

schools fully one half, and it has been adopted again this year. Your writings, sir, on the subject, has done a great deal to turn the minds of the people in this part in favour of free schools."

THE NEW ACT TO ESTABLISH FREE SCHOOLS THROUGHOUT THE STATE OF NEW YORK.

The People of the State of New-York represented in Senate and Assembly do enact as follows :

SEC. 1. Common Schools in the several school districts in this State shall be free to all persons residing in the district over five and under twenty-one years of age, as hereinafter provided. Persons not resident in a district may be admitted into the schools kept therein with the approbation, in writing, of the trustees thereof, or a majority of them.

§ 2. There shall hereafter be raised by tax, in each and every year, upon the real and personal estate within this state, the sum of eight hundred thousand dollars, which shall be levied, assessed and collected in the mode prescribed by chapter thirteen, part first, of the Revised Statutes, relating to the assessment and collection of taxes, and when collected shall be paid over to the order of the State Superintendent of common schools.

§ 3. The State Superintendent of common schools shall ascertain the portion of said sum of eight hundred thousand dollars to be assessed and collected in each of the several counties of this state, by dividing the said sum among the several counties, according to the valuation of real and personal estate therein, as it shall appear by the assessment of the year next preceding the one in which said sum is to be raised, and shall certify to the clerk of each county, before the tenth day of July in each year, the amount to be raised by tax in such county ; and it shall be the duty of the several county clerks of this state to deliver to the Board of Supervisors of their respective counties, a copy of such certificate on the first day of their annual session, and the Board of Supervisors of each county shall assess such amount upon the real and personal estate of such county, in the manner provided by law for the assessment and collection of taxes.

§ 4. The State Superintendent of common schools shall, on or before the first day of January in every year, apportion and divide, or cause to be apportioned and divided, one-third of the sum so raised by general tax, and one-third of all other moneys appropriated to the support of common schools, among the several school districts, parts of districts, and separate neighbourhoods in this state, from which reports shall have been received in accordance with law, in the following manner, viz :—To each separate neighbourhood belonging to a school district in some adjoining state there shall be apportioned and paid a sum of money equal to thirty-three cents for each child in such neighbourhood (between the ages of four and twenty-one ;) but the sum so to be apportioned and paid to any such neighbourhood shall in no case exceed the sum of twenty-four dollars, and the remainder of such one-third shall be apportioned and divided equally among the several districts, and the State Superintendent of common schools shall, by proper regulations and instructions to be prescribed by him, provide for the payment of such moneys to the trustees of such separate neighbourhoods and school districts.

§ 5. It shall be the duty of the State Superintendent of common schools, on or before the first day of January, in every year, to apportion and divide the remaining two-thirds of the said amount of eight hundred thousand dollars together with the remaining two-thirds of all other moneys appropriated by the state for the support of common schools among the several counties, cities and towns of the state in the mode now prescribed by law for the division and apportionment of the income of the common school fund ; and the share of the several towns and wards so apportioned and divided, year, to the several town superintendents of common schools, and ward or city officers entitled by law to receive the same, and shall be apportioned by them among the several school districts and parts shall be paid over, on and after the first Tuesday of February in each of districts in their several towns and wards, according to the number of children between the ages of four and twenty-one years, residing in said districts and parts of districts, as the same shall have appeared from the last annual report of the trustees ; but no moneys shall be apportioned and paid to any district or part of a district,

unless it shall appear from the last annual report of the trustees that a school has been kept therein for at least six months during the year, ending with the date of such report, by a duly qualified teacher, unless by special permission of the State Superintendent of common schools ; excepting, also, that the first apportionment of money under this act shall be made to all school districts which were entitled to an apportionment of public money in the year eighteen hundred and forty-nine.

§ 6. Any balance required to be raised in any school district for the payment of teachers' wages, beyond the amount apportioned to such district by the previous provisions of this act, and other public moneys belonging to the district applicable to the payment of teachers' wages, shall be raised by rate-bill to be made out by the trustees against those sending to school, in proportion to the number of days and children sent, to be ascertained by the teachers' list, and in making out such rate-bill it shall be the duty of the trustees to exempt, either wholly or in part, as they may deem expedient, such indigent inhabitants as may in their judgment be entitled to such exemption ; and the amount of such exceptions shall be added to the first tax list thereafter to be made out by the trustees for district purposes, or shall be separately levied by them, as they shall deem most expedient.

§ 7. The same property which is exempt by section twenty-two, of article two, title five, chapter six, part three of the revised statutes from levy and sale under execution, shall be exempt from levy and sale under any warrant to collect any rate-bill for wages of teachers of common schools.

§ 8. Nothing in this act shall be so construed as to repeal or alter the provisions of any special act relating to schools in any of the incorporated cities or villages of this state, except so far as they are inconsistent with the provisions contained in the first, second, third and fourth sections of this act.

§ 9. Chapter one hundred and forty of the session laws of one thousand eight hundred and forty-nine, entitled, "An act establishing free schools throughout the state," and chapter four hundred and four of the session laws of one thousand eight hundred and forty-nine, entitled "An act to amend an act entitled an act establishing free schools throughout the state," and sections sixteen, seventeen and eighteen of the Revised Statutes relating to common schools, requiring the several boards of supervisors to raise by tax, on each of the towns of their respective counties, a sum equal to the school moneys apportioned to such towns, and providing for its collection and payment, and all other provision of law incompatible with the provisions of this act are hereby repealed.

§ 10. The State Superintendent of common schools shall cause to be prepared, published and distributed among the several school districts and school officers of the state a copy of the several acts now in force relating to common schools, with such instructions, digests and expositions as he may deem expedient ; and the expense incurred by him therefore shall be audited by the comptroller and paid by the treasurer.

§ 11. All the moneys received or appropriated by the provisions of this act shall be applied to the payment of teachers' wages exclusively.

Sec. 12. It shall be the duty of the trustees of the several school districts in this state to make out and transmit to the town superintendent of the town in which their respective school houses shall be located, on or before the first day of September next, a correct statement of the whole number of children residing in their district on the first day of August preceding the date of such report, between the ages of four and twenty-one, and such town superintendent shall embody such statement in a tabular form, and transmit the same to the county clerk in sufficient season to enable the latter to incorporate the information thus obtained in the annual report required by him to be made to the state superintendent of common schools for the present year.

§ 13. It shall also be the duty of the trustees of the several school districts, in their annual reports thereafter to be made, to specify the number of children, between the aforesaid ages, residing in their respective districts on the last day of December in each year, instead of the number of such children between the ages of five and sixteen.

§ 14. This act shall take effect on the first day of May next ; but nothing herein contained shall be so construed as to affect provisions already made in the several school districts for the support of schools therein under existing laws for the current year