

MAINE STATE LEGISLATURE

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DOCUMENTS

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THE LEGISLATURE,

OF THE

STATE OF MAINE,

DURING ITS SESSION

A. D. 1834.

FOURTEENTH LEGISLATURE.

NO. 29.

SENATE.

STATE OF MAINE.

In Senate, Feb. 19, 1834.

THE Joint Select Committee on the alteration of Laws regulating the Education of Youth, to which were referred several Orders instructing them to inquire what alterations are necessary, if any, in the several Laws now in force providing for the Education of Youth, have had that subject under consideration, and ask leave to report, that they have embodied all the Laws on that subject into one Bill, with such alterations and additions as they judged proper, which is herewith submitted.

ALLEN H. COBB, *Chairman.*

STATE OF MAINE.

IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED
AND THIRTY-FOUR.

AN ACT to provide for the instruction of Youth.

WHEREAS the Constitution of this State, has declared that a general diffusion of the advantages of education and the elements of useful knowledge are essential to the preservation of the rights and liberties of the people, and has made it the duty of the Legislature to require the several towns to make suitable provision at their own expense for the support and maintenance of Public Schools :

SECT. 1. *Be it enacted by the Senate and*
2 House of Representatives in Legislature as-
3 ssembled, That every town and plantation shall
4 annually raise and expend for the maintenance
5 and support of schools therein, to be taught by
6 School Masters duly qualified, a sum of money,
7 including the income of any incorporated school
8 fund, not less than Fifty Cents for each inhab-
9 itant, the number to be computed according to
10 the next preceding census of the State, by which

11 the representation thereof has been apportioned.
12 *Provided*, That a part, not exceeding one third
13 of the money allotted to any district, may, if
14 the district so determine, be applied to the sup-
15 port of a school taught by a mistress, or when
16 the sum so allotted to a district in any year, shall
17 not exceed thirty-five dollars, the whole may be
18 expended in the same manner. *Provided how-*
19 *ever*, That whenever the inhabitants of any
20 School District may be desirous of applying to
21 the support of a School taught by a Mistress a
22 greater proportion of the money assigned to them
23 than is herein allowed, and shall so determine
24 at any legal District meeting held for that pur-
25 pose, and make known the same to the Super-
26 intending School Committee, said Committee
27 shall have power to direct what sum shall be
28 applied for the purpose aforesaid :—And that
29 whenever the inhabitants of a School District
30 shall determine to apply a part of their School
31 money to the support of a School taught by a
32 Mistress and part to that taught by a Master,
33 they may determine in District meeting, or em-
34 power the School Committee, or a Special Com-
35 mittee by them chosen, to determine what de-
36 scription of scholars shall attend each School,

37 and assign them to the one or the other, in such
 38 manner as shall promote their best proficiency
 39 and greatest benefit.

SECT. 2. *Be it further enacted,* That it
 2 shall be the duty of the Presidents, Professors
 3 and Tutors of Colleges, and the Preceptors and
 4 Teachers of Academies, and all other instruc-
 5 tors of youth, to take diligent care and exert
 6 their best endeavors to impress on the minds of
 7 children and youth committed to their care and
 8 instruction, the principles of piety and justice,
 9 and a sacred regard to truth, love to their coun-
 10 try, humanity and universal benevolence ; so-
 11 briety, industry and frugality ; chastity, moder-
 12 ation and temperance ; and all other virtues
 13 which are the ornaments of human society.—
 14 And it shall be the duty of such instructors to
 15 endeavor to lead those under their care, (as their
 16 ages and capacities will admit) into a particular
 17 understanding of the tendency of the before men-
 18 tioned virtues, to preserve and perfect a repub-
 19 lican constitution, and secure the blessings of
 20 liberty, as well as to promote their future happi-
 21 ness—and the tendency of the opposite vices to
 22 slavery degradation and ruin.

SECT. 3. *Be it further enacted,* That there
 2 shall be chosen by ballot at the annual meeting
 3 in each town and plantation a Superintending
 4 School Committee, who shall be sworn to the
 5 faithful discharge of their duties, consisting of
 6 not less than three nor more than seven persons,
 7 whose duty it shall be to examine School Mas-
 8 ters and Mistresses proposing to teach therein.
 9 And it shall be the duty of such Committee to
 10 visit and inspect the Schools in their respective
 11 towns and plantations, and inquire into the reg-
 12 ulations and discipline thereof and the proficiency
 13 of the scholars therein, and use their influence
 14 and best endeavors that the youth in the several
 15 Districts regularly attend the Schools ; and the
 16 said Committee shall have the power to dismiss
 17 any School Master or Mistress who shall be found
 18 incapable or unfit to teach any School, notwith-
 19 standing their having procured the requisite cer-
 20 tificates; but the towns and plantations shall be
 21 bound to pay such instructors for the time they
 22 have been employed. And the said Committee
 23 are hereby authorized and empowered, for mis-
 24 conduct, to expel from any School any obstinate-
 25 ly disobedient and disorderly scholar, when after
 26 a proper investigation of his or her behavior,

27 they shall judge that the peace and usefulness of
28 the School will thereby be promoted; and shall
29 also have the power to restore such scholar, on
30 satisfactory evidence produced to them of repent-
31 ance and amendment. And the said Committee
32 shall have power to direct what School Books
33 shall be used in the respective Schools, and to
34 fill any vacancy in their number, which may
35 occur after the annual election; and at the meet-
36 ing for the choice of town officers, there shall be
37 chosen an Agent for each School District, whose
38 duty it shall be to hire the School Masters or
39 Mistresses for their respective Districts, and to
40 provide the necessary fuel and utensils for the
41 Schools. *Provided however,* Any town or
42 plantation in this State, if they think proper,
43 may, by a vote of such towns or plantations at
44 their annual meeting in the month of March or
45 April, authorize the several School Districts in
46 their towns and plantations to choose their
47 School Agent or Agents in District meeting
48 lawfully assembled, which choice shall be by
49 ballot; and the Agent so chosen shall continue
50 in office one year, or until another is chosen in
51 his stead; and the said Agents shall, before en-

52 tering upon their said office, be sworn to the
53 faithful discharge of the duties thereof. And
54 each of said Agents shall in the month of **May**,
55 in each year, return to the **Selectmen** of said
56 towns, and to the **Assessors** of said plantations,
57 a list certified by each of said Agents to be a
58 true and correct list of the scholars in their re-
59 spective **Districts**, exclusive of those attending
60 any **College** or **Academy** not belonging to such
61 **District**, between the ages of four and twenty
62 one years, as the same existed on the first day
63 of said month, for the purpose of enabling said
64 **Selectmen** and **Assessors** to furnish a statement
65 as provided for in the fifth section of this Act.
66 And it shall be the duty of the Agent of every
67 **School District**, to give notice to some one of
68 the **Superintending School Committee** of the
69 town or plantation, including such **Districts**
70 within its limits, on or before the opening of
71 every town or plantation **School**, of the time
72 the **School** commences, and the time for which
73 the instructor is engaged therein, and it shall be
74 the duty of one or more of the **Superintending**
75 **School Committee**, to visit each **School** within
76 the town or plantation at least twice during the

77 term for which such School is kept, once within
 78 three weeks from the commencement of such
 79 School, and once within two weeks before the
 80 close thereof. If any parent, master, or guardian,
 81 shall, after notice given him by the Master or
 82 Mistress of any School, refuse or neglect to fur-
 83 nish their several scholars with suitable books,
 84 the Selectmen of the town or Assessors of the
 85 plantation thereof, on being notified by said
 86 Master or Mistress, shall furnish the same at
 87 the expense of the town or plantation, which
 88 expense shall be added to the next town or plan-
 89 tation tax of such parent, master or guardian.

SECT. 4. *Be it further enacted,* That no
 2 person shall be employed as a School Master,
 3 unless he shall be a citizen of the United States
 4 and shall produce a certificate from the Super-
 5 intending School Committee of the town or plan-
 6 tation where the School is to be kept, and also
 7 from some person of liberal education, literary
 8 pursuits, and good moral character, residing
 9 within the State, that he is well qualified to in-
 10 struct youth in reading, writing the English
 11 language grammatically, and in arithmetic and
 12 other branches of learning usually taught in

13 Public Schools; and also a certificate from the
 14 Selectmen of the town or the Assessors of the
 15 plantation where he belongs, that to the best of
 16 his knowledge he is a person of sober life and
 17 conversation, and sustains a good moral charac-
 18 ter. And no person shall be employed as a
 19 School Mistress unless she shall produce a cer-
 20 tificate from the Superintending School Com-
 21 mittee of the town or plantation where the
 22 School is to be kept, that she is suitably quali-
 23 fied to teach the English language grammatical-
 24 ly, and the rudiments of arithmetic, and produce
 25 satisfactory evidence of her good moral char-
 26 acter.

SECT. 5. *Be it further enacted,* That it
 2 shall be the duty of the Assessors of each town
 3 and plantation to assign to each School District a
 4 proportion of the money raised in each year for
 5 the support of Schools according to the number of
 6 children therein, between the ages of four and
 7 twenty-one years, exclusive of those attending
 8 any College or Academy not belonging to such
 9 District on the first day of May, annually, which
 10 shall be the number by which the Assessors
 11 shall apportion the money raised for the support

12 of Schools, and the Assessors of towns shall
13 certify such assignment to the Selectmen. *Pro-*
14 *vided*, That whenever any town or plantation
15 shall raise a sum of money exceeding that re-
16 quired by this Act, such surplus may be distrib-
17 uted among the several School Districts in such
18 manner as the town or plantation may deter-
19 mine. And if any town or plantation shall fail
20 to raise and expend annually for the support
21 of Schools the amount of money required by
22 this Act, they shall forfeit and pay a sum not
23 less than twice nor more than four times the
24 amount of such failure or deficiency. And every
25 town or plantation, which shall neglect to choose
26 annually a Superintending School Committee
27 as required in the third section of this Act,
28 shall forfeit and pay not less than thirty nor
29 more than two hundred dollars, to be appropri-
30 ated as is provided in the eighteenth section of
31 this Act. And any Master who shall teach any
32 School required by this Act, without producing
33 prior to his commencing the same, the certifi-
34 cates required by this Act, shall forfeit and pay
35 seventy-five cents for each day he shall so teach
36 such School, and shall be barred from recovering

37 of any town or plantation or person any pay for
38 teaching such School.

SECT. 6 *Be it further enacted*, That the
2 several towns and plantations be and they here-
3 by are authorized and empowered to determine
4 the number and define the limits of School Dis-
5 tricts within the same. *Provided however*,
6 That no alteration in the limits of any School
7 District shall be made, except at the annual
8 meeting in the month of March or April. And
9 each and every School District in this State is
10 hereby made a body corporate, with power to
11 sue and be sued, and to take and hold any es-
12 tate, real or personal, for the purpose of support-
13 ing a School or Schools therein, and to apply the
14 same agreeably to the provisions of this Act,
15 independently of the money raised by the town
16 for that purpose; and whenever it shall be found
17 convenient to form a School District from parts
18 of adjoining towns or plantations, such towns or
19 plantations concurring respectively therein, may
20 establish such District and define the limits
21 thereof, and grant any sum of money for the pur-
22 poses and in the manner provided in the
23 section of this Act. And the Selectmen or As-

24 assessors of such towns or plantations shall have
 25 and possess jointly, all the powers provided in
 26 the thirteenth section of said Act. And the
 27 District so formed shall be a body corporate to
 28 all intents and purposes as if comprised within
 29 one town or plantation. And such District may,
 30 by such towns or plantations concurring, be al-
 31 tered or discontinued in like manner as any
 32 town may alter or discontinue its own Districts.

SECT. 7. *Be it further enacted,* That the
 2 Assessors of each town or plantation of which
 3 such District shall be a part, shall assign to such
 4 District a proportion of the money raised for
 5 the support of Schools according to the number
 6 of children in that part of such District which
 7 may be within such respective town or planta-
 8 tion. And in issuing warrants for District meet-
 9 ings, recovering damages for injuries done to Dis-
 10 trict buildings, giving to instructors certificates of
 11 qualification, directing what books shall be used,
 12 and visiting, superintending and disciplining the
 13 School, the Selectmen or Assessors, the Treas-
 14 urer, and School Committee of the eldest town
 15 or plantation shall have the same powers, and
 16 be subject to the same duties respecting such

18 District, as respecting Districts wholly in their
 19 their own town or plantation. *Provided*, That
 20 all money raised by such District, or by the
 21 towns or plantations composing the same, shall
 22 be paid into the Treasuries of the respective
 23 towns or plantations, to be assigned in manner
 24 aforesaid, or applied to the purposes for which
 25 it shall have been legally raised by the District.
 26 And such District shall choose its own Agents.

SECT. 8. *Be it further enacted*, That the
 2 inhabitants of any School District qualified to
 3 vote in town affairs, be and they hereby are
 4 empowered, at any District meeting, called
 5 in the manner hereinafter provided, to raise
 6 money for the purpose of erecting, repairing,
 7 purchasing and removing a School House, and
 8 of purchasing land upon which the same may
 9 stand, and utensils, and also for erecting or re-
 10 pairing such out buildings connected therewith
 11 as may be deemed necessary and proper ; and
 12 to determine where the School House shall be
 13 erected or located in said District, and also to
 14 determine at what age the youth within such
 15 District may be admitted into a School kept by
 17 a Master or Mistress, and whether any scholars
 18 shall be admitted into such Schools from other

19 School Districts, or from other towns or places;
 20 and to determine, if they think proper, at what
 21 time they prefer that their School shall com-
 22 mence, and the Agent or Agents shall, as far as
 23 practicable, conform to such determination.

SECT. 9. *Be it further enacted,* That for
 2 the purposes aforesaid, all lands, whether im-
 3 proved or unimproved, shall be taxed in the
 4 District in which they lie; and the Assessors of
 5 any town or plantation shall assess in the same
 6 manner as town taxes are assessed, on the polls
 7 and estates of the inhabitants composing any
 8 School District in their town or plantation, and
 9 on lands lying within the same, belonging to per-
 10 sons not living therein, all moneys voted to be
 11 raised by the inhabitants of such District for the
 12 purposes aforesaid, within thirty days after the
 13 Clerk of the District shall have certified to said
 14 Assessors the sum voted by said District to be
 15 raised as aforesaid. And it shall be the duty of
 16 said Assessors to make a warrant in due form
 17 of law, directed to one of the Collectors of their
 18 town or plantation, requiring and empowering
 19 said Collector to levy and collect the tax so as-
 20 sessed, and pay the same, within a time limited
 21 by said warrant, to the Treasurer of the town

22 or plantation, to whom a certificate of the as-
 23 sessment shall be made by the Assessors. And
 24 the money so collected and paid shall be at the
 25 disposal of the Committee of the District, to be
 26 by them applied agreeably to the vote of their
 27 District as aforesaid. And such Collector in
 28 collecting such taxes shall have the same pow-
 29 ers and be holden to proceed in the same man-
 30 ner, as is by law provided in collecting town
 31 taxes.

SECT. 10. *Be it further enacted,* That the
 2 Treasurer of any town or plantation, who shall
 3 receive a certificate of the assessment of a Dis-
 4 trict tax, shall have the same authority to en-
 5 force the collection and payment thereof, as of
 6 town or plantation taxes. And the Assessors
 7 of any town or plantation shall have the same
 8 power to abate such District tax, as they have
 9 to abate a town or plantation tax. And the
 10 Assessors, Collector and Treasurer, shall be
 11 allowed by the School District the same com-
 12 pensation for assessing, collecting and paying any
 13 District tax as they are allowed by the town or
 14 plantation for similar services.

SECT. 11. *Be it further enacted,* That
 2 whenever an Agent has been legally chosen in

3 any District, it shall be his duty, upon the ap-
4 plication of seven or more legal voters in said
5 District to said Agent, requesting him to call a
6 meeting of said District, who shall thereupon
7 issue his notice calling such meeting, and insert-
8 ing therein the reasons and objects of said meet-
9 ing; and it shall be the duty of said Agent to
10 post up said notification on the District School
11 House, (if there should be any in said District)
12 and one other public place within the limits of
13 said District, seven days at least prior to said
14 meeting. And in all Districts where a public
15 paper shall be printed, such notice shall also be
16 inserted therein. *Provided, That* any School
17 District may, at any legal meeting thereof, de-
18 termine the manner in which notice of future
19 meetings in such Districts may be given. And
20 the legal voters when assembled, may choose a
21 Moderator, and also a Clerk, who shall be
22 sworn faithfully to discharge the duties of his
23 office before a Justice of the Peace, or before
24 the Moderator, and it shall be the duty of such
25 Clerk to make a fair record of all votes passed
26 at any meeting of the District, and to certify the
27 same when required; and may also choose a
28 Committee to superintend the laying out and

29 expending the money raised by such District,
 30 agreeably to their vote, for the purposes afore-
 31 said, to examine and allow such accounts as
 32 they may think proper, and to draw orders on
 33 the town or plantation Treasurer for the amount
 34 of the money raised. *Provided however,* That
 35 it shall be the duty of the Selectmen of any
 36 town, or the Assessors of any plantation, upon
 37 application made to them in writing, by three
 38 or more qualified voters residing within any
 39 School District in such town or plantation,
 40 to issue their warrant, directed to one of the
 41 persons making such application, requiring him
 42 to warn the inhabitants of such District quali-
 43 fied to vote in town affairs, to meet at the time
 44 and place and for the purposes set forth in said
 45 warrant; and the warning aforesaid shall be in
 46 the manner prescribed in the foregoing section.

SECT. 12. *Be it further enacted,* That
 2 whenever at any legal meeting of a School Dis-
 3 trict, called for the purpose of raising money, for
 4 the erecting, repairing, purchasing or removing
 5 of a School House, or for purchasing land on
 6 which the same may stand, or for procuring
 7 utensils therefor, a majority of the voters pres-
 8 ent are opposed to the raising of money for any

9 such purpose, it shall be lawful for the Select-
 10 men of the town, or Assessors of the planta-
 11 tion in which such District is situated, on appli-
 12 cation in writing of any five or more freeholders,
 13 inhabitants of such School District, to insert
 14 in their warrant for calling the next town or
 15 plantation meeting, an article requiring the opin-
 16 ion of the town or plantation relative to such
 17 subject as proposed in the said District meet-
 18 ing; and if a majority of the voters present in
 19 such town or plantation meeting, shall think it
 20 necessary and expedient, they may grant a sum
 21 sufficient for any of the purposes aforesaid, to
 22 be assessed on the polls and estates in said
 23 School District, to be collected and paid as is
 24 in this Act provided.

SECT. 13. *Be it further enacted,* That
 2 when a majority of three fourths of the inhabit-
 3 ants who are legal voters in any District, cannot
 4 agree where to erect or locate a School House
 5 in their District, or where a majority of two thirds
 6 of such inhabitants are not in favor of removing
 7 a School House, the Selectmen of the town or
 8 the Assessors of the plantation, to which such
 9 District belongs, upon application made to them
 10 in writing by any two or more legal voters of

11 said District, or the Committee of the District
 12 chosen to superintend the building or purchas-
 13 ing of such School House, are hereby authoriz-
 14 ed and empowered to determine on the place
 15 where such School House shall be erected
 16 or located, or removed to. And in case any
 17 School District shall neglect or refuse to appoint
 18 a Committee to superintend the building or pur-
 19 chasing such School House, the Selectmen or
 20 Assessors, as the case may be, are hereby au-
 21 thorized to appoint a Committee to consist of
 22 three suitable persons in such District. *Pro-*
 23 *vided however,* That in case said Committee
 24 should refuse or neglect to act, the Selectmen
 25 or Assessors shall be empowered to discharge
 26 the duties of such Committee.

SECT. 14. *Be it further enacted,* That the
 2 Agent of any School District be and he hereby
 3 is authorized to expend annually out of the
 4 money raised for the support and maintenance
 5 of Schools therein, a sufficient sum to supply
 6 the School with necessary fuel, and a sum, not
 7 exceeding ten per cent. of the money assigned as
 8 the share of said District, for incidental repairs
 9 of its School House, out buildings, and neces-
 10 sary utensils for the same.

SECT. 15. *Be it further enacted,* That the
 2 Selectmen of the several towns and the Asses-
 3 sors of the several plantations, shall on or before
 4 the first day of the session of the Legislature,
 5 eighteen hundred and thirty-five, and every
 6 third year thereafter, make a return to the office
 7 of the Secretary of State of the number of School
 8 Districts within their respective towns and plan-
 9 tations, the number of children in each of said
 10 Districts between the ages of four and twenty-
 11 one years, the number who usually attend
 12 School in each, the amount of money raised and
 13 expended for the support of Schools; designat-
 14 ing what part is raised by taxes, and what from
 15 funds, and how such funds have accrued, and
 16 the time the School may have been kept annu-
 17 ally in each, designating how much by a School
 18 Mistress.

SECT. 16. *Be it further enacted,* That it
 2 shall be the duty of the Secretary of State to
 3 furnish blank returns to the Selectmen of towns,
 4 and the Assessors of plantations, agreeably to
 5 the provisions of the fifteenth section of this
 6 Act, at such time and in such quantities as may
 7 be found necessary.

SECT. 17. *Be it further enacted,* That the
2 inhabitants of the City of Portland shall be and
3 hereby are authorized at their annual meetings to
4 choose their School Committees of such number
5 as they may think proper, which Committee
6 shall have all the rights and powers and shall per-
7 form all the duties enjoyed and enjoined upon the
8 said Superintending Committee and said Agents.
9 And the power of determining the age at which
10 Scholars may be admitted into the Schools, of
11 transferring the Scholars from School to School,
12 and the right of laying out and expending the
13 money raised for the support of Schools and
14 defraying the contingent expenses thereof, and
15 such further powers as may be found useful and
16 necessary in managing the business committed
17 to them—notwithstanding any thing contained
18 in the third section of this Act to the contrary.
19 And the towns of Bangor, Bath, Augusta, or
20 any other towns, or any number of districts in
21 any towns, which shall at any legal town meet-
22 ing called for that purpose, vote to accept the
23 provisions of this section, shall have the right
24 and be empowered so to do, and to the same
25 extent as is given and provided for the City of
26 Portland as aforesaid.

SECT. 18. *Be it further enacted,* That any
2 inhabited Island, so distant from the main that
3 in the opinion of the town or plantation to
4 which it belongs, it cannot with convenience or
5 advantage be included in any School District,
6 and too small to compose a District by itself,
7 may be omitted in districting the town or plant-
8 ation; and in such case the Assessors shall as-
9 sign to the inhabitants of such Island the amount
10 of School money assessed on them, to be by
11 them expended for the purpose of instruction,
12 in such way as the School Committee shall
13 approve.

SECT. 19. *Be it further enacted,* That all
2 forfeitures and penalties for a breach of this Act,
3 shall be recovered by indictment or information
4 before any Court of competent jurisdiction; and
5 it shall be the duty of all grand Jurors, to make
6 due presentment thereof in all cases that shall
7 come to their knowledge, and such penalty, when
8 recovered, shall in all instances be paid into the
9 treasury of the town or plantation where the
10 same was incurred, for the support of Schools
11 therein, in addition to the sum required to be
12 raised by this Act, and the cost of prosecution
13 into the County treasury. And if any town or

14 plantation shall neglect for the space of one year
15 so to appropriate and expend any fine or penal-
16 ty, they shall forfeit the same, to be recovered
17 in an action of debt to the use of the person
18 who may sue therefor.

SECT. 20. *Be it further enacted,* That it
2 shall be the duty of the Selectmen of towns
3 and the Assessors of plantations respectively, to
4 make out a statement annually of the number
5 of Scholars in each of their Districts, between
6 the ages of four and twenty one-years, as the
7 same existed on the first day of May preceding,
8 with such other facts as are required to be re-
9 turned in the fifth section of this Act, and to
10 transmit such statement within the first three
11 weeks of the annual session of the Legislature
12 to the Secretary of State, and to certify upon
13 oath in said statement that the same is true and
14 correct according to their best knowledge and
15 belief.

SECT. 21. *Be it further enacted,* That all
2 Acts or parts of Acts inconsistent with the pro-
3 visions of this Act be and the same are hereby
4 repealed.

STATE OF MAINE.

IN SENATE, February 19, 1834.

ORDERED, That three hundred copies of the foregoing Report
and Bill be printed for the use of the Legislature.

[Extract from the Journal.]

Attest, WILLIAM TRAFTON, *Secretary.*