

MAINE STATE LEGISLATURE

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THE
REVISED STATUTES

OF THE
STATE OF MAINE,

PASSED OCTOBER 22, 1840;

TO WHICH ARE PREFIXED

THE CONSTITUTIONS

OF THE

United States and of the State of Maine,

AND TO WHICH ARE SUBJOINED THE OTHER

PUBLIC LAWS OF 1840 AND 1841,

WITH AN

APPENDIX.

PRINTED AND PUBLISHED IN COMPLIANCE WITH A RESOLVE OF OCTOBER 22, 1840.

Augusta:

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1841.

TITLE THIRD.

Provisions respecting education, religious instruction, the public health, convenience, support of the poor, and police.

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 20. Of ministerial and school lands, and the funds arising therefrom.
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ARTICLE I. OF THE GENERAL DUTIES OF TOWNS.

SECTION 1. The school districts, in the several towns in this state, shall remain as now established, until altered or discontinued, according to law.

SECT. 2. The inhabitants of every town, at their annual meeting, may determine the number and limits of the school districts, within such town; and, if necessary, may divide or discontinue any such district; or annex it to any other district, in such town, with such reservations and conditions, as may be proper to preserve the individual rights and obligations of the inhabitants thereof.

SECT. 3. Every town, at its annual meeting for the choice of town officers, shall choose an agent for each school district in such town; or, at such meeting, the town may, by vote, authorize the several school districts, to choose one or more agents for themselves, for the year ensuing.

SECT. 4. Whenever it shall be found convenient to form a school

Establishment of school districts. 1834, 129, § 6. 7 Pick. 106.

Same subject. 4 Mass. 534. 5 Pick. 323. 11 Pick. 260. 12 Pick. 206.

District agents, how chosen. 1834, 129, § 3. 21 Pick. 75.

Formation of

district, from parts of adjoining towns, such towns, respectively concurring therein, may establish such district, and determine the limits thereof; and such towns, by their concurrent votes, may alter and discontinue the same; and they and their officers, except as otherwise provided in this chapter, may exercise all the powers and duties, in reference to such districts, as may be exercised by any town, in reference to school districts, within its own limits.

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districts from two or more towns.
1834, 129, § 6.

SECT. 5. Every district, established by two or more towns, shall choose its own agent, annually, and his contracts for instruction shall be binding upon such towns, respectively, in proportion to, and not exceeding, the amount, which each town is required to pay to such agent, under the provisions of this chapter.

Such districts to choose their own agents.
1834, 129, § 7.
11 Pick. 260.

SECT. 6. Every town shall, annually, raise and expend for the maintenance of schools therein, to be taught by masters, or mistresses, duly qualified, a sum of money, exclusive of the income of any corporate school fund, or of any grant from the revenue, or funds from the state, or of any voluntary donation, devise or bequest, or of any forfeitures accruing to the use of schools, not less than forty cents, for each inhabitant; the number to be computed according to the last census of the state, under which the representation thereof, in the legislature, shall have been apportioned.

Money to be raised for support of schools.
1832, 39, § 3.
1833, 82, § 7.
1834, 129, § 1.
16 Mass. 141.

SECT. 7. The assessors of every town shall assign, to each school district within such town, a proportion of the money raised, in each year, for the support of schools, or derived from any corporate school fund, grant from the state, or any other fund, at the disposal of such town, for the general benefit of schools therein; such apportionment to be made, according to the number of children in such districts, respectively, of at least the age of four, and under twenty one years, exclusive of those attending any college or academy, or laboring in any factory within any such district, on the first day of May annually.

Apportionment of money to the districts.
1832, 39, § 3.
1833, 82, § 6.
1834, 129, § 5.

SECT. 8. Whenever any town shall raise a sum of money, exceeding the amount required by section sixth of this chapter, the excess may be distributed among the several school districts, in such manner, as the town may determine.

Excess raised, beyond the amount required.
1834, 129, § 5.

SECT. 9. The assessors of each town, from which any part of such district, as is provided in the fourth section of this chapter, shall have been formed, shall assign, to such district, a proportion of the money, by law to be distributed among the districts in such town, according to the number of such children, belonging to such town, within the limits of said school district.

Apportionment to districts, formed in two or more towns.
1834, 129, § 7.

SECT. 10. If any town shall fail, annually, to raise and expend, for the support of schools, the amount of money, required by the aforesaid sixth section, such town shall forfeit and pay a sum, not less than twice, nor more than four times, the amount of such deficiency.

Forfeiture for neglect to raise the amount required.
1834, 129, § 5.

SECT. 11. If any parent, master or guardian, after notice, given him by the master or mistress of any district school, that any child, under his care, is deficient of the necessary school books, refuse or neglect to furnish such child with the books required; the selectmen of the town, on being notified, by said master or mistress, of such refusal or neglect, shall furnish the same at the expense of the town;

Proceedings, if scholars are not furnished with books.
1834, 129, § 3.

CHAP. 17. which expense may be added to the next town tax of such delinquent parent, master or guardian.

Superintending school committee.
1834, 129, § 3.

SECT. 12. Every town, at its annual meeting, shall choose, by ballot, a superintending school committee, a majority of whom shall constitute a quorum, consisting of not less than three, nor more than five persons; who shall be duly sworn, and paid not more than one dollar per day, for their services, unless otherwise ordered by the town.

Forfeiture for neglect to choose.
1834, 129, § 5.

SECT. 13. Every town, which shall, in any year, neglect to choose such superintending committee, shall forfeit and pay not less than thirty, nor more than two hundred dollars.

Privileges allowed to remote parts of a town.
1834, 129, § 18.

SECT. 14. Any portion of a town not containing inhabitants enough, for a convenient separate organization as a district, and too remote for annexation to any district already formed, may be omitted in districting the town, to which it belongs; and in such case, the assessors of such town shall appropriate their proportion of school money, according to the number of children, of the ages specified in section, seven, to be expended, by such inhabitants, for the purpose of instruction, in such manner, as the superintending committee shall order or approve, in writing under their hands.

Towns may compel districts to raise money for certain objects.
1834, 129, § 12.

SECT. 15. Whenever, at any meeting of a school district, legally called, for raising money for any particular purpose, a majority of the legal voters present shall be opposed to the raising of any sum of money, deemed by the minority sufficient for that purpose, the selectmen of the town, on application, in writing, of any five or more voters in such district, made within thirty days after such meeting, shall insert, in their warrant for calling the next town meeting on town affairs, an article, requiring the opinion of the town on the subject of disagreement; and, if the town, at such meeting, shall think it necessary or expedient, they may require a sum sufficient for the purpose aforesaid, if exceeding what said district were willing to raise, to be assessed upon the polls and estates in such district; and the same shall, thereupon, be assessed and collected, and paid over in the same manner, as if originally raised by such district, as provided in the sections, numbered from twenty eight to thirty six, inclusive, of this chapter.

Powers of selectmen in location of school houses.
1834, 129, § 13.
21 Pick. 75.

SECT. 16. At any district meeting, called for the purpose of erecting or locating a school house, in any district where none exists, or of removing or erecting any such school house, in a different place from that previously occupied for the purpose, if a disagreement shall arise, and the voters in favor of the object, in either case, shall be less than two thirds, of the legal voters in said district, the clerk, at the meeting, shall make a record of the fact; and the selectmen of the town, on application, in writing, from any one or more of the voters in such district, or of any committee of such district, made within thirty days thereafterwards, may appoint a time and place, within the district, to hear the inhabitants thereof, on the subject matter of such disagreement, and give such notice, as is required for a legal meeting of the inhabitants of said district; and, after such hearing, may decide, where such school house shall be placed, and shall give a certificate of their determination to the clerk of the district, who shall forthwith enter the same upon his records;

and the district shall proceed to erect, or remove, the school house, in the same manner, as if determined by a sufficient majority of the district; provided, that no selectman, residing in such district, shall be allowed to have any voice in the determination. If no such application be made to the selectmen within thirty days, as aforesaid, the vote of the district shall be valid.

SECT. 17. If the district shall refuse, or, for the space of sixty days, neglect to carry into effect the order of the selectmen, as aforesaid, the selectmen, either personally, or by agents appointed for the purpose, and at the expense of the district, shall, if need be, purchase a situation for said house, and may cause the same to be erected, or removed, as the case may be, upon the place so appointed.

Same subject.
1834, 129, § 13.

SECT. 18. When any district is composed of parts of two or more towns, the powers, specified in sections, fifteen and sixteen, of this chapter, to be exercised by any town, or the selectmen of any town, may be exercised by the concurrent vote of said towns, or the joint acts of the selectmen of such towns; and application shall be made to each of them accordingly.

Similar proceedings, if district be in two or more towns.
1834, 129, § 6.

SECT. 19. Any town, that shall, by a standing vote, provide for the purpose, may, instead of a superintending committee and school agents as herein before provided, until they rescind such vote, elect their superintending committee of such number, as they shall think proper, and may invest such committee with the rights, powers and obligations, pertaining to school agents, as well as to a superintending committee; including the power and duty of determining the age, at which scholars may be admitted into the respective schools, of transferring scholars from one school to another, and of laying out the money raised, for supporting schools and defraying the contingent expenses thereof, and such others of said powers, as may be useful and necessary in managing the business, committed to them.

Towns may invest superintending school committee with additional powers.
1834, 129, § 17.

ARTICLE II. OF THE POWERS AND OBLIGATIONS OF SCHOOL DISTRICTS, AND THE ASSESSMENT AND COLLECTION OF MONEYS, RAISED BY SUCH DISTRICTS.

SECT. 20. Every school district, established, as provided in this chapter, whether being a part of one or of more towns, shall be a body corporate; with power to sue and be sued, and to hold any estate, real or personal, for the purpose of supporting a school or schools therein; and to apply the same to such object, agreeably to the provisions of this chapter, independently of the money, raised by the town for that purpose.

School districts declared, to be corporations.
1834, 129, § 6.
13 Mass. 193.

SECT. 21. In all transactions by, or with, school districts, they may be described by their numbers, in the order of their creation under the votes of the town, or by any descriptive name, which they may assume, or by such general description, as may be applicable, if they have no certain name.

How to be named or described.

SECT. 22. Any person, qualified to vote in town affairs, shall be a legal voter in the school district, in which he resides.

Who are legal voters.
1834, 129, § 11.

SECT. 23. School district meetings, on the written application of any three or more of the legal voters in such districts, respectively, stating the reasons and objects of the proposed meetings, may

Mode of calling meetings.
1834, 129, § 11.

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Manner of notifying.
1834, 129, § 11.
14 Mass. 315.
12 Pick. 206.

Districts may prescribe the manner of notifying.
1834, 129, § 11.
4 Greenl. 44.
Moderator and clerk.
1834, 129, § 11.
4 Greenl. 44.
21 Pick. 75.

School district committee.
1834, 129, § 11.

General powers of school districts.
1834, 129, § 8.
3 Fairf. 254.
5 Pick. 323.
To raise money for school houses, &c.

Location of the same.

Age and other terms of admission to schools.

When the schools shall commence.

Clerk to certify to assessors, when money is raised.

be called by the selectmen of the town, containing such district; or of the oldest town, out of which any part of said district is taken; or by the school district agent or agents, if any have been appointed.

SECT. 24. On receiving any such application, the selectmen of the town, or the district agent, as the case may be, shall cause notices specifying the time, place and purposes of the meeting, seven days previous to the time appointed, to be posted up in two or more public places, within the district, one of which must be on the school house, if there be any in the district; or to be published in a newspaper printed in the town, where such district is located, if there be any. The certificate of such selectmen or agent, or of any person required by their warrant, to give such notice, returned at the time and place of meeting, shall be evidence of the notice, stated in such certificate to have been given.

SECT. 25. Every school district, at any legal meeting thereof, may determine the manner, in which notice of its future meetings shall be given.

SECT. 26. At every such meeting, a moderator shall be chosen, who shall have the same powers and duties, as a moderator of a town meeting; and, at the first meeting, every year, a clerk shall also be chosen, and shall be duly sworn by the moderator, or a justice of the peace. It shall be the duty of the clerk, to make a fair record of all votes, passed at any meeting of the district during the year, and until another shall be chosen in his place and sworn; and he may certify copies from the records of such district.

SECT. 27. Such district may, at any legal meeting, choose a committee to superintend the laying out and expending of the moneys, raised by such district, agreeably to their votes, for any purposes mentioned in the following section; and to examine and allow such accounts, as they may find correct; and to draw orders on the town treasurer, for the amount of the moneys raised.

SECT. 28. The inhabitants of any school district, qualified to vote in town affairs, at any legal meeting called for the purpose, shall have power:

First. To raise money for the purpose of erecting, repairing, purchasing and removing a school house, and of purchasing land upon which the same may stand, and utensils, and also for erecting or removing out buildings, connected therewith; and to sell and dispose of any such property, as may be necessary and proper;

Secondly. To determine, where the school house shall be erected, or located in said district;

Thirdly. To determine at what age the youth, within such district, may be admitted into the schools kept by a master or mistress respectively, and whether, and upon what terms, scholars may be admitted into such schools from other school districts, or from other towns or places; and,

Fourthly. If they think proper, to instruct the agent at what time their schools shall commence; with which directions, the agent shall comply, so far as practicable.

SECT. 29. When any money shall be voted to be raised by any district, pursuant to the first specification of the preceding section, the clerk shall forthwith, or within such time as the district may

prescribe, certify to the assessors of the town, in which such district is located, if wholly within the limits of any one town; otherwise to the assessors of the eldest town, out of which any part of such district is taken, the amount voted to be raised for any or all the purposes aforesaid.

SECT. 30. Within thirty days after receiving the certificate of the clerk, as aforesaid, the assessors of such town shall assess, in the same manner, as town taxes are assessed, on the polls and estates of the inhabitants, composing such school district, whether it be wholly within their town or not, and on lands lying within the same, belonging to persons not living therein, whether improved or unimproved, all moneys voted to be raised by the inhabitants of such district, for the purposes aforesaid; provided, that no inhabitant shall be taxed for any real estate, not lying within such district.

SECT. 31. Said assessors shall make their warrant in due form of law, directed to any one of the collectors of their town, or a constable if there be no collector, requiring and empowering said collector or constable, to levy and collect the tax, so assessed, and pay the same, within the time limited by the warrant, to the treasurer of the same town; to whom, also, the assessors shall give a certificate of the assessment, as in the case of town taxes.

SECT. 32. Such collector or constable, in collecting such taxes, shall have the same powers, and be held to proceed in the same manner, as in the collection of town taxes.

SECT. 33. The treasurer of the town, who shall receive from the assessors a certificate of the assessment of a district tax, as provided in section, thirty one, shall have the same authority to enforce the collection and payment thereof, or sue for the same, as of town taxes; and if such treasurer be also the collector of such towns, he may collect the same in the same manner, as far as applicable to the case.

SECT. 34. The said assessors shall have the like power to abate any such district tax, as they have to abate a town tax.

SECT. 35. The money, so raised, collected and paid, shall be at the disposal of the committee of the district, chosen and authorized, pursuant to the provisions of section, twenty seven, of this chapter.

SECT. 36. Such assessors, collector or constable, and treasurer, shall be allowed, by the school district, for assessing, collecting and paying any district tax, a compensation proportionate to what they receive for similar services for town taxes.

SECT. 37. Any district may appropriate a part, not exceeding one third, unless as provided in the following section, of their proportion of the money paid to them, under the provisions of the seventh section of this chapter, to a school to be taught by a mistress.

SECT. 38. Every district shall have a right to appropriate at least the sum of thirty five dollars, if received by them, to the support of such school to be taught by a mistress, and, in case one third part, as aforesaid, shall exceed thirty five dollars, they may appropriate more than such third part, by a vote, passed by any legal meeting, to the support of such school to be taught by a mistress; provided the superintending school committee shall, in writing, certify their approbation, and not otherwise.

CHAP. 17.

1834, 129, § 9.
3 Mass. 230.

Assessors to assess the same, within thirty days.

1834, 129, § 9.
3 Mass. 230.
4 Mass. 534.
5 Mass. 380.
15 Maine, 258.
21 Pick. 75.

Mode of collection.

1834, 129, § 9.

Powers of collectors.

1834, 129, § 9.

Powers of town treasurers, in such cases.

1834, 129, § 10.

Abatements of such taxes.

1834, 129, § 10.

Sums collected, to be at disposal of district committee.

1834, 129, § 9.

Compensation of assessors and collectors.

1834, 129, § 10.

Of schools, to be kept by mistresses.

1834, 129, § 1.

Same subject.

1834, 129, § 1.

CHAP. 17.

Ages for admission to schools of master, or mistress. 1834, 129, § 1.

Districts to elect agents by ballot.

Powers and duties of superintending school committees. 1834, 129, § 3. Filling vacancies.

Examining teachers.

Selecting books.

Visiting schools.

Dismissing teachers. 3 Greenl. 450. 16 Maine 184.

Expelling scholars.

Return of the state of the schools.

SECT. 39. Whenever the schools, in any district, shall be kept in part by a mistress, and in part by a master, the inhabitants of such district, at a legal meeting, may determine by vote, or may authorize the superintending committee to determine, from time to time, what description of scholars shall attend each school, respectively.

SECT. 40. Every school district, when authorized to elect their agent, as provided in sections, three and five, of this chapter, shall choose him by ballot, at any meeting to be called for the purpose.

ARTICLE III. OF THE DUTIES AND POWERS OF THE SUPERINTENDING SCHOOL COMMITTEES, AND SCHOOL AGENTS; AND THE QUALIFICATIONS AND DUTIES OF INSTRUCTORS.

SECT. 41. All superintending school committees, appointed, as provided in section, twelve, of this chapter, shall perform the following duties, to wit:

First. To fill any vacancy happening in their board, during their term of office;

Secondly. To examine all candidates, offering to teach in the town;

Thirdly. To direct the general course of instruction, and what books shall be used in the respective schools;

Fourthly. To visit and inspect the several schools, and inquire into the regulations and discipline thereof, and of the proficiency of the scholars therein; and to use their influence and best endeavors, that the youth in the several districts regularly attend the schools; and particularly to provide, that one or more of the board shall visit each school within the town, at least twice, during the term for which it is kept, once within two weeks from the commencement thereof, and once within two weeks before the close thereof;

Fifthly. After due notice, and a candid investigation of the facts, to dismiss any school master or mistress, who shall be found, in their opinion, incapable or unfit to teach, or whose services are believed by them to be unprofitable to such school, notwithstanding their having procured the requisite certificates; provided, that such dismissal shall not operate to deprive such master or mistress of their right to compensation, for services previous to such dismissal;

Sixthly. To expel, from any school, any obstinately disobedient and disorderly scholar, after a proper investigation of his behavior, if found necessary for the peace and usefulness of the school; also to restore him to the school, on satisfactory evidence of his repentance and amendment;

Seventhly. Within fourteen days immediately preceding the annual town meeting, to make, to the selectmen, a return, according to the best of their knowledge and belief, of the time that schools have been kept in the several districts, designating how much of the time, they have been kept by masters or mistresses, respectively, and the average number of scholars, who have attended each of the schools; and, unless the town shall otherwise direct, to make a written report at the annual meeting, next after their appointment, of the standing of, and progress made in, the several schools, in the various branches of learning therein taught, and the success, which may have attended the mode of instruction and government of their respective teachers.

SECT. 42. School agents, whether elected by the towns, or by their respective districts, shall be duly sworn; and shall continue in office one year, and until others are chosen and qualified in their stead; their duties and powers, shall be as follows:

First. To hire the schoolmasters or mistresses for their respective districts, from the money assigned to them by the assessors of their towns, pursuant to the provisions of the seventh section of this chapter, and from any other funds, placed at their disposal for the purpose;

Secondly. From the same means, to provide fuel and utensils, necessary for the schools, and to make incidental repairs upon the school houses and out buildings, and insurance, if the district so direct; provided, that no more than one tenth part of the moneys, received from the town, shall, in any one year, be expended for such repairs and utensils, exclusive of fuel and insurance;

Thirdly. Before the commencement of any term of such schools, to give notice to a member, or members, of the superintending school committee of the town, or of the oldest town, out of which the district is formed, if more than one, of the time when the school is to commence; whether to be kept by a master or mistress; and for how long a time such instructor is engaged; and,

Fourthly. To return to the selectmen of their respective towns, in the month of May, annually, a list, by them certified to be true, of the children in their districts, of the age of four years and upwards, and under the age of twenty one years, as they existed on the first day of said month; exclusive of such as may have come from other places, where they belong, to attend any college or academy, or to labor in any factory, in any such district.

SECT. 43. No person shall be employed, as a schoolmaster, unless he be a citizen of the United States, and produce to the agent, employing him, a certificate from the superintending school committee of the town, where the school is to be kept, and also from some person of liberal education or literary pursuits, and good moral character, residing within the state, that he is well qualified to instruct youth in reading, writing the English language grammatically, and in arithmetic, and other branches of learning, usually taught in public schools. He shall also produce a certificate from the selectmen of the town where he belongs, that to the best of their knowledge, he is a person of sober life and conversation, and sustains a good moral character.

SECT. 44. No person shall be employed, as a school mistress, unless she shall produce to the agent employing her, a certificate from the superintending school committee of the town, where the school is to be kept, that she is suitably qualified to teach the English language grammatically, and the rudiments of arithmetic, and writing, and produce satisfactory written evidence of her good moral character.

SECT. 45. Any person, who shall teach any district school, under the provisions of this chapter, without producing the certificates, required by the two preceding sections, respectively, shall forfeit and pay a sum, not exceeding the sum contracted for his or her daily wages, for each day, he or she shall so teach such school,

CHAP. 17.

Powers and duties of school agents.

To employ teachers.
4 Greenl. 44.

To provide fuel and utensils, and make repairs.
1834, 129, § 3.

To notify superintending school committee.
1834, 129, § 3.

To make annual return of the number of scholars.
1833, 82, § 2.
1834, 129, § 3.

Qualifications of school masters.
1834, 129, § 4.

Qualifications of school mistresses.
1834, 129, § 4.

Forfeiture for teaching, without certificates of qualification.
1834, 129, § 5.

CHAP. 17. and shall be barred from recovering any pay for teaching the same.

Districts formed in more than one town, how superintended. 1834, 129, § 7.

SECT. 46. When any school district shall have been formed, from parts of two or more towns, the superintending school committee of the oldest town, from which any part of such district is formed, shall have the same powers, and perform the same duties, in giving certificates of qualification to instructors, directing what books shall be used, and in visiting, superintending and disciplining the school, as they might have and perform, if such district were wholly within their town.

Instructors in colleges, academies and schools, to inculcate morality and virtue. 1834, 129, § 2.

SECT. 47. It shall be the duty of the presidents, professors and tutors of colleges, and of the preceptors and teachers of academies, and all other instructors of youth, whether in public or private institutions, to take diligent care, and exert their best endeavors, to impress on the minds of the children and youth, committed to their care and instruction, the principles of morality and justice, and a sacred regard to truth; love to their country, humanity, and universal benevolence; sobriety, industry and frugality; chastity, moderation and temperance; and all other virtues, which are the ornaments of human society. And it shall be the duty of such instructors, to endeavor to lead those under their care, as their ages and capacities will admit, into a particular understanding of the tendency of the beforementioned virtues, to preserve and perfect a republican constitution, and secure the blessings of liberty, as well as to promote their future happiness; and the tendency of the opposite vices, to slavery, degradation and ruin.

ARTICLE IV. SPECIAL PROVISIONS, RELATING TO THE REGULATION AND ENDOWMENT OF SCHOOLS, AND AFFECTING THE GOVERNMENT AND DISCIPLINE OF LITERARY INSTITUTIONS.

Forfeitures, how recovered and appropriated. 1834, 129, § 19.

SECT. 48. All forfeitures and penalties, for the breach of any of the foregoing provisions of this chapter, shall be recovered, by indictment, before any court of competent jurisdiction; and it shall be the duty of all grand jurors, to make due presentment thereof, in all cases that shall come to their knowledge: and such penalty, when recovered, shall, in all instances, be paid into the treasury of the town, where the same was incurred, for the support of schools therein, in addition to the amount required to be raised by the sixth section of this chapter; but the costs of prosecution, when recovered, shall be paid into the county-treasury.

Penalty, for wrong appropriation of forfeiture. 1834, 129, § 19.

SECT. 49. If any town shall neglect, for one year, so to appropriate and expend any fine or penalty, it shall forfeit a sum, equal to the said fine or penalty, to the use of any person, who may sue therefor, in an action of debt.

State school fund, arising from sale of lands. 1828, 403, § 2.

SECT. 50: The treasurer of the state shall keep a separate account of all moneys, he may have received, or may hereafter receive, from the sales of land by the land agent, or from the notes taken therefor, pursuant to the provisions of the first section of an act passed February twenty third, in the year, eighteen hundred and twenty eight, entitled "an act, providing for the promotion of education;" and the same shall constitute a permanent fund, to be reserved for the benefit of town or district schools. The fund shall

be put out on interest in such manner, as the legislature shall, from time to time, determine; and the income thereof, annually, distributed amongst the towns in the state, according to the number of children therein, of the ages specified in section, seven, of this chapter; commencing at a time, to be hereafter prescribed by the legislature.

SECT. 51. All the sums which may hereafter be received by the state, for the tax on the several banks, [under the provisions of the sixteenth section of chapter, seventy seven,] shall continue to be appropriated to the support of town or district schools.

SECT. 52. The selectmen of the several towns shall, annually, make out a statement, containing the following particulars; that is to say:

I. The number of school districts, and parts of districts, in their towns, respectively;

II. The number of children belonging to such town, in each district, between the ages of four and twenty one years, as the same existed, on the first day of May preceding;

III. The number of children who usually attend school in each district;

IV. The amount of money, raised and expended for the support of schools, designating what part is raised by taxes, and what part from other funds, and how such funds have accrued;

V. The time schools have been kept in each district, designating how much by a master, and how much by a mistress; and,

VI. The number of children between the ages, above specified, who reside upon islands or in any other part of the town, not classed with any district.

The selectmen shall, under oath, certify that such statement is true and correct, according to their best knowledge and belief, and shall transmit the same to the office of the secretary of state on, or before, the twentieth day of January, in each year.

SECT. 53. The secretary of state shall ascertain, from the said statements, as soon as may be, the aggregate number of children, between the aforesaid ages, in the several towns, from which returns shall be seasonably made; and immediately notify the treasurer of the state, of the number so ascertained.

SECT. 54. The treasurer, upon receiving such notification, shall distribute a sum, equal to the whole amount, received during the year last preceding, from the tax of the several banks, and from whatever other funds may, from time to time, be appropriated to the same uses, amongst the towns within the state, according to the number of children of the above described ages, to them severally belonging, as exhibited in said notification; and shall, as soon as may be, after the fourteenth day of February of the same year, pay to the treasurers of the towns, respectively, or to their order, the sums, which shall fall to them, on such apportionment.

SECT. 55. The secretary of state, on or before the first day of October, annually, shall furnish to the selectmen of the several towns, blank forms of the returns, required to be made by them to him, under the provisions of the fifty second section, and to be made by the superintending school committees, of each town, to

Tax on banks.
1831, 519, § 16.
1833, 82, § 1.
[Chap. 77, was not enacted with the revised statutes.]

Selectmen to make statistical returns to the secretary of state.
1833, 82, § 3.
1837, 250, § 2.
Number of districts.
Children.
Scholars.

Moneys expended and how obtained.

Duration and kind of schools.

Children not included in any district.

Under oath.

Secretary to notify the state treasurer of the number of children in each town.
1833, 82, § 4.

Treasurer to apportion the school fund to the towns.
1837, 256, § 3.

Secretary to furnish to selectmen, blank forms for returns.
1837, 256, § 4.

CHAP. 17. the selectmen, under the provisions of the forty first section of this chapter.

Tenure of office, of presidents of colleges. 1831, 517, § 1.

SECT. 56. The tenure of office of the president of each college, in this state, shall be such, that he shall be removable, at any time, at the pleasure of the trustees and overseers, whose concurrence is necessary for an election to the same office.

Graduation fees to be paid into college treasuries. 1831, 517, § 2.

SECT. 57. All fees paid by any person for any diploma, or any medical degree, granted or conferred by either of the colleges in this state, shall be paid into the treasury for the use of such college; and no part thereof shall be received, as a perquisite of office, by any officer of the college.

Innholders and certain others, not to give credit to students. 1821, 167, § 1. 1 Pick. 177.

SECT. 58. No innholder, tavern keeper, retailer, confectioner, or keeper of any shop, or boarding house, for the sale of drink or food, or any livery stable keeper, for horse or carriage hire, shall give credit to any undergraduate, or pupil, of any college or other institution in this state, incorporated for the instruction of youth, without the consent of the president, or such officer of such college or other institution, as may be authorized, thereto, by the government thereof, nor in violation of any rules and regulations thereof.

Persons violating this provision, not to be licensed. 1821, 167, § 2.

SECT. 59. No person shall be licensed by the selectmen of any town, for either of the employments aforesaid; if it shall appear, that he has, within the year last past, given credit to any such undergraduate, or pupil, contrary to the provisions of the preceding section.

Forfeiture for such violation. 1821, 167, § 3.

SECT. 60. If any person shall give credit to any such undergraduate, or pupil, contrary to the said provisions, he shall forfeit a sum equal to the amount, so credited, whether the same shall have been paid, or not; to be recovered by the treasurer of such college or other institution, in an action of debt; one half to the use of such college or institution, and the other half to the use of the town, where the same is established.

Penalty for disturbance of schools. 1840, 66, § 1, 2.

SECT. 61. If any person shall enter any school house, or other place of instruction, during school hours, and shall wilfully interrupt or disturb the teacher or pupils, there assembled, by loud speaking, rude or indecent behavior, signs or gestures, he shall pay a fine of not less than two, nor more than twenty dollars, to be recovered by complaint, before any justice of the peace, or by indictment and conviction, in the district court.

Provisions of this chapter, applicable to cities and plantations.

SECT. 62. In the construction of this chapter, the word "town" shall include "city" and "plantation," except where such construction may be inconsistent with the context; and the duties and powers of the selectmen shall be, in the same manner, attributed to the aldermen of cities, and assessors of plantations; and other officers of cities and the plantations, respectively, shall be included in the description of town officers, having like authority in other cases.

**The following page(s) from
“An Act to Amend the Revised Statutes”
include amendments to this chapter.**

inspections of the militia of the respective brigades to which they belong, to the adjutant general, and also transmit abstracts thereof to the major generals of the respective divisions to which they belong, on or before the last day of October annually.

their annual returns by the last day of October. 1834, 121, § 27.

The same chapter shall be further amended, in the forty second section, by striking out all the section after the word, "allowance," and inserting, instead thereof, the following words :

Provided that, when the commanding officer of a company, raised at large, shall make requisitions to such treasurer, for rations in money and for powder, directed by law, he shall designate the number and names of the members of such company, belonging to such town, city or plantation, and certify that they perform military duty in his company.

Commanders of volunteer companies, how to apply for rations and powder for soldiers. 1834, 121, § 28.

The same chapter shall be further amended, in section, forty five, after the words, "the adjutant general and quarter master general, to be appointed by the governor, with advice of the council, with the rank of brigadier general," by inserting the words following :

And said officers shall keep their respective offices at the seat of government ; and their commissions shall continue in force four years from the time of their appointment, unless they shall be sooner removed by the governor and council.

Adjutant and quarter master general to keep their offices at the seat of government ; term of office limited. 1829, 424. R. S, ch. 17.

SECTION 4. The seventeenth chapter shall be amended, in section, fifty one, by striking out the words, "under the provisions of the sixteenth section of chapter, seventy seven ;" so that said fifty first section, as amended, will be as follows :

SECT. 51. All the sums, which may hereafter be received by the state, for the tax on the several banks, shall continue to be appropriated to the support of town or district schools.

Tax on banks appropriated to schools.

SECTION 5. The twentieth chapter shall be amended, in section one, by striking out the following words :

For the use and support of the gospel ministry in such town.

R. S. ch. 20: Fee in ministerial lands. 1832, 39, § 2.

The same chapter shall be further amended, by striking out the seventh section thereof.

Lands reserved for the first settled minister appropriated to schools. 1832, 39, § 2.

The same chapter shall be further amended, in section, fourteen, by inserting, after the words, "any sale of the same," the following words, "to the persons and uses specified in the respective grants and reservations, under which such lands have become so vested" ; so that said fourteenth section, as amended, will be as follows :

SECT. 14. In all cases, where such lands have become vested in any parish, the assessors, clerk and treasurer, for the time being, where no other trustees for the same purpose are already appointed, are hereby constituted a body corporate, and trustees of the ministerial fund in such parish forever, with like powers, and under like liabilities, as selectmen, town clerk and treasurer ; and shall pay the annual income and profits of such lands, and interest on the proceeds of any sale of the same, to the persons and uses specified in the respective grants and reservations, under which such lands have become so vested ; and shall, at each annual meeting for choice of parish officers, exhibit an account of their proceedings, and a statement of funds, receipts and expenditures.

Assessors, clerk and treasurer of parishes to be trustees of funds, to the uses originally prescribed.

The same chapter shall be further amended, in section, fifteen, by inserting, after the words, "the first meeting of the trustees," the words, "constituted by