

port of free public schools, which tax shall be collected at the same time and by the same agents as the general State levy, and shall be paid into the treasury of the State, to be distributed by the treasurer to the board of school commissioners of the city of Baltimore and the several counties.

Although a new board of county school commissioners has been appointed, as long as the old board is in office, the money should be paid over to the latter, and the courts will lend them their aid. *School Commissioners v. School Commissioners*, 77 Md. 290. (See section 26).

As to the state tax levy, see art. 81, sec. 24; see also, art. 81, sec. 46.

1904, art. 77, sec. 129. 1888, art. 77, sec. 101. 1872, ch. 377.

**136.** The treasurer, on the warrant of the comptroller, shall pay to each of the counties and the city of Baltimore the proportion of the free school fund to which such city or county is entitled under the apportionment to be made by the comptroller, as hereinafter provided; and he shall pay the same to the treasurer of the board of school commissioners of Baltimore city and the several counties; and the several colleges and academies shall respectively receive the donations granted to them by any laws or resolutions of the general assembly, subject to the conditions annexed thereto.

Where a portion of a county is separated to form a new county or to combine with another county, the remaining part of the original county retains its right to money already appropriated to that county, unless it is otherwise provided in the act authorizing the separation. *School Commissioners v. School Commissioners*, 35 Md. 205.

*Ibid.* sec. 130. 1888, art. 77, sec. 102. 1872, ch. 377. 1902, ch. 306.

**137.** As soon as the comptroller shall have received from the city of Baltimore and the several counties returns of the amount of the state school tax levied in each county and the city of Baltimore, he shall immediately thereafter apportion the amount of the whole levy to the several counties and the city of Baltimore in proportion to their respective population between the ages of five and twenty years.

This section plainly directs the comptroller to distribute the funds according to the entire population, and not according to the white population only. *Shriver v. Hering*, 97 Md. 20.

See note to sec. 136.

See art. 19, sec. 35.

*Ibid.* sec. 131. 1888, art. 77, sec. 103. 1872, ch. 377. 1904, ch. 584.

**138.** On the first day of January, the fifteenth day of March, the fifteenth day of June, and the first day of October, in each year, the comptroller shall apportion the amount of school tax received by the treasurer among the several counties and the city of Baltimore, in proportion to the whole amount apportioned to each by the comptroller; and he shall notify the state board of education and the treasurer of the several boards of county school commissioners of the counties and the city of Baltimore, on the several days aforesaid; and the treasurer shall pay the several amounts within ten days after said notification, upon the draft of the president and secretary of the several boards of county school commissioners aforesaid; provided, also, that if in any