

dollars that such school, academy or college receives from the state." It also further requires "that it shall be the duty of the trustees of each school, academy or college, receiving a donation in money from the state, to select the number of children to be educated agreeably to the provisions of this act from among the poor children of the county or counties to which such school, academy or college belongs, having a due regard to the pecuniary situation of the pupils so selected"—and that the "trustees aforesaid shall make an annual return to the Legislature of the number of poor children educated at their respective schools, academies or colleges."

The above recited act of Assembly, in the opinion of the undersigned, was intended to embrace such educational institutions only as made regular charges for tuition against all persons taught therein, and in consideration of donations to such Institutions, they are required to teach a certain number free of charge. It could never have been intended to require the trustees of a *Free School* to select a certain number of children to be taught free of charge in such school, where they were *all* taught free of charge. It never could have intended to embrace within its sphere such schools as were free to all without charge of any kind, except the inconsiderable one for such, as above stated.

To St John's Literary Institution there are no trustees and there cannot therefore be a literal compliance with the requisitions of the above recited act.

Instead of trustees the said Institution is under the control and management of the Rev. John McElroy, and with the view to a *substantial* compliance with the requisitions of said act the said Superior himself made a selection of *ten* poor children instead of *four*, the least number required by the act, and furnished them with the "necessary school books," and "afforded them tuition in all the branches taught in the said Institution," without charges of any kind whatever.

The institution receives four hundred dollars from the state, and was therefore bound to educate four children only free of charge; but instead of which it has educa-