

# MAINE STATE LEGISLATURE

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DOCUMENTS

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THE LEGISLATURE

OF THE

STATE OF MAINE,

DURING ITS SESSION

A. D. 1850.

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Augusta:

WILLIAM T. JOHNSON, PRINTER TO THE STATE.

1850.

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# THIRTIETH LEGISLATURE.

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No. 9 ]

[HOUSE.

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NEW SHARON, May 15th, 1850.

SIR:—Pursuant to the instructions of the Board of Education, I have the honor to lay upon your table, for the consideration of the Legislature, a “Bill” relating to public schools and the education of youth, prepared under a resolve of the Legislature of July 26th, 1849; and I hereby certify that the same is truly and correctly engrossed from the original draft as adopted and placed in the hands of the Engrossing Clerk of the Board.

Respectfully and truly,  
your most obedient  
and very humble servant,

O. L. CURRIER,

*Committee on Engrossing and Presenting.*

HON. SAMUEL BELCHER,

*Speaker of the House of Representatives.*

# REPORT.

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*To the honorable Senate and House of Representatives  
in Legislature assembled :*

Agreeably to a resolve of the legislature, approved July 26th, 1849, the board of education have drafted a bill, which, with the following explanatory remarks they respectfully submit to your honorable body.

The board have found the laws relating to public schools contained in nineteen different acts, and scattered over a wide space in the legislation of the state; extending from 1841 to 1849, inclusive.

*First.*—In 1841, by the revised statutes, we find the act forming the basis and laying the foundation of our existing school system, which in substance, had been in existence since the organization of the state after the separation.

*Second.*—In 1842, an act additional, relating to school districts.

*Third.*—In 1844, an act in relation to schools in certain plantations.

*Fourth.*—In the same year, an act authorizing school districts in this state to purchase school libraries.

*Fifth.*—In the same year, an act making further provision for purposes of education.

*Sixth.*—In the same year, an act in addition to the seventeenth chapter of the revised statutes.

*Seventh.*—In 1846, an act to establish a board of education.

*Eighth.*—In the same year, an act to authorize school districts to borrow money for certain purposes.

*Ninth.*—In 1847, an act to establish teachers institutes.

*Tenth.*—In the same year, an act to provide for the better education of youth in certain factories.

*Eleventh.*—In 1847, an act additional in relation to public schools.

*Twelfth.*—In 1848, an act in further regulation of the annual school funds.

*Thirteenth.*—In the same year, an act respecting school agents.

*Fourteenth.*—In the same year, an act making further provisions for locating school houses in certain cases.

*Fifteenth.*—In the same year, an act additional to an act to establish a board of education.

*Sixteenth.*—In 1849, an act to appropriate the interest of the permanent school fund to the support of schools.

*Seventeenth.*—In the same year an act authorizing the election of collectors of school district taxes.

*Eighteenth.*—In the same year, an act to amend an act establishing teachers' institutes.

*Nineteenth.*—In the same year, an act for the benefit of schools in plantations organized for election purposes only.

From this mass of legislation, it has been the task of the board to collect and arrange such portions of it as were deemed important for the interests of public schools and public education, to preserve, and to add such new provisions as the wants of a complete and perfect school system, for the education of the people, seemed to require.

This they have endeavored to do in as simple and concise a form as the numerous and varied wants and appliances of such a code, framed to meet the wants of a people scattered over a territory so extensive as that embraced within the limits of our great state, will permit. It can hardly be expected that a system of public instruction could be framed which, in all its parts should meet the wants

of every neighborhood and district throughout our extensive borders.

The youth of Maine may be found scattered over every nameable portion of our territory; in our cities, towns, and villages—on our mountains, and in our valleys—on the numerous islands which lie along the whole extent of our sea coast; and looking into the extensive and newly settled townships, we see the children, of both sexes, almost as numerous as the forest trees which they have supplanted; they are literally in the woods.

To provide a system of education which shall in all respects meet the educational wants of this large and interesting portion of our growing population, though very desirable, is hardly to be expected.

Still, it is the duty of those whom the people have charged with the oversight and management of their educational interests, to shrink from no responsibility resting upon them in this behalf, nor to spare any labor, however arduous, to accomplish the work which they have so nobly undertaken, and to present to the people in the best possible form which their wisdom and experience will enable them to devise, a system of instruction and education adapted to the wants of all who are interested in its adoption.

In the labors of the board in this department of the public service, which it has been the pleasure of the legislature to assign them, such has been their sincere endeavor, and if they have succeeded in meeting the expectations of the legislature and of the people whom they represent, in one, among the many particulars to which their attention has been directed, the pleasing reflections which a knowledge of that success will afford, will be their reward.

It is believed not to have been the design of the legislature in requiring the board of education to prepare a school code, to depart from the general plan of the state in providing a system of public instruction as heretofore framed and adopted. The system now in force, and under which, common schools in this state have so fully answered the end in view, is not to be abandoned or supplanted by

another, not suited to the particular condition of our own people, and which may have been drawn from others framed to suit the wants of a people situated far differently from our own.

Ours is a system which has grown up with us, and among us, and is peculiarly our own.

To improve and perfect our own system, and to fit it for the varying wants and necessities of our own population, is believed to have been the object of the legislature in making this demand upon us. With this view have the board acted in all that they have done.

The board have therefore confined their labors mainly to redrafting and codifying the existing enactments, making but few alterations, and those with a view the better to carry out the original design of the legislature in each particular case, and at the same time to secure the schools against the evil effects of particular errors in applying legislative enactments to the matters on which they were intended to operate.

Here permit us to remark, that the board believe the evils under which at the present time the schools labor, do not arise so much from a want of proper legislative provisions, as from a defective administration of the existing system in its practical application. The legislature may provide, under severe penalties, that teachers shall have certain qualifications, and that they shall be subjected to an examination with a view to ascertain whether they are thus qualified or not; still the schools will continue to be filled with incompetent teachers, destitute of almost every quality necessary to render them useful instructors, or competent educators of youth, unless towns select competent examiners who will do their whole duty. So with regard to many other provisions. The legislature may authorize school districts to raise money for building suitable school houses, and to appropriate a certain portion of the school money for the purchase of school district libraries; still we see the schools kept in unsuitable and inconvenient school houses, and most of the districts entirely destitute of a single book suitable for the use of the children, how anxious soever they may be to read and to gain knowledge.

For the particular changes, alterations and additions recommended, we refer the legislature to the annexed draft of a school bill.

All which is respectfully submitted.

STEPHEN EMERY,  
OLIVER L. CURRIER,  
ARTHUR F. DRINKWATER,  
JOTHAM DONNELL,  
WILLIAM R. PORTER,  
AMOS BROWN,  
BENJAMIN F. TALLMAN,  
STEPHEN COBURN,  
HUGH J. ANDERSON,  
WOOSTER PARKER.



# STATE OF MAINE.

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IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED AND  
FIFTY.

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AN ACT to provide for the education of youth.

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*Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows :*

## ARTICLE I.

*Of the general duties of towns.*

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

SEC. 2. The inhabitants of every town, at their  
2 annual meeting, may determine the number and limits  
3 of the school districts within such town ; and if neces-  
4 sary, may divide or discontinue any such district ; or  
5 they may annex it to any other district, in such town,  
6 with such reservations and conditions, as may be  
7 proper to preserve the individual rights and obliga-

8 tions of the inhabitants thereof: *Provided, however,*  
9 that no such action shall be had, until the selectmen  
10 and superintending school committee of such town,  
11 who are hereby constituted a committee for that pur-  
12 pose, shall have submitted to the town a written  
13 report recommending such action.

SEC. 3. Any town at its annual meeting for the  
2 choice of town officers, may vote to choose, and in  
3 such case shall choose, an agent for each school dis-  
4 trict in such town.

SEC. 4. In any town containing but one district, all  
2 business relating to schools and school houses may be  
3 transacted at any regular town meeting, in the same  
4 way and manner in which other town business is  
5 transacted.

SEC. 5. Every town shall, annually, raise and ex-  
2 pend for the maintenance of schools therein, to be  
3 taught by masters or mistresses, duly qualified, a sum  
4 of money, exclusive of the income of any corporate  
5 school fund, or of any grant from the revenue, or  
6 funds from the state, or of any voluntary donation,  
7 devise or bequest, or of any forfeitures accruing to  
8 the use of schools, not less than fifty cents, for each

9 inhabitant ; the number to be computed according to  
10 the last census of the state, under which the represen-  
11 tation thereof, in the legislature, shall have been  
12 apportioned.

SEC. 6. The assessors of every town shall assign, to  
2 each school district within the same, a proportion of  
3 the money raised, in each year, for the support of  
4 schools, or derived from any corporate school fund,  
5 bank tax, grant from the state, interest of the perma-  
6 nent school fund, or any other fund, at the disposal of  
7 such town, for the general benefit of schools therein ;  
8 such apportionment to be made, according to the  
9 number of children between the ages of four and  
10 twenty-one years, residing in such districts, respect-  
11 ively, on the first day of May annually, exclusive of  
12 such as may have come from other places, where they  
13 belong, to attend any college or academy, or to labor  
14 in any factory in any such district.

SEC. 7. If any town shall fail to raise and expend,  
2 annually, for the support of schools, the amount of  
3 money required by law, such town shall forfeit and  
4 pay a sum, not less than twice, nor more than four  
5 times, the amount of such deficiency.

SEC. 8. Every town, at its annual meeting, shall  
2 choose, by ballot, a superintending school committee,  
3 a majority of whom shall constitute a quorum, con-  
4 sisting of not less than three, nor more than five  
5 persons; who shall be duly sworn, and paid for their  
6 services one dollar per day, and no more, unless other-  
7 wise ordered by the town; but no superintending  
8 school committee shall be entitled to receive any  
9 compensation for services, until they shall have fur-  
10 nished to the selectmen, satisfactory evidence, that  
11 they have made the full and complete returns, required  
12 by law, to the secretary of state.

SEC. 9. Any town, containing two thousand inhab-  
2 itants or more, instead of the committee named in the  
3 preceding section, may choose some competent indi-  
4 vidual, an inhabitant of said town, who shall be con-  
5 stituted a supervisor of the public schools of the town;  
6 the same to be duly sworn, and to have all the pow-  
7 ers, privileges and duties, and in respect of all the pro-  
8 visions of this act, to stand in the place of a superin-  
9 tending school committee, as by law provided.

SEC. 10. Every town, which shall, in any year,  
2 neglect to choose such superintending committee or

3 supervisor, shall forfeit and pay not less than thirty,  
4 nor more than two hundred dollars.

SEC. 11. Any town, that shall, by a standing vote,  
2 provide for the purpose, may, instead of a superin-  
3 tending committee and school agents as hereinbefore  
4 provided, until they rescind such vote, elect their  
5 superintending committee of such number, as they  
6 shall think proper, and may invest such committee  
7 with the rights, powers and obligations pertaining to  
8 school agents, as well as to a superintending com-  
9 mittee, including the power and duty of determining  
10 the age, at which scholars may be admitted into the  
11 respective schools, of transferring scholars from one  
12 school to another, and of laying out the money raised  
13 for supporting schools and defraying the contingent  
14 expenses thereof, and such others of said powers, as  
15 may be useful and necessary in managing the busi-  
16 ness committed to them.

SEC. 12. Any portion of a town not containing in-  
2 habitants enough for a convenient separate organi-  
3 zation as a district, and too remote for annexation to  
4 any district already formed, may be omitted in dis-  
5 tricting the town, to which it belongs; and in such

6 case, the assessors of such town shall appropriate their  
7 proportion of school money, according to the number  
8 of children, of the ages specified in section six, to be  
9 expended by such inhabitants, for the purpose of  
10 instruction, in such manner as the superintending  
11 committee shall order or approve, in writing under  
12 their hands.

SEC. 13. Whenever any town shall raise a sum of  
2 money exceeding the amount required by section  
3 seventh of this article, the excess may be distributed  
4 among the several school districts, in such manner as  
5 the town may determine.

## ARTICLE II.

### *Of the powers and obligations of school districts.*

SEC. 1. Every school district established as provided  
2 in this act, whether being a part of one or of more  
3 towns, shall be a body corporate; with power to sue  
4 and be sued, and to hold any estate, real or personal,  
5 for the purpose of supporting a school or schools  
6 therein; and to apply the same to such object, agree-  
7 ably to the provisions of this act, independently of the  
8 money raised by the town for that purpose.

SEC. 2. In all transactions by, or with, school dis-

2 tricts, they may be described by their numbers, in the  
3 order of their creation under the votes of the town,  
4 or by any descriptive name, which they may assume,  
5 or by such general description as may be applicable,  
6 if they have no certain name.

SEC. 3. Every school district, shall, in all cases, be  
2 presumed to have been legally organized, when it  
3 shall have exercised the franchise and privileges of a  
4 district, for the term of one year.

SEC. 4. Any person, qualified to vote in town af-  
2 fairs, shall be a legal voter in the school district, in  
3 which he resides.

SEC. 5. School district meetings, on the written  
2 application of any three or more of the legal voters  
3 in such districts, respectively, stating the reasons and  
4 objects of the proposed meetings, may be called by  
5 the selectmen of the town, containing such district ;  
6 or by the school district agent or agents, if any have  
7 been appointed.

SEC. 6. On receiving any such application, the  
2 selectmen of the town, or the district agent, as the  
3 case may be, shall cause notices specifying the time,  
4 place and purposes of the meeting, seven days previ-

5 ous to the time appointed, to be posted up in two or  
6 more public places, within the district, one of which  
7 must be on the school house, if there be any in the  
8 district; or to be published in a newspaper printed in  
9 the town, where such district is situated, if there be  
10 any. The certificate of such selectmen or agent, or  
11 of any person required by their warrant, to give such  
12 notice, returned at the time and place of meeting,  
13 shall be evidence of the notice stated in such certifi-  
14 cate to have been given.

SEC. 7. Every school district, at any legal meeting  
2 thereof, may determine the manner, in which notice  
3 of its future meetings shall be given.

SEC. 8. At every such meeting, a moderator shall  
2 be chosen, who shall have the same powers and duties,  
3 as a moderator of a town meeting, but need not be  
4 sworn; and at the first meeting every year, a clerk  
5 shall be chosen, and shall be duly sworn by the mod-  
6 erator, or a justice of the peace. It shall be the duty  
7 of the clerk, to make a fair record of all votes, passed  
8 at any meeting of the district during the year, and  
9 until another shall be chosen in his place and sworn;  
10 and he may certify copies from the records of such  
11 district.



SEC. 9. Such district may, at any legal meeting,  
2 choose a committee to superintend the laying out  
3 and expending of the moneys, raised by such district,  
4 agreeably to their votes, for any purposes for which  
5 such district may legally raise money ; and to examine  
6 and allow such accounts, as they may find correct ;  
7 and to draw orders on the town treasurer, for the  
8 amount of the moneys raised.

SEC. 10. Every school district at its annual meet-  
2 ing, shall choose by ballot a school agent, unless such  
3 agent shall be chosen by the town, as provided in  
4 article first, section third, of this act ; and such agent,  
5 whether chosen by the town, or by the district, shall  
6 be sworn by the moderator or clerk of the meeting,  
7 or by some justice of the peace.

SEC. 11. The inhabitants of any school district,  
2 qualified to vote in town affairs, at any legal meeting  
3 called for the purpose, shall have power :  
4 *First* : To raise money for the purpose of erecting,  
5 repairing, purchasing and removing a school house,  
6 and for the purpose of erecting, repairing, renting,  
7 purchasing and removing such a number of school  
8 houses as the wants of such districts may require,

9 where more than one school house is necessary to  
10 accommodate the scholars in such district ; and also  
11 for the purpose of erecting or removing out-buildings,  
12 connected with such house or houses,—of purchasing  
13 or renting land upon which the same may stand, and  
14 for yards and play grounds, and for purchasing uten-  
15 sils, black-boards, globes, maps and other useful  
16 apparatus,—providing water for the school house or  
17 houses by means of wells and aqueducts, with neces-  
18 sary conveniences for the health and comfort of  
19 teachers and pupils, and for the purpose of enclosing  
20 the grounds and appurtenances of the school houses,  
21 with power to sell and dispose of any such property,  
22 whenever it becomes necessary and proper to do so.

23 *Secondly.* To determine where the school house or  
24 houses shall be located in said district.

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

31 *Fourthly.* If they think proper, to instruct the agent

32 at what time their schools shall commence ; with  
33 which directions, the agent shall comply, so far as  
34 practicable ; and,

35 *Fifthly.* To join with one or more other school dis-  
36 tricts, for the purpose of uniting the more advanced  
37 scholars of each district in one school. And when  
38 any districts shall so determine, they may appropriate  
39 such a proportion of the school money of each dis-  
40 trict, as they deem proper, provided that if one  
41 fourth of the voters present and voting at any meet-  
42 ing called for the purpose, shall dissent from the  
43 decision of the majority, no more than the per capita  
44 share of the scholars attending such union school,  
45 shall be so appropriated, without the written assent of  
46 the superintending school committee.

SEC. 12. Whenever, at any meeting of a school  
2 district, legally called, for raising money for any par-  
3 ticular purpose, a majority of the legal voters present  
4 shall be opposed to the raising of any sum of money,  
5 deemed by the minority sufficient for that purpose,  
6 the selectmen of the town, on application in writing,  
7 of any five or more voters in such district, made  
8 within thirty days after such meeting, shall insert, in

9 their warrant for calling the next town meeting on  
10 town affairs, an article, requiring the opinion of the  
11 town on the subject of disagreement; and, if the  
12 town, at such meeting, shall think it necessary or expe-  
13 dient, they may require a sum sufficient for the pur-  
14 pose aforesaid, if exceeding what said district were  
15 willing to raise, to be assessed upon the polls and es-  
16 tates in such district; and the same shall, be assessed,  
17 collected and paid over, in the same manner, as if  
18 originally raised by such district; and thereupon it  
19 shall be the duty of the selectmen of the town to ap-  
20 point, in writing, three suitable inhabitants of said  
21 district, to be a committee to superintend the expendi-  
22 ture of the money, so assessed and raised, for the  
23 purpose required, who shall have all the powers of a  
24 committee chosen by the district, in pursuance of the  
25 provisions of this act.

SEC. 13. At any district meeting, called for the  
2 purpose of erecting or locating a school house, in  
3 any district where none exists, or of removing or  
4 erecting any such school house, in a different place  
5 from that previously occupied for the purpose, if a  
6 disagreement shall arise, and the voters in favor of

7 the object, in either case, shall be less than two-thirds,  
8 of the legal voters present at such meeting and voting,  
9 the clerk, at the meeting, shall make a record of the  
10 fact ; and the selectmen of the town, on application,  
11 in writing, from any one or more of the voters in  
12 such district, or of any committee of such district,  
13 made within thirty days thereafterwards, shall, as soon  
14 as may be, appoint a time and place, within the dis-  
15 trict, to hear the inhabitants thereof, on the subject  
16 matter of such disagreement, and give such notice, as  
17 is required for a legal meeting of the inhabitants of  
18 said district ; and, after such hearing, may decide  
19 where such school house shall be placed, and shall,  
20 within ten days, give a certificate of their determina-  
21 tion to the clerk of the district, who shall forthwith  
22 enter the same upon his records ; and the district  
23 shall proceed to erect, or remove, the school house,  
24 in the same manner, as if determined by a sufficient  
25 majority of the legal voters present at said meeting :  
26 *provided, however,* that no selectman residing in such  
27 district, shall be allowed to have any voice in the de-  
28 termination ; and whenever a majority of the select-  
29 men of any town shall reside in one school district,

30 in which it becomes necessary so to locate a school  
31 house, or shall not be able to agree, the superintend-  
32 ing school committee of said town shall be required  
33 to do all the duties in relation to locating said house,  
34 which by this section are required of the selectmen.

SEC. 14. If the district shall refuse, or, for the space  
2 of sixty days, neglect, to carry into effect the order of  
3 the selectmen or superintending school committee as  
4 aforesaid, the selectmen or superintending school  
5 committee either personally or by agents appointed  
6 for that purpose, at the expense of the district, shall,  
7 if need be, purchase a situation for said house, and  
8 shall cause the same to be erected, or removed, as the  
9 case may be, upon the place so appointed.

SEC. 15. Whenever any school district shall vote to  
2 erect or re-construct a school house, the plan of the  
3 same shall first be submitted to the superintending  
4 school committee of the town, for their approval.

SEC. 16. Any school district at a legal meeting, may  
2 determine whether all, or what proportion of their  
3 school money, shall be expended for the support of a  
4 school, to be taught by a female; and their agent  
5 shall expend the same accordingly. But in case one-

6 fourth part of the voters present and voting at said  
7 meeting, dissent from the decision of the majority,  
8 not more than one-third part of such money, shall be  
9 expended for a school taught by a female, without the  
10 written assent of the superintending school committee.

SEC. 17. Whenever the schools in any district, shall  
2 be kept in part by a mistress, and in part by a master,  
3 the inhabitants of such district, at a legal meeting,  
4 may determine by vote, or may authorize the super-  
5 intending school committee to determine, from time  
6 to time, what description of scholars shall attend each  
7 school respectively.

SEC. 18. Each school district, where the number of  
2 scholars attending school is such as to require more  
3 than one school to be kept at the same time, shall  
4 have the power of choosing a committee to determine  
5 what description of scholars shall attend each school,  
6 to classify said scholars and to transfer them from  
7 school to school in said district, and when no such  
8 committee shall be chosen by any school district above  
9 described, the superintending school committee of the  
10 town shall have all the powers and perform all the  
11 duties above mentioned.

SEC. 19. Any school district in this state, is hereby  
2 authorized to purchase, with any money that may be  
3 appropriated to said district for school purposes, a  
4 school library and apparatus, or either, for the use of  
5 the school; provided a majority of the district shall  
6 so vote. But there shall not be expended in one  
7 year, more than five per cent. of the whole amount  
8 appropriated to any district in the year.

SEC. 20. If any two adjacent districts shall sever-  
2 ally vote to unite for the purchase of a library and  
3 apparatus, or either, they are hereby authorized so to  
4 do.

SEC. 21. Every district that purchases a library and  
2 apparatus, or either, as aforesaid, shall make such  
3 rules and regulations, for the preservation and man-  
4 agement of the same, as they may deem proper.

### ARTICLE III.

*Of the assessment and collection of money raised or bor-  
rowed by school districts.*

SEC. 1. When any money shall be voted to be  
2 raised by any district, pursuant to the first specifica-  
3 tion of section eleven of the preceding article, the



4 clerk shall forthwith, or within such time as the dis-  
5 trict may prescribe, certify to the assessors of the  
6 town, the amount voted to be raised for any or all the  
7 purposes aforesaid.

SEC. 2. Within thirty days after receiving the cer-  
2 tificate of the clerk, as aforesaid, the assessors of such  
3 town shall assess in the same manner as town taxes  
4 are assessed, on the polls and estates of the inhabi-  
5 tants composing such school district, whether it be  
6 wholly within their town or not, and on lands lying  
7 within the same, belonging to persons not living  
8 therein, whether improved or unimproved, all mo-  
9 neys voted to be raised by the inhabitants of such dis-  
10 trict, for the purposes aforesaid; *provided*, that no  
11 inhabitant shall be taxed for any real estate not lying  
12 within such district.

SEC. 3. Said assessors shall make their warrant in  
2 due form of law, directed to any one of the collectors  
3 of their town, or of said district, or a constable, if  
4 there be no collector, requiring and empowering said  
5 collector or constable, to levy and collect the tax, so  
6 assessed, and pay the same, within the time limited  
7 by the warrant, to the treasurer of the same town;

8 to whom, also, the assessors shall give a certificate of  
9 the assessment, as in the case of town taxes.

SEC. 4. Such collector or constable in collecting  
2 such taxes, shall have the same powers and be held to  
3 proceed in the same manner as in the collection of  
4 town taxes.

SEC. 5. The treasurer of the town, who shall re-  
2 ceive from the assessors a certificate of the assessment  
3 of a district tax, as provided in section three, shall  
4 have the same authority to enforce the collection and  
5 payment thereof, or sue for the same, as of town taxes;  
6 and if such treasurer be also the collector of such  
7 towns, he may collect the same in the same manner,  
8 as far as applicable to the case.

SEC. 6. The said assessors shall have the like power  
2 to abate any such district tax, as they have to abate a  
3 town tax.

SEC. 7. The money so raised, collected and paid,  
2 shall be at the disposal of the committee of the dis-  
3 trict, chosen and authorized, pursuant to the provis-  
4 ions of section ninth, of article second.

SEC. 8. Such assessors, collector or constable, and  
2 treasurer, shall be allowed, by the school district, for

3 assessing, collecting, paying and receiving any district  
4 tax, a compensation proportionate to what they  
5 receive for similar services for town taxes.

SEC. 9. Any school district, by a vote of two-thirds  
2 of the legal voters present and voting, at a legal meet-  
3 ing called for that purpose, shall have power to bor-  
4 row money, for the purpose of erecting a school house  
5 and of purchasing land on which the same may stand.

SEC. 10. Every such loan shall be made for a term  
2 of time, not exceeding five years, and shall be payable  
3 in equal annual installments.

SEC. 11. When any school district shall vote to  
2 borrow money for such purpose, the clerk shall forth-  
3 with certify such vote to the assessors and treasurer  
4 of the town.

SEC. 12. The district may appoint an agent or  
2 agents to contract a loan as aforesaid, who are au-  
3 thorized to bind the district therefor, and to give the  
4 necessary evidence of debt therefor, and a copy of  
5 such evidence of debt or security, shall be, by such  
6 agent or agents, filed with the town clerk of the town,  
7 and the clerk shall enter the same on the town rec-  
8 ords. The money procured on such loan shall be

9 received by the treasurer of the town, and shall be  
10 applied and paid out for the purposes aforesaid, in  
11 the same manner as is provided by this act, in case of  
12 money raised for the same purposes by taxation.

SEC. 13. At each annual assessment of town taxes,  
2 after the receipt of such money by the treasurer of  
3 the town, the assessors of the town shall assess the  
4 amount of the installment and interest payable in that  
5 year, upon the polls and estates of the inhabitants of  
6 such district, in the same manner as is by this act pro-  
7 vided for the assessment of moneys voted to be raised  
8 by any school district, by taxation. And such annual  
9 installments assessed as aforesaid, shall in like manner  
10 be collected and paid to the treasurer of the town  
11 aforesaid. And the treasurer shall pay the amount of  
12 each installment and interest, as the same becomes  
13 payable, on demand of the person to whom the same  
14 may be lawfully due.

SEC. 14. The assessors, collector and treasurer  
2 employed as aforesaid, shall be under the same lia-  
3 bilities, and shall have the same authority and com-  
4 pensation in respect to the services so performed by  
5 them for any school district, as is provided by this act,

6 in case of raising money by a school district, by tax-  
7 ation.

SEC. 15. After the passage of this act, no school  
2 district shall be authorized to borrow money, except  
3 for the purposes and under the regulations prescribed  
4 by this act.

SEC. 16. Whenever any money shall be voted to be  
2 raised by any school district, in accordance with the  
3 provisions of this act, the legal voters of said district,  
4 at any legal meeting called for the purpose, may  
5 elect by written ballot a collector, who shall be re-  
6 quired to give bonds to the inhabitants of such dis-  
7 trict, with sufficient sureties, to be approved by the  
8 selectmen, and shall have the same powers, and be  
9 held to proceed in the same manner in collecting the  
10 taxes assessed upon said district, as in the collection  
11 of town taxes by a town collector.

SEC. 17. Such collector shall be allowed such com-  
2 pensation for collecting and paying over to the town  
3 treasurer said taxes, as shall be determined upon by  
4 the inhabitants of said district, at the meeting at which  
5 said collector is chosen.

SEC. 18. Whenever the inhabitants of any school

2 district shall elect a collector in pursuance of this act,  
3 it shall be the duty of the clerk of said district to de-  
4 posit with the clerk of the town in which the district  
5 is situated, a certified copy of the record of the elec-  
6 tion of said collector, which shall be recorded by the  
7 clerk of the town, and such town record shall be  
8 evidence of the election of said collector by said  
9 district.

SEC. 19. The provisions of the three preceding  
2 sections, for the choice of collectors by school dis-  
3 tricts, shall not apply to any school district, where the  
4 sum voted to be raised and assessed, shall not exceed  
5 the sum of three hundred dollars.

#### ARTICLE IV.

##### *Of school districts formed from two or more towns.*

SEC. 1. Whenever it shall be found convenient to  
2 form a school district, from parts of adjoining towns,  
3 such towns respectively concurring therein, may  
4 establish such district, and determine the limits  
5 thereof; and such towns by their concurrent votes  
6 may alter and discontinue the same; and they and  
7 their officers, except as otherwise provided in this act,

8 may exercise all the powers and duties in reference to  
9 such districts, as may be exercised by any town, in  
10 reference to school districts, within its own limits.

SEC. 2. Every district established by two or more  
2 towns, shall choose its own agent, annually, and his  
3 contracts shall be binding upon such towns, respect-  
4 ively, in proportion to, and not exceeding, the amount  
5 which each town is required to pay to such agent,  
6 under the provisions of this article.

SEC. 3. The assessors of each town, from which  
2 any part of such district, as is provided in the first  
3 section of this article, shall have been formed, shall  
4 assign to such district a proportion of the money by  
5 law to be distributed among the districts in such town,  
6 according to the number of such children, belonging  
7 to such town, within the limits of said school district.  
8 And when any district is composed of parts of two or  
9 more towns, the powers specified in sections thirteen  
10 and fourteen of article second, to be exercised by any  
11 town, or by the selectmen, or superintending com-  
12 mittee of any town, may be exercised by the concur-  
13 rent vote of said towns, or the joint acts of the select-  
14 men or superintending school committees of such

15 towns; and application shall be made to each of them  
16 accordingly.

SEC. 4. When any school district shall be formed  
2 from parts of two or more towns, as aforesaid, the  
3 superintending school committee, selectmen, asses-  
4 sors, treasurer, collector and constable of the town in  
5 which the school house of such district is situated, or  
6 has been located, or in which the school of such dis-  
7 trict is kept, or if there be no such school house or  
8 school, the aforesaid officers of the oldest town from  
9 which any part of such district shall have been taken,  
10 shall, in respect of such district have all the powers  
11 and perform all the duties, and be deemed to all  
12 intents to stand in the place of such officers, in respect  
13 of school districts situated wholly in any one town.

SEC. 5. All agents and other officers of districts  
2 formed as aforesaid, shall have the same powers and  
3 privileges, and shall perform the same duties as agents  
4 and other officers of districts situate wholly in any  
5 one town.



## ARTICLE V.

*Of the powers and duties of superintending school committees.*

SEC. 1. All superintending school committees, appointed as provided by law, shall perform the following duties, to wit :

4 *First.* To fill any vacancy occurring in their board, 5 during their term of office ; and when, by reason of 6 resignation, removal or death, there shall be but one 7 member of the committee in office, he shall have 8 power, and it shall be his duty to fill said vacancy.

9 *Secondly.* To appoint suitable times and places for 10 the purpose of examining all candidates proposing to 11 teach in town ; said candidates shall produce satisfactory 12 evidence that they sustain a good moral character 13 and possess a temper and disposition suitable to be 14 instructors of youth.

15 *Thirdly.* To examine such candidates in reading, 16 spelling, writing, English grammar, geography, history, 17 arithmetic, and other branches usually taught in 18 public schools, and particularly in the school for which 19 such persons are examined ; and also as to capacity 20 for the government and discipline of said school.

21 And if on such examination, such persons are found  
22 competent, said committee shall grant a certificate,  
23 that such persons are qualified to govern said school,  
24 and to instruct in the branches above named, and  
25 such other branches as are necessary to be taught in  
26 said school.

27 *Fourthly.* To direct the general course of instruc-  
28 tion, and what books shall be used in the respective  
29 schools.

30 *Fifthly.* To visit and inspect the several schools,  
31 and inquire into the regulations and discipline thereof,  
32 and of the proficiency of the scholars therein; and to  
33 use their influence and best endeavors that the youth  
34 in the several districts regularly attend the schools;  
35 and particularly to provide, that one or more of the  
36 board shall visit each school within the town, at least  
37 twice, during the term for which it is kept.

38 *Sixthly.* After due notice, and a candid investiga-  
39 tion of the facts, to dismiss any school master or mis-  
40 tress, who shall be found, in their opinion, incapable  
41 or unfit to teach, or whose services are believed by  
42 them to be unprofitable to such school, notwithstand-  
43 ing their having procured the requisite certificate;

44 *provided*, that such dismissal shall not operate to  
45 deprive such master or mistress of their right to com-  
46 pensation, for services previous to such dismissal ;  
47 and said committee shall immediately give notice  
48 thereof in writing, to the agent of the district, and  
49 shall also deliver, or cause to be delivered, to such  
50 teacher, a certificate of dismissal, under their hands,  
51 stating the reasons of such dismissal, a copy of which  
52 they shall preserve.

53 *Seventhly*. To expel from any school, any obsti-  
54 nately disobedient and disorderly scholar, after a  
55 proper investigation of his behavior, if found neces-  
56 sary for the peace and usefulness of the school ; also  
57 to restore him to the school, on satisfactory evidence  
58 of his repentance and amendment.

59 *Eighthly*. To make a written report at the annual  
60 meeting next after their appointment, of the standing  
61 of, and progress made in, the several schools, in the  
62 various branches of learning therein taught, and the  
63 success which may have attended the mode of in-  
64 struction and government of their respective teachers.

SEC. 2. The superintending school committee of

2 the several towns, shall, annually, make out a state-  
3 ment, containing the following particulars :

4 *First.* The amount of money raised and expended  
5 for the support of schools, designating what part is  
6 raised by taxes, and what part from other funds, and  
7 how such funds have accrued.

8 *Secondly.* The number of school districts, and parts  
9 of districts, in their towns respectively ;

10 *Thirdly.* The number of children belonging to  
11 such town, in each district, between the ages of four  
12 and twenty-one years, as the same existed, on the  
13 first day of May preceding.

14 *Fourthly.* The number of children between the  
15 ages above specified, who reside upon islands, or in  
16 any other part of the town, not classed with any  
17 district.

18 *Fifthly.* The whole number of scholars attending  
19 the summer schools,—the average number of schol-  
20 ars attending the summer schools,—the whole number  
21 of scholars attending the winter schools,—the average  
22 number of scholars attending the winter schools.

23 *Sixthly.* The average length of the summer schools

24 in weeks,—the average length of the winter schools  
25 in weeks,—the average length of the schools for the  
26 year.

27 *Seventhly.* The number of male teachers who have  
28 been employed in the public schools, during any part  
29 of the year,—the number of female teachers, who  
30 have been so employed.

31 *Eighthly.* The wages of male teachers per month,  
32 exclusive of board,—the wages of female teachers per  
33 week, exclusive of board.

34 *Ninthly.* And said committee, in said returns, shall  
35 give full and complete answers, to the inquiries con-  
36 tained in the blank forms which shall be furnished to  
37 them, under the provisions of law : and they shall  
38 certify that such statement is true and correct, ac-  
39 cording to their best knowledge and belief, and shall  
40 transmit the same to the office of the secretary of  
41 state, on or before the first day of April in each year :  
42 and when, by reason of removal, resignation or death,  
43 there shall be but one member of the committee left,  
44 it shall be his duty to make said returns. ,

SEC. 3. If any parent, master or guardian, after  
2 notice, given him by the master or mistress of any

3 district school, that any child, under his care, is defi-  
4 cient of the necessary school books, refuse or neglect  
5 to furnish such child with the books required, the  
6 superintending school committee of the town, on  
7 being notified, by said master or mistress, of such  
8 refusal or neglect, shall furnish the same at the  
9 expense of the town ; which expense may be added  
10 to the next town tax of such delinquent parent, master  
11 or guardian.

## ARTICLE VI.

### *Of the powers and duties of school agents.*

SEC. 1. School agents, whether elected by the  
2 towns, or by their respective districts, shall be duly  
3 sworn ; and shall continue in office one year, and  
4 until others are chosen and qualified in their stead ;  
5 their duties and powers shall be as follows :  
6 *First.* In the month of March or April, annually,  
7 to call district meetings for the choice of agents, and  
8 for other business, by causing notice to be given, as  
9 provided in the fifth and sixth sections of article sec-  
10 ond of this act.  
11 *Secondly.* To hire the school masters or mistresses

12 for their respective districts, from the money assigned  
13 to them by the assessors of their towns, pursuant to  
14 provisions of section six, of article one, and from any  
15 other funds, placed at their disposal for the purpose.

16 *Thirdly.* From the same means, to provide fuel and  
17 utensils, necessary for the schools, and to make inci-  
18 dental repairs upon the school houses and out-build-  
19 ings, and insurance, if the district so direct; *provided,*  
20 that no more than one-tenth part of the moneys,  
21 received from the town, shall, in any one year, be  
22 expended for such repairs and utensils, exclusive of  
23 fuel and insurance.

24 *Fourthly.* Before the commencement of any term  
25 of such schools, to give notice to a member or mem-  
26 bers, of the superintending school committee of the  
27 town, or of the oldest town, out of which the district  
28 is formed, if more than one, of the time when the  
29 school is to commence; whether to be kept by a  
30 master or mistress; and for how long a time such  
31 instructor is engaged.

32 *Fifthly.* To return to the selectmen of the town,  
33 prior to the expiration of his term of service, an ac-  
34 count of his expenditures, by virtue of the authority

35 herein granted, accompanied with the necessary  
36 vouchers therefor.

37 *Sixthly.* To return to the assessors of their respect-  
38 ive towns, in the month of May, annually, a list, by  
39 them certified to be true, of the children in their dis-  
40 tricts, of the age of four years and upwards, and  
41 under the age of twenty-one years, as they existed on  
42 the first day of said month, exclusive of such as may  
43 have come from other places, where they belong, to  
44 attend any college or academy, or to labor in any  
45 factory, in any such district; and in case said agents  
46 fail to make the returns aforesaid, the assessors, as  
47 soon as may be thereafter, shall make, or cause to be  
48 made, an enumeration of the persons aforesaid in  
49 such districts.

## ARTICLE VII.

### *Duties and qualifications of instructors.*

SEC. 1. It shall be the duty of every teacher of a  
2 public school to keep a school register, containing  
3 the names of all the scholars who enter the school,  
4 their ages, the date of each scholar's entering and  
5 leaving school, the number of days of each scholar's



6 attendance, the length of the school, the teacher's  
7 wages, a list of text books used, and such other facts  
8 as may be required by the blank form, furnished  
9 under the provisions of law ; which register shall, at  
10 all times, be open to the inspection of the school  
11 committee, and a return of the same be made to said  
12 committee at the close of the school. And no teacher  
13 shall be entitled to pay for his or her services, until  
14 the register for his or her school, properly filled up,  
15 completed and signed, shall be deposited with the  
16 school committee, or with such persons as they may  
17 designate to receive it.

SEC. 2. It shall be the duty of the presidents, pro-  
2 fessors and tutors of colleges, and of the preceptors  
3 and teachers of academies, and all other instructors of  
4 youth, whether in public or private institutions, to  
5 take diligent care, and exert their best endeavors, to  
6 impress on the minds of the children and youth, com-  
7 mitted to their care and instruction, the principles of  
8 morality and justice, and a sacred regard to truth ;  
9 love to their country, humanity and a universal be-  
10 nevolence ; sobriety, industry and frugality ; chastity,  
11 moderation and temperance ; and all other virtues,

12 which are the ornaments of human society. And it  
13 shall be the duty of such instructors, to endeavor to  
14 lead those under their care, as their ages and capac-  
15 ities will admit, into a particular understanding of the  
16 tendency of the beforementioned virtues, to preserve  
17 and perfect a republican constitution, and secure the  
18 blessings of liberty, as well as to promote their future  
19 happiness; and the tendency of the opposite vices, to  
20 slavery, degradation and ruin.

SEC. 3. Any person, who shall teach any district  
2 school, without first obtaining from the superintending  
3 school committee of the town, the certificate referred  
4 to in the first section of article five, shall forfeit and  
5 pay a sum not exceeding the sum contracted for his  
6 or her daily wages, for each day he or she shall so  
7 teach such school, and shall be barred from receiving  
8 any pay for teaching the same: *provided*, that no cer-  
9 tificate shall be valid for more than one year, without  
10 the approval of the superintending school committee,  
11 annually endorsed thereon.

## ARTICLE VIII.

*Relating to schools in certain plantations.*

SEC. 1. All plantations within this state, which are  
2 now, and which may hereafter be organized for elec-  
3 tion purposes only, are hereby vested with the same  
4 powers, and shall be subject to the same duties, of  
5 other plantations within the state, so far as the same  
6 relate to the erection of school districts, and the  
7 apportionment and expenditure of any moneys, which  
8 they now are, or may hereafter be, entitled to receive  
9 as their proportion of any bank tax, or which may  
10 arise from any act of bounty on the part of the state,  
11 or the interest of the permanent school fund.

SEC. 2. The clerks of the said several plantations,  
2 organized for election purposes only, shall perform  
3 the duties of treasurer of their respective plantations ;  
4 and, in that capacity, each of said clerks shall be en-  
5 titled to receive any and all moneys, which of right,  
6 may belong to his plantation, whether the same be  
7 deposited in the treasury of the county within which  
8 his plantation may be situated, or which is now re-  
9 maining, or may hereafter accrue in the state treas-  
10 ury ; the apportionment thereof, among the said

11 plantations, to be made according to their respective  
12 population, to be ascertained and determined, by the  
13 last preceding census. And each of said clerks shall  
14 apportion and pay out the same to the several school  
15 districts, within his plantation, according to the num-  
16 ber of scholars therein: *provided, always,* each of  
17 said clerks, before entering upon the discharge of the  
18 duties of the office of treasurer, shall give to the  
19 assessors of his plantation, a good and satisfactory  
20 bond for the faithful performance of his duties.

SEC. 3. The assessors of said plantation shall issue  
2 their warrant for the calling of district meetings in  
3 their respective plantations, in the same manner that  
4 selectmen of towns are authorized to issue their war-  
5 rants for the calling of district meetings in their re-  
6 spective towns; and the said plantation school districts  
7 shall have power to choose all district officers, which  
8 school districts in towns have; and said officers shall  
9 have the same powers, and be subject to the same  
10 duties, of school district officers in towns.

SEC. 4. The assessors of said plantations shall have  
2 power to commence and prosecute to final judgment,  
3 in their official capacity, a suit at law, on any bond

4 given them or their predecessors in office, whenever  
5 any condition in said bond shall be broken.

SEC. 5. The county commissioners, for the county  
2 in which such lands are situated, are hereby author-  
3 ized to permit the said plantation clerks, in their ca-  
4 pacity of treasurers, to cut and dispose of any grass,  
5 which may grow on lands reserved for public uses, in  
6 their respective plantations, provided the same may  
7 be done without injury to said lands, or to the public  
8 interest. And the proceeds of the sales of said grass  
9 shall be appropriated for the support of schools in the  
10 respective plantations in which the said lands may lie ;  
11 and shall be apportioned in the same manner as is  
12 provided for the apportionment of other moneys men-  
13 tioned in the second section of this article.

SEC. 6. All plantations, organized for election pur-  
2 poses only, shall have power to choose one collector  
3 of taxes for each plantation, and all school district  
4 officers that incorporated towns are entitled to ; who  
5 shall have the same power, and be under the same re-  
6 strictions that such officers are, in incorporated towns.

SEC. 7. All school districts that now are, or may  
2 hereafter be established in such plantations, shall have

3 power to raise money, to hire, buy or build, a suitable  
4 school house for the benefit of the district, and shall  
5 likewise have power to raise money for the support  
6 of schools.

SEC. 8. All school district meetings shall be called  
2 by the assessors of the plantation, on the written ap-  
3 plication of three or more of the legal voters of such  
4 district, stating the reason and objects of their pro-  
5 posed meeting; and at such meeting, the inhabitants  
6 of said district shall have power to raise money for  
7 the purposes stated in the section of this article.

SEC. 9. Whenever such school district shall vote to  
2 raise any sum or sums of money, the assessors shall  
3 make out a valuation of the property, real and per-  
4 sonal, that is liable to be taxed, except wild lands, in-  
5 cluding improved real estate, whether owned by a  
6 resident in the district or not, together with all the  
7 polls in said district.

SEC. 10. The assessors shall assess the tax, and  
2 commit the same to the collector, who shall collect it,  
3 and pay it over to the treasurer, in order that it may  
4 be appropriated to the purposes for which it was  
5 raised.

## ARTICLE IX.

*Of a board of education and secretary; how elected, and their powers and duties.*

SEC. 1. The board of education as now established  
2 in this state, shall consist of one member from each  
3 county; who shall be elected in the manner herein-  
4 after provided.

SEC. 2. The superintending school committees of  
2 the several towns, and the clerks of the several plan-  
3 tations in each county, are hereby required to assem-  
4 ble, annually, at the times and places designated as  
5 hereinafter provided, and when so assembled in each  
6 county, to choose, by the majority of those present,  
7 one person, a resident of the county, who shall be the  
8 member of the board of education for such county,  
9 and shall hold his office until a successor is duly chosen  
10 and qualified. The county meetings aforesaid shall  
11 be organized by the choice of a chairman and clerk,  
12 who shall severally certify the election of the member  
13 chosen, and transmit one copy of such certificate to  
14 the secretary of state, and one copy to the person  
15 chosen.

SEC. 3. A quorum of such county meeting shall

2 consist of one or more members of the superintending  
3 school committees, from a majority of the towns in the  
4 county, but if any town or city shall have a superin-  
5 tending school committee consisting of more than five  
6 members, such committee shall appoint delegates from  
7 their own number, not exceeding five, which delegates  
8 shall exercise the duties and powers herein provided.

SEC. 4. The county meetings aforesaid, shall be  
2 held at such time and place in each county, as the  
3 member of the board of education for the county  
4 shall appoint; *provided*, that in any county in which  
5 a teachers' institute shall be held, said meeting may  
6 be appointed at the place where such institute is held,  
7 and on some day during the session thereof: and it  
8 shall be the duty of the member of the board for each  
9 county, to give notice of the time and place by him  
10 appointed for said meeting, by forwarding a notice  
11 thereof to the superintending school committee of the  
12 several towns, and clerks of the several plantations  
13 in said county, thirty days, at least, before the time so  
14 appointed, and shall also give the like notice to the  
15 secretary of the board of education. In case of a  
16 vacancy in the office of member of the board for any



17 county, it shall be the duty of the secretary of the  
18 board to appoint the time and place, and give the  
19 notices aforesaid.

SEC. 5. The members of the board of education,  
2 shall meet for organization, and for the choice of the  
3 secretary hereinafter provided, at Augusta, on the  
4 first Wednesday of May, in each year ; and the term  
5 of each new board of education shall commence on  
6 the first Wednesday of May, annually.

SEC. 6. The members of the board of education  
2 thus chosen, at their first meeting in each year, shall  
3 appoint a chairman and clerk from their own number.  
4 Five members shall be a quorum for the transaction  
5 of business. In case of any vacancy in the board, or if  
6 in any county an election shall not have been effected  
7 at the county meeting herein provided, the members  
8 of the board actually elected and in office, shall at  
9 their first meeting after such failure to elect, or such  
10 vacancy shall occur, fill such vacancy and supply such  
11 failure.

SEC. 7. The board of education shall, at their first  
2 meeting in each year, elect by ballot, one person, who  
3 shall be styled the secretary of the board of education,

4 and shall hold his office one year, and until another  
5 shall be chosen. In case of a vacancy in the office of  
6 secretary, it shall be the duty of the board, as soon as  
7 may be after the occurrence of such vacancy, to elect  
8 another for the remainder of the year.

SEC. 8. The members of the board, and the secre-  
2 tary, shall severally be sworn to the faithful perform-  
3 ance of their respective duties, before any magistrate  
4 authorized to qualify civil officers.

SEC. 9. It shall be the duty of the board of educa-  
2 tion, and especially of the secretary, to devote them-  
3 selves assiduously to examine the practical operation  
4 of those parts of the constitution and laws of the  
5 state, which provide for public education, and the  
6 diffusion of knowledge among the people. In pursu-  
7 ance of this object, the secretary shall attend the  
8 county meetings herein provided for the election of  
9 members of the board, and communicate with the  
10 superintending school committees there assembled,  
11 and with teachers, and the friends of public instruction  
12 generally. And the board of education, directly, or  
13 through the agency of the secretary, are authorized  
14 and required to collect and disseminate information in

15 regard to the location and construction of school  
16 houses ; on the arrangement of school districts, and  
17 the use of the best school apparatus ; to consult with  
18 superintending school committees and school agents  
19 on the best and cheapest method of introducing uni-  
20 form school books, and on the practicability and  
21 expediency of establishing school district libraries ;  
22 to inquire and report upon the advantages of normal  
23 schools, or schools for the education of teachers ; to  
24 consider the best methods of aiding and promoting  
25 education in the new settlements of the state ; to  
26 devise improvements in teaching the branches of  
27 instruction now pursued in the common schools, and  
28 for the introduction of such other branches of useful  
29 knowledge as may be practicable, and generally to  
30 consult with school committees, school agents, and  
31 other authorities and inhabitants of the state, for the  
32 purpose of ascertaining, recommending and promot-  
33 ing, all such improvements in the common school  
34 system as may be consistent with the constitution and  
35 laws of the state, and the welfare of its inhabitants.  
36 And it shall be the duty of the board, before the first  
37 Wednesday of May, annually, to prepare a report of

38 their doings, and the result of their investigations  
39 during the preceding year, which shall be presented  
40 to the governor, and by him laid before the legis-  
41 lature.

SEC. 10. The secretary of state is hereby author-  
2 ized, under the direction of the governor and council,  
3 to furnish such blank forms for returns respecting  
4 schools, as may be recommended by the board of  
5 education; and all such returns may be addressed to  
6 the secretary of state.

SEC. 11. The members of the board of education,  
2 shall each receive for their travel from their several  
3 places of residence, to the place of their several meet-  
4 ings, ten cents per mile, and one dollar for each days  
5 attendance at any meeting, but not exceeding in the  
6 aggregate, thirty days in each year.

SEC. 12. The secretary of the board of education  
2 shall receive an annual salary of one thousand dollars,  
3 payable in quarterly payments, which shall be in full  
4 for all services and expenses of said office.

SEC. 13. The board of education, at such times as  
2 they may appoint, shall make up their pay roll for  
3 travel and attendance, which when examined and

4 allowed by the governor and council, shall be paid to  
5 them, out of any money in the treasury not otherwise  
6 appropriated.

SEC. 14. The member of the board in each county  
2 shall, when directed by the board, notify, attend, and  
3 have the sole charge of the teachers' institute in his  
4 county, where such institute is held; and, at that  
5 time, and at all other times, and by all means in his  
6 power, endeavor to disseminate among the teachers,  
7 correct views and adequate knowledge of their pow-  
8 ers, duties and responsibilities, and aid them in their  
9 efforts to improve their qualifications and increase  
10 their usefulness. He shall also make a report to the  
11 board, before the first Wednesday in May, of the  
12 results of his labors, of the character of teachers, and  
13 the condition of the schools of his county, together  
14 with any other information which his experience and  
15 observation may enable him to offer, calculated to  
16 advance the cause of popular education.

## ARTICLE X.

*Special provisions, relating to the regulation and endowment of schools, and affecting the government and discipline of literary institutions.*

SEC. 1. All forfeitures and penalties, for the breach  
2 of any of the foregoing provisions of this act, shall be  
3 recovered by indictment, before any court of compe-  
4 tent jurisdiction ; and it shall be the duty of all grand  
5 jurors, to make due presentment thereof, in all cases  
6 that shall come to their knowledge ; and such penalty,  
7 when recovered, shall in all instances, be paid into the  
8 treasury of the town where the same was incurred,  
9 for the support of schools therein, in addition to the  
10 amount required by law to be raised ; but the costs of  
11 the prosecution, when recovered, shall be paid into  
12 the county treasury.

SEC. 2. If any town shall neglect for one year, so  
2 to appropriate and expend any fine or penalty, it shall  
3 forfeit a sum equal to the said fine or penalty, to the  
4 use of any person who may sue therefor, in an action  
5 of debt.

SEC. 3. The treasurer of state shall keep a sepa-  
2 rate account of all moneys he may have received, or

3 may hereafter receive, from the sales of land by the  
4 land agent, or from the notes taken therefor, pursuant  
5 to the provision of the first section of an act passed,  
6 February twenty-third, in the year eighteen hundred  
7 and twenty-eight, entitled, "an act providing for the  
8 promotion of education," and the same shall consti-  
9 tute a permanent fund, to be reserved for the benefit  
10 of town or district schools. The fund shall be put  
11 out on interest in such manner, as the legislature shall  
12 from time to time determine; and the income thereof,  
13 annually, distributed amongst the towns in the state,  
14 according to the number of children therein, between  
15 the ages of four and twenty-one years.

SEC. 4. All the sums of money which may here-  
2 after be received by the state, for the tax on the sev-  
3 eral banks, shall continue to be appropriated to the  
4 support of town or district schools.

SEC. 5. The secretary of state shall ascertain annu-  
2 ally from the statements of superintending school  
3 committees, required to be returned, the aggregate  
4 number of children between the ages of four and  
5 twenty-one years, in the several towns from which  
6 returns shall be seasonably made; and immediately

7 notify the treasurer of the state of the number so  
8 ascertained.

SEC. 6. The treasurer, upon receiving such notifi-  
2 cation, shall annually, in the month of May, distribute  
3 to the several cities, towns and plantations, including  
4 plantations organized for election purposes only, a  
5 sum of money, equal to the whole amount, received  
6 during the year last preceding, from the tax of the  
7 several banks, from the interest of the permanent  
8 school fund at six per cent., and from whatever other  
9 funds may, from time to time, be appropriated to the  
10 same uses, according to the number of children of the  
11 above described ages, to them severally belonging, as  
12 exhibited in the said notification; and shall, as soon  
13 as may be after the twentieth day of May, of the same  
14 year, pay to the treasurer of the said several cities,  
15 towns and plantations respectively, or to their order,  
16 the sums which shall fall to them, on such apportion-  
17 ment; but no city, town or plantation, from which  
18 the full and complete returns required by law, shall  
19 not have been received at the office of the secretary  
20 of state on the tenth day of April, shall be entitled to  
21 receive any portion of the bank tax, interest of the



22 permanent school fund, or other fund which may from  
23 time to time be apportioned for the support of  
24 schools; and such portion, which would otherwise  
25 belong to said town, city or plantation, shall be  
26 divided among the cities, towns and plantations, from  
27 which returns shall have been received, unless it shall  
28 be made to appear to the governor and council, on  
29 or before the fifteenth day of May, then next follow-  
30 ing, that said returns were seasonably forwarded, or  
31 that the omission to make said returns was occasioned  
32 by unavoidable accident; and in case it shall be so  
33 made to appear, said city, town or plantation, shall  
34 be entitled to receive its proportion of money, upon  
35 making out the proper returns immediately after such  
36 hearing before the governor and council. And it is  
37 hereby made the duty of the secretary of state, to  
38 notify any city, town or plantation, from which  
39 returns are not received by the tenth day of April, of  
40 their delinquency.

SEC. 7. The secretary of state, on or before the  
2 first day of October, annually, shall furnish to the  
3 superintending school committees, the blank forms  
4 required by law to be used in making school returns.

SEC. 8. The tenure of office of the president of  
2 each college in this state, shall be such that he shall  
3 be removable at any time, at the pleasure of the  
4 trustees and overseers whose concurrence is necessary  
5 for an election to the same office.

SEC. 9. All fees paid by any person for any di-  
2 ploma, or any medical degree, granted or conferred  
3 by any college in this state, shall be paid into the  
4 treasury for the use of such college; and no part  
5 thereof shall be received as a perquisite of office, by  
6 any officer of the college.

SEC. 10. No innholder, tavern-keeper, retailer,  
2 confectioner, or keeper of any shop, or boarding-  
3 house, for the sale of drink or food, or any livery  
4 stable keeper, for horse or carriage hire, shall give  
5 credit to any under graduate or pupil, of any college  
6 or other institution in this state, incorporated for the  
7 instruction of youth, without the consent of the pres-  
8 ident, or such officer of such college or other institu-  
9 tion as may be authorized thereto, by the government  
10 thereof, nor in violation of any rules and regulations  
11 thereof.

SEC. 11. No person shall be licensed by the select-

2 men of any town, for any of the employments afore-  
3 said, if it shall appear, that he has, within the year  
4 then last past, given credit to any such under gradu-  
5 ate or pupil, contrary to the provisions of the preced-  
6 ing section.

SEC. 12. If any person shall give credit to any such  
2 under graduate or pupil, contrary to the said provis-  
3 ions, he shall forfeit a sum equal to the amount so  
4 credited, whether the same shall have been paid or  
5 not; to be recovered by the treasurer of such college  
6 or other institution, in an action of debt; one-half to  
7 the use of such college or institution, and the other  
8 half to the use of the town where the same is estab-  
9 lished.

SEC. 13. If any person, whether he be a scholar or  
2 not, shall enter any school house or other place of  
3 instruction, during or out of school hours, the teacher  
4 or any of the pupils being therein, and shall willfully  
5 interrupt or disturb the teacher or pupils by loud  
6 speaking, rude or indecent behavior, signs or ges-  
7 tures; or if any person shall willfully interrupt a school  
8 by prowling about the buildings, by making noises,  
9 or by throwing missiles at the school house, or in any

10 wise disturbing the school, the person so offending  
11 shall pay a fine of not less than two, nor more than  
12 twenty dollars, to be recovered by complaint before  
13 any justice of the peace, or by indictment and con-  
14 viction in the district court.

SEC. 14. If any minor shall injure or aid in injuring  
2 any school house or out buildings, or any utensils or  
3 appurtenances belonging to the same; or shall by  
4 marks, cuts or otherwise, deface the walls, benches,  
5 seats or other parts of said buildings, or shall injure or  
6 destroy any property belonging to any school district,  
7 said district by its agent or committee, may recover  
8 of the parent or guardian of such minor, in an action  
9 of debt, in any court competent to try the same,  
10 double the amount of damages occasioned by such  
11 minor.

SEC. 15. In the construction of this act, the word  
2 "town" shall include "city" and "plantation," ex-  
3 cept where such construction may be inconsistent  
4 with the context; and the duties and powers of the  
5 selectmen, shall be deemed in the same manner to  
6 belong to the aldermen of cities, and assessors of  
7 plantations; and other officers of cities and the planta-

8 tions, respectively, shall be included in the descrip-  
9 tion of town officers, having like authority in other  
10 cases.

SEC. 16. The provisions of chapter one hundred  
2 and seventeen of the revised statutes, which are con-  
3 tained in the sections, from forty-two to forty-nine,  
4 both inclusive, of said chapter, shall apply as well to  
5 executions against any school district, as against  
6 towns.

## ARTICLE XI.

### *Of teachers' institutes.*

SEC. 1. Whenever reasonable assurance shall be  
2 given to the board of education, that a suitable num-  
3 ber of the teachers of public schools in any county,  
4 shall desire to assemble for the purpose of forming a  
5 teachers' institute, and to remain in session for a pe-  
6 riod not less than ten working days, said board, by  
7 their member for such county, or in case of vacancy  
8 in any county, by their secretary, shall appoint a time  
9 and place for said meeting, make suitable arrange-  
10 ments therefor, and give notice thereof.

SEC. 2. For the purpose of defraying the expenses

2 of rooms, lights or other necessary charges, and for  
3 procuring and paying teachers and lecturers for said  
4 institutes, the board of education, by their committee  
5 or secretary, may draw upon the treasurer of the  
6 state, for a sum not exceeding two hundred dollars,  
7 for any one institute.

SEC. 3. To meet the expenditure aforesaid, the  
2 governor is hereby authorized, to draw his warrant  
3 upon the treasury for a sum not exceeding twenty-  
4 six hundred dollars annually, said sum to remain in  
5 the treasury, subject to the drafts provided for in the  
6 second section of this article, and to be paid out of  
7 any money not otherwise appropriated.



## STATE OF MAINE.

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HOUSE OF REPRESENTATIVES, May 17, 1850.

ORDERED, That 350 copies of the foregoing communication, with the accompanying documents, be printed for the use of the Legislature.

EDMUND W. FLAGG, *Clerk.*