detroit Public Library

ACT NO. 314

LOCAL ACTS, 1881

Sec. 2. The Board of Education shall establish and maintain a district library: Provided, That the said Board of Education may, in its discretion, elect a Board of Commissioners of the Public Library of Detroit, to which it may transfer the care and custody of the funds and property of such district library. Such Board of Commissioners shall not be members of the Board of Education, except in the cases hereinafter mentioned, and when elected shall be clothed with all powers for the management and control of the library now vested in the Board of Education, and shall consist of six members, who shall be elected by the Board, and shall hold their offices for six years, except that the members of the first Board shall be chosen for the terms of one, two, three, four, five and six years respectively. Of this Board of Commissioners the President of the Board of Education shall be a member ex-officio, and it shall make annual reports to the Board of Education of the condition of the Library and its funds. One member of such Board of Commissioners shall be elected annually in place of the member whose office expires in that year, and vacancies from any cause may be filled at any time by the Board of Education of a person or persons to fill such vacancy. Such Board shall be known as the "Detroit Library Commission," and may in that name exercise control over the Library and all funds and property connected with or belonging to it. A special library

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tax of one-fifth of one mill on the dollar on property assessed for City purposes shall be levied each year with the other City taxes and paid over to said Commission. The Treasurer of the Board of Education shall be ex-officio Treasurer of said Commission, and hold moneys belonging to the library fund or to said Commission, subject to their disposal. Such Commission may appoint, remove, and otherwise control all persons employed in such Library, and fix their compensation from time to time, in their discretion, and may appoint such officers as they see fit for their own business.

This act is ordered to take immediate effect.
Approved March 11, 1881.
Superseded by Local Act 359, 1901.

Appendix D

Local Act 233 of 1869, Section 11 Provided by the Detroit Public Library

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term of office is unexpired, shall constitute a village board, and a majority of the board shall constitute a quorum for the transaction of business, and a less number may adjourn from time to time. The president also shall be the chief executive officer of the village. He shall preside at the meetings of the board, and it shall be his duty to see that all the officers of said village faithfully discharge their duties; and in case of his absence or inability to serve, the trustees shall have power to elect, from their own number, a president *pro tem.*, who shall have all the powers, and perform all the duties of president; and the president and board of trustees shall, within one week after any annual election, appoint a suitable person to perform the duties of marshal of said village for one year, unless sooner removed, as hereinafter provided; and the said marshal shall, before entering upon the duties of said office, give official bond to the people of this State, in such sum and with such sureties, to be approved by the president and trustees, conditioned that he will faithfully account for, and pay over all moneys which may come into his hands, as marshal, and for the faithful performance of his official duties.

Sec. 3. This act shall take immediate effect.

Approved February 24, 1869.

[No. 233.]

AN ACT relative to free schools in the city of Detroit.

SECTION 1. *The People of the State of Michigan enact*, That the city of Detroit shall be considered as one school district, and all schools now organized and hereafter to be organized therein, in pursuance of this act, shall, under the direction and regulations of the board of education, be public and free to all children residing within the limits thereof, between the ages of five and twenty years, inclusive.

Sec. 2. The board of education of the city of Detroit shall consist of two school inspectors from each and every ward of

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for the improvement of the highway leading from the village of Lyons, to the village of Muir, in the county of Ionia," approved March twenty-fifth, eighteen hundred and sixty-seven, be and the same is hereby repealed.

Sec. 2. That this act shall take immediate effect.

Approved February 24, 1869.

[No. 232.]

AN ACT to amend an act entitled "An act to incorporate the village of Ionia," approved February seventeenth, eighteen hundred and sixty-five.

SECTION 1. *The People of the State of Michigan enact*, That section two of an act entitled "An act to incorporate the village of Ionia," approved February seventeenth, eighteen hundred and sixty-five, be and the same is hereby amended so as to read as follows:

Sec. 2. The male inhabitants of said village, having the qualifications of electors under the constitution of the State, shall meet at Amplett's Hall, in said village, on the first Monday of March next, and on the first Monday of March annually thereafter, at such place as shall be provided in the by-laws of said village, and there by ballot shall elect, by plurality of votes, one person to be president of said village; and three persons shall, in like manner, be elected trustees for one year, and three for two years; and annually thereafter a president shall be elected as aforesaid, who shall hold his office for one year, and three trustees shall be elected, who shall hold their offices for two years; but if an election of president and trustees shall not be made on the day when, pursuant to this act, it ought to be made, the said corporation shall not, for that cause, be dissolved, and it shall be lawful to hold such election at any time thereafter, public notice being given, as prescribed by this act for the holding of the regular election. The president and trustees three trustees thus elected, together with three trustees whose

When election held on the day specified

village to continue

Election of said city, to be elected in the manner following: At every annual election, there shall be elected one inspector for each ward, who shall hold his office for the term of two years:

Provida.

That the present members of the board of education shall hold their offices for the term for which they were severally elected, and no school inspector shall receive any compensation for his services.

Vacancy in office of school inspector; how filled.

Sec. 3. In case of a vacancy in the office of school inspector, the common council of the city of Detroit may, on nomination by the mayor, fill the same until the next annual election, when, if such vacancy happen in the first year of the term of said office, the electors of the proper ward may choose a suitable person to fill the remainder of such term: *Provided*, The city clerk shall give notice of such vacancy prior to such election, as may be required in other cases.

Penalty.

Refusal of school inspector to perform duties; penalty.

Sec. 4. Every person elected to the office of school inspector, who, without sufficient cause, shall neglect or refuse to serve, shall forfeit to the board of education, for the use of the public library, the sum of ten dollars, to be recovered in an action of debt in some competent court; and the said board shall make

Absence from meeting; fine.

and punish by fine, not exceeding five dollars for each offense, any member of the board who may, without sufficient cause, absent himself from any meeting thereof, to be collected as they may direct: *Provided*, That no person shall be compelled to serve two terms successively: *Provided, also*, That the removal of any member of the board of education from the ward for which he is elected school inspector, after such election, shall not operate to vacate his office; but notwithstanding such removal, any inspector so removing shall continue to hold his said office, and to be a member of said board: *Provided, however*, That the removal of such member shall not be from the city.

Ibid.

Body corporate.

Sec. 5. The school inspectors, together with the mayor and recorder of said city, (who are declared to be *ex officio* school inspectors, having a right to a seat at the meetings of the

board for the purpose of deliberation, but who shall have no vote therein,) shall be a body corporate, to be known and distinguished by the name and style of "The Board of Education of the city of Detroit," and in that name may be capable of Powers of suing and being sued, and of holding, and selling, and conveying real and personal property, as the interest of the said free schools may require.

Sec. 6. The board of education (a majority whereof shall form a quorum) may meet, from time to time, at such place in said city as they shall designate. They may elect one of their Board to own number president, and in the absence of the president at any meeting, a majority of the inspectors present may choose one of their number president *pro tem*.

Sec. 7. The said board shall annually, at the first regular meeting in July, appoint a suitable person as superintendent of free schools under their control, and they shall, also, at the same meeting in July, appoint a treasurer of said board, who shall have the keeping of all moneys belonging to said schools, and said treasurer shall not pay out or expend the school moneys without the authority of said board; and said treasurer shall also be required to give bonds in such penal sum as the board shall deem necessary, for the faithful performance of his duties.

Sec. 8. The board of education shall have full power and authority, and it shall be their duty to apply for and receive from the county treasurer, or other officer, all moneys appropriated for primary schools and district library of said city, and to designate a place where the library may be kept. The said board shall also have full power and authority to make by-laws and ordinances relative to taking the census of all children in said city, between the ages of five and twenty years; relative to making all necessary reports, and transmitting the same to the proper officers, as designated by law, so that said city may be entitled to its proportion of the primary school fund; relative to visitation of schools; relative to the length of time schools shall be kept, which shall not be less than three (3)

Employment months in each year; relative to the employment and examination of teachers—their powers and duties; relative to regulation of schools, and the books to be used therein; relative to the appointment of necessary officers, and prescribing their powers and duties; relative to anything whatever that may advance the interests of education, the good government and prosperity of the free schools in said city, and the welfare of the public concerning the same.

Jurisdiction of recorder's court. Sec. 9. The recorder's court shall have jurisdiction of all suits wherein the said board may be a party, and all prosecutions for violation of its by-laws and ordinances.

Annual statement and estimate. Sec. 10. The said board shall annually publish in some newspaper of the city, (or in pamphlet form,) a statement of the number of schools in said city, the number of pupils instructed therein the year preceding, the several branches of education pursued by them, and the expenditures for all things authorized by this act.

Library. Sec. 11. The board of education shall establish and maintain a district library.

Consent of council to raise money by tax, for purchase of property. Sec. 12. The common council are hereby required, once in each year, to assess and levy a tax on all the real and personal property in the said city, according to the city assessment rolls of that year, which shall not be less than four dollars for every child in said city between the ages of five and twenty years, the number of children to be ascertained by the last report on the subject, on file in the office of the clerk of the county of Wayne, or in the office of the secretary of said board of education, and certified by the president thereof; and said tax shall be collected in the same manner as the moneys raised to defray the general expenses of the said city; and all said moneys shall be disbursed by the authority of said board for the maintenance and support of said schools, and for no other purpose.

Board of education to make estimate of expenditures. Sec. 13. That it shall be the duty of the board of education of the city of Detroit, annually to make an estimate of the amount of taxes deemed necessary for the ensuing, or then current year, for all purposes of expenditure within the powers

of said board, which estimate shall specify the amounts required for the different objects of expense as particularly as may be, including teachers' salaries, purchase of lots, buildings, repairs, fuel, and general current expenses.

Extra tax may be levied on real property. Sec. 14. That for purchasing lots, and paying for lots already purchased in said city for the use of the free schools intended therefor, and for erecting school-houses, with the necessary out-buildings, fixtures, and furniture on any lots now owned by said board in said city, or which said board may hereafter acquire, the said board is hereby authorized and empowered to levy and collect, in addition to all other taxes authorized by this act to be assessed and levied for school purposes in the city of Detroit, a sum not to exceed in any one year five mills on the dollar of all the taxable valuation of the real and personal property in said city; said tax, when so levied and collected as provided in section twelve of this act, shall be paid to the treasurer of said board of education, on the order of the president thereof, and shall vest in said board for the sole purposes hereinbefore stated: *Provided*, That it shall be competent for the common council of the city of Detroit to issue the bonds of said city for the whole or any part of the said tax, not exceeding in any one year five mills on the dollar of the taxable valuation of the real or personal property as aforesaid, said bonds to run twenty years, but payable at any time after five years, and bearing interest at the rate of seven per cent. per annum.

Approval of citizens at meeting. Sec. 15. It shall be the duty of the president of said board of education to submit, or cause to be submitted to the approval of the citizens of said city, at the meeting required by law to be held for the approval of such annual taxes voted by the common council of said city, as require such approval of a citizens' meeting, the said tax, not exceeding five mills on the dollar of the taxable valuation of the real and personal property as aforesaid; and the said citizens' meeting may, if said estimate shall be approved, determine what portion of said tax shall be levied and collected in that year, and what portion paid.

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raised by the issue of the bonds of the city provided in section fourteen of this act.

When receiver of taxes to notify secretary of board of school education.
 Sec. 16. When the collectors of said city shall have made their final returns of the collection of taxes, the receiver of taxes of said city shall thereupon notify the secretary of said board of education, stating the whole amount of school tax provided for in this act, the amount collected, and the amount returned by them as unpaid or uncollected.

When city treasurer to pay moneys to secretary of board.
 Sec. 17. The city treasurer shall, on the order of the said board, pay to the treasurer of the said board of education, the moneys accruing from the taxes provided for in this act for the support of the said free schools, taking his receipt therefor, endorsed on the back of the president's order, and also a duplicate receipt, which he shall file with the secretary of the said board.

Taxes to be assessed and levied by the common council, under and by virtue of the authority conferred by this act, shall be set forth in the assessment roll of said city, in a separate column, apart and distinguished from all other city taxes.
 Sec. 18. That all taxes which have been or may hereafter be assessed and levied by the common council, under and by virtue of the authority conferred by this act, shall be set forth in the assessment roll of said city, in a separate column, apart and distinguished from all other city taxes.

Power of board to borrow money and issue bonds.
 Sec. 19. That said board of education may from time to time, on such term or terms of payment as they may deem proper, borrow a sum or sums of money for temporary purposes, not exceeding in all the sum of fifteen thousand [dollars] (\$15,000), for the purposes of the free schools, as specified in this act, and to issue the bonds of said board in such form, and executed in such manner as said board may direct. The bonds issued under this act shall be a charge upon all the property of said board, which shall constitute a security for the payment thereof:

Bonds to be a charge upon property of board.
Provided, That the said board shall issue no bond for a less sum than five hundred dollars.

Non-resident scholars may send scholars.
 Sec. 20. Any non-resident paying taxes in the said school district of the city of Detroit, may send scholars to any school therein, and such persons shall for that purpose have and enjoy all the rights and privileges of a resident of said district.

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Acts repealed.
 Sec. 21. All acts or parts of acts, inconsistent with this act, heretofore passed, pertaining to the free schools of the city of Detroit, are hereby repealed.

Acts repealed.
 Sec. 22. This act shall take immediate effect.
 Approved February 24, 1869.

[No. 234.]

AN ACT to amend section one, of act number two hundred and ninety-one, of the session laws of eighteen hundred and sixty-seven, entitled "An act to incorporate the village of Hubbardston," approved March second, eighteen hundred and sixty-seven.

That section amended.
 SECTION 1. *The People of the State of Michigan enact*, That section one, of act number two hundred and ninety-one, of the session laws of eighteen hundred and sixty-seven, entitled "An act to incorporate the village of Hubbardston," approved March second, eighteen hundred and sixty-seven, be amended so as to read as follows:

That boundaries amended.
 SECTION 1. *The People of the State of Michigan enact*, That boundaries all of that tract of country situated in the counties of Ionia and Clinton, State of Michigan, and described as follows, to wit: The east half, and the east half of the west half of section number twelve; the north-east quarter, and the east half of the north-west quarter of section thirteen, township eight north, of range five west; and the west half of the west fractional half of section seven; and the west half of the north-west fractional quarter of section eighteen, in township eight north, of range four west, be and the same is hereby constituted a village corporate, by the name of the village of Hubbardston.

Sec. 2. This act shall take immediate effect.

Approved February 24, 1869.