

MAINE STATE LEGISLATURE

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DOCUMENTS

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THE LEGISLATURE

OF THE

STATE OF MAINE.

DURING ITS SESSION

A. D. 1855.

AUGUSTA:

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1855.

THIRTY-FOURTH LEGISLATURE.

HOUSE.

No. 9.

STATE OF MAINE.

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

AN ACT to provide for the Education of Youth, and to
establish a Department of Public Instruction.

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

ARTICLE I.

PERMANENT FUND.

SECT. 1. All moneys which may be hereafter derived
2 from the sale of the public lands, with the exception
3 of such as may be received from the sale of lands
4 purchased from the State of Massachusetts, are hereby
5 appropriated, to constitute a permanent fund for the
6 education of youth in this State.

SECT. 2 The Treasurer shall keep a separate

2 account of *all* moneys received from the sale of said
3 lands, pursuant to provisions of law, and shall invest
4 the same, under the direction of the Governor and
5 Council, and the Superintendent of public instruction;
6 and the income only of said fund shall be annually
7 applied to aid in the education of youth.

SECT. 3. All moneys which may accrue to the
2 State from the tax on Banks, shall be added to the
3 income of the permanent fund; and the whole, after
4 deducting the expenses herein required to be charged
5 upon said fund, and the further sum of fifteen thous-
6 and dollars, shall be distributed in the following
7 manner. The cities, towns and plantations shall be
8 divided into four classes; the first class shall embrace
9 all towns and plantations containing less than two
10 hundred inhabitants; the second, all containing two
11 hundred and less than two thousand; the third, all
12 containing two thousand and less than four thousand;
13 and the fourth, all containing four thousand or more.
14 Each town or plantation included within the first class
15 shall receive from the public fund, the sum of fifty
16 cents for each inhabitant thereof; and the several
17 towns of each of the other three classes shall receive

18 from the said fund in the proportion of five, four and
19 three respectively. But no city, town or plantation,
20 shall be entitled to receive any portion of said fund,
21 which shall not have complied with all the provisions
22 of law relating to public schools, and which shall not
23 have made the returns into the office of the Superin-
24 tendent of public instruction, required by this act.

SECT. 4. The sum of fifteen thousand dollars is
2 hereby appropriated from the income of the permanent
3 fund, to be annually expended by the Superintendent
4 of public instruction, in defraying [in whole or in part]
5 the ordinary expenses for instruction of those youth
6 belonging to the State, who may pursue in any college
7 thereof, or any female Seminary or Institute whose
8 course of instruction shall be substantially equivalent
9 to that commonly pursued in college, a higher range
10 of studies than may be practicable in the public
11 schools; *provided*, that the said sum shall be divided
12 equally among all the persons for whose benefit it is
13 appropriated; *provided also*, that any surplus, remaining
14 after defraying such ordinary expenses for instruction,
15 shall be added to the permanent fund.

ARTICLE II.

POWERS AND DUTIES OF TOWNS.

SECTION 1. All business relating to schools shall
2 be transacted by the towns, at their annual meetings,
3 or at any other meeting regularly called for the pur-
4 pose, according to the provisions of this act; and the
5 corporate existence of school districts is hereby abol-
6 ished.

SECT. 2. Every town in this State shall annually
2 raise for the support of public schools therein, in
3 addition to all moneys received from the State, and
4 from the income of any special school fund, and
5 exclusive of any forfeitures accruing to the use of
6 schools, a sum not less than eighty cents for each
7 inhabitant thereof. Said sum shall be raised by tax
8 upon the polls and estates, in the same manner as
9 money raised for other town purposes: *provided*, that
10 in the assessment of this and all other taxes, property
11 employed for school purposes shall be exempt from
12 taxation; *provided* also, that the aforesaid fund shall
13 be at the disposal of the Superintending School Com-
14 mittee, to be by them expended according to the
15 provisions of this act.

SECT. 3. The sum raised by assessment, with that
2 received from the State, shall constitute the Town
3 fund for the support of public schools. Ten per cent-
4 um of said fund shall be expended in the manner
5 herein provided, in the establishment of School Libra-
6 ries; an additional ten per centum shall be appropriated
7 to defray the contingent expenses herein authorized
8 and required; and the remainder shall be expended
9 in the payment of teachers' wages.

SECT. 4. Every town shall, at its annual meeting,
2 raise such sum of money as may be necessary for
3 purchasing or renting suitable sites, and for placing
4 thereon school houses and other buildings needful for
5 the proper accommodation of the schools, in accord-
6 ance with estimates duly prepared and presented by
7 the Superintending Committee.

SECT. 5. The towns shall be authorized to take
2 possession of the school houses, at present existing
3 therein, in the following manner: An appraisement
4 shall be made by the Assessors in connection with the
5 Superintending Committee, of the school house or
6 houses in each district; a tax shall then be levied on
7 the inhabitants of the town, sufficient to provide such

8 accommodations for the schools as the Committee may
9 deem necessary; and to each of the old districts shall
10 be remitted a portion of the tax equal to the value of
11 its house or houses.

SECT. 6. Any town may at its annual meeting, or
2 at any other meeting legally called for that purpose,
3 vote to borrow money for the purchase or erection of
4 school houses and other buildings necessary to the
5 accommodation of the schools, and for the purchase of
6 land on which the same may stand.

SECT. 7, Every such loan shall be for a term of
2 time not exceeding ten years, and shall be payable in
3 equal annual instalments.

SECT. 8. Whenever any town shall vote to borrow
2 money for either of the purposes specified in section
3 fourth, it shall be the duty of the Selectmen to nego-
4 tiate said loan, and to give the necessary evidences of
5 debt therefor; and a copy of such evidence or security
6 shall be by them filed with the Town Clerk, who shall
7 enter the same on the town records. The money
8 procured on such loan shall be received by the Treas-
9 urer of the town, and shall be applied and paid out
10 for the purposes aforesaid, in the same manner as is

11 provided by this act, in the case of other moneys raised
12 or received by the town for school purposes.

SECT. 9. At each assessment of town taxes, after
2 the receipt of such money by the Treasurer, the
3 Assessors of the town shall assess the amount of the
4 instalment and interest payable in that year, upon the
5 polls and estates of the inhabitants; and it shall be
6 the duty of the Selectmen to draw their warrant on
7 the Treasurer, for the amount of each instalment and
8 interest, as the same becomes payable, and is demanded
9 by the person to whom it may be lawfully due.

SECT. 10. If any town shall fail to raise and expend
2 for the support and accommodation of schools, the
3 amount of money required by law, such town shall
4 forfeit and pay a sum not less than twice nor more
5 than four times the amount of such deficiency.

SECT. 11. It shall be the duty of the Town Treas-
2 urer on receiving due notice from the Treasurer of
3 State, of the sum to which the town may be entitled
4 from the general school fund, to apply for and receive
5 the same; which, together with all other moneys
6 received into the Treasury for school purposes, he shall
7 pay out on the warrant of the Selectmen; *provided,*

8 that no such warrant shall be valid unless signed by
9 a majority of their number.

SECT. 12. If the Treasurer shall pay out any money
2 received into the Treasury for school purposes, with-
3 out the authority provided in section twelfth, he shall
4 be personally liable in the full sum thus paid.

SECT. 13. The Selectmen, in addition to the other
2 duties herein required, shall receive and keep on file,
3 the annual reports of the Superintending Committee ;
4 take the deed of land purchased for school purposes ;
5 answer all inquiries addressed to them by the Super-
6 intendent of public instruction ; and on receiving the
7 certificate herein required, draw their warrant on the
8 Treasurer for the payment of moneys required by law
9 to be expended under the direction of the Committee.
10 They shall also carefully examine the returns herein
11 required to be made by the Superintending Committee
12 into the office of the Superintendent of public instruc-
13 tion, and when found true and correct, endorse
14 thereon the following certificate :—

The undersigned, selectmen of ——, in the county
16 of —— and State of Maine, do hereby certify, that we
17 have carefully examined the returns of the Superin-

18 tending School Committee of said town, herein
19 contained, and that we believe the same to be true
20 and correct.

And no town shall be deemed to have made the
22 returns required by law, until returns with the said
23 certificate endorsed thereon, and signed by a majority
24 of the Selectmen, shall have been deposited in the
25 office of the Superintendent of public instruction.

SECT. 14. It shall be the duty of the Selectmen, at
2 the request of the Committee or of any five legal voters,
3 to call a meeting of the town for the transaction of
4 business relating to the schools.

SECT. 15. Whenever the Superintending Committee
2 shall give the Selectmen official notice, that any child
3 belonging to the town, and required by law to attend
4 a public school, is prevented from so doing, by the
5 want of decent and comfortable clothing, it shall be
6 their duty immediately to supply the deficiency.

SECT. 16. Whenever the Selectmen shall receive
2 from the Committee official notice of the refusal of
3 any parent or guardian to permit his child or ward to
4 attend the public school, or to provide for him such
5 private instruction, as shall in their judgment, be

6 equivalent to that given in the public school, it shall
7 be their duty forthwith, to require such parent or
8 guardian to obey the law ; and in case of his neglect
9 or refusal so to do, they shall have authority, and it
10 shall be their duty, summarily to remove the child
11 from the custody of the parent or guardian, and to
12 take such measures as may be necessary to secure to
13 him the full enjoyment of the benefits of the public
14 schools.

· SECT. 17. Whenever the Selectmen shall receive
2 from the Committee official notice that any boy between
3 the ages of ten and sixteen years, is a habitual truant,
4 or that any boy between the ages of ten and twenty
5 one years while attending school, is incorrigibly
6 refractory and disobedient, they shall have authority,
7 and it shall be their duty, immediately to place
8 such boy at the State Reform School, for a period not
9 less than one year.

SECT. 18. All expenses incurred in the execution
2 of sections sixteenth, seventeenth and eighteenth shall,
3 except in the case of town paupers, be defrayed by the
4 parent or guardian so offending, and if he shall
5 neglect to pay the same until the period for the assess-

6 ment of town taxes for the next year, the said expenses
7 shall be added to his tax for that year.

SECT. 19. All plantations within the State which
2 are now, or which may hereafter be organized for
3 election purposes only, are hereby invested with the
4 same powers, and shall be subject to the same duties,
5 as other plantations, so far as the same relate to the
6 education of youth; and such plantations are hereby
7 authorized and required to choose all such school
8 officers, and make all such provision for the mainte-
9 nance of schools, as other plantations or organized
10 towns are required to do.

SECT. 20. The clerks of the said plantations orgau-
2 ized for election purposes only, shall perform the
3 duties of treasurer of their respective plantations;
4 and in that capacity, each of said clerks shall be
5 entitled to receive any and all moneys which may be
6 raised for the support of schools, or which may be receiv-
7 ed from the State; *provided*, that each of said clerks
8 before entering upon the duties of the office of treas-
9 urer, shall give to the assessors of his plantation, a
10 good and satisfactory bond for the faithful perform-
11 ance of his duties.

SECT. 21. The assessors of said plantations shall
2 have power to commence and prosecute to final
3 judgment, a suit at law, on any bond given them or
4 their predecessors in office, whenever any condition in
5 said bond may be broken.

SECT. 22. The County Commissioners for the
2 county in which such lands are situated, are hereby
3 authorized to permit the said plantation clerks in their
4 capacity 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.

SECT. 23. Plantations organized for election pur-
2 poses only, shall have power to choose one collector
3 of taxes, who shall have the powers and be subject to
4 the same restrictions as the collector in incorporated
5 towns.

SECT. 24. If any town shall neglect to choose a
2 Superintending School Committee, such town shall
3 forfeit a sum not less than fifty nor more than two

4 hundred dollars, for each instance in which it shall
5 so neglect.

ARTICLE III.

SUPERINTENDENT OF PUBLIC INSTRUCTION.

SEC. 1. There is hereby established a separate and
2 distinct department which shall be designated as the
3 Department of Public Instruction, and which shall be
4 charged with the duties and invested with the powers
5 herein provided.

SECT. 2. The chief officer of the said department
2 shall be denominated the Superintendent of Public
3 Instruction. He shall be appointed by the Governor,
4 by and with the advice and consent of the Council,
5 and shall hold his office for the term of three years.
6 He shall receive for his services an annual salary of
7 two thousand dollars, to be paid quarterly out of the
8 treasury, on the warrant of the Governor and Council.
9 He shall, whenever the business of his office may
10 render it necessary, be authorized to employ a clerk,
11 at a salary not exceeding one thousand dollars per
12 annum, who shall discharge such duties as he shall
13 appoint, and whose compensation shall be paid quar-
14 terly out of the treasury on his certificate, and upon

15 the warrant of the Governor and Council. He may
16 appoint the said clerk to be his deputy, who shall
17 then possess the powers and perform the duties
18 attached by law to the office of the principal, during
19 a vacancy in said office, and during the absence or
20 inability of his principal. Before entering upon their
21 duties, the Superintendent and his deputy shall take
22 and subscribe the oath of office prescribed by the
23 Constitution, and file the same in the office of the
24 Secretary of State.

SECT. 3. The said Superintendent, with the appro-
2 val of the Governor, shall devise a seal with suitable
3 inscriptions for his office, a description of which, with
4 a certificate of approval by the Governor, shall be
5 filed in the office of the Secretary of State, with an
6 impression thereof, which shall thereafter be and
7 become the seal of office of the Superintendent of
8 public instruction; and the same may be renewed
9 whenever necessary. Every paper executed by the
10 said Superintendent in pursuance of any authority
11 conferred upon him by law, and sealed with his said
12 seal of office, shall be received in evidence in the
13 several courts of this State, and by all executive

14 officers ; and all copies of papers in the office of the
15 said Superintendent, certified by him, and authenti-
16 cated with the said seal, shall in all cases be evidence,
17 equally and in like manner as the original. An
18 impression of the said seal directly on paper, shall be
19 as valid as if made on a wafer or wax.

SECT. 4. It shall be the duty of the Superintend-
2 ent to use his efforts to promote the interests of
3 education in this State. He shall carefully investigate
4 the operation of our school laws ; collect information
5 respecting the classification, arrangement, instruction
6 and discipline of schools, the location and construction
7 of school houses, and the use of school apparatus.
8 He shall consult and advise with the Superintending
9 School Committees respecting the text books best
10 adapted to the wants of the schools, the methods of
11 ascertaining the qualifications of teachers, and of
12 visiting and examining schools. He shall endeavor
13 to ascertain the most improved modes of teaching, and
14 the best methods of training and qualifying teachers
15 for their duties. He shall collect in his office such
16 school books, maps and charts, as can be obtained
17 without expense to the State; and shall be authorized

18 to purchase, at an expense not exceeding fifty dollars
19 a year, rare and valuable works on education, for the
20 use of the Department and for the benefit of teachers,
21 authors and others who may wish to consult them.

SECT. 5. It shall be the duty of the Superintendent
2 to diffuse information upon the subject of education,
3 among the people of this State. For this purpose, in
4 addition to the other means herein provided, he shall,
5 as often as his other duties will permit, visit the
6 different parts of the State, and by public addresses,
7 and by communication with teachers, school officers
8 and others, endeavor to arouse and guide public
9 sentiment in relation to this subject.

SECT. 6. The Superintendent shall be authorized
2 to visit the several colleges and other institutions of
3 which any persons enjoying the benefactions of the
4 State are members; and to examine the course of
5 instruction and the modes of government and disci-
6 pline maintained in the same. He shall use his efforts
7 to acquire accurate information respecting the moral
8 condition of these institutions, and the degree in
9 which they are accomplishing the end of their estab-
10 lishment. Whenever any of the aforesaid institutions

11 shall refuse to allow, or shall in any way obstruct
12 or hinder the exercise of the visitorial power herein
13 given, or shall fail to make the returns required by
14 law, or shall for any cause, become, in the judgment
15 of the Superintendent of Public Instruction, unworthy
16 of the patronage of the State, it shall be his duty, and
17 he is hereby authorized to withhold the same.

SECT. 7. As soon as may be practicable after his
2 appointment, the Superintendent shall issue to the
3 School Committee of the several towns, a circular
4 letter, requiring them to organize the graded schools,
5 herein required to be established, with such instruc-
6 tions, suggestions and advice, respecting the mode of
7 organizing such schools, and of dividing the town
8 into districts for that purpose, as he shall deem nec-
9 essary and proper, and his knowledge and experience
10 may enable him to offer.

SECT. 8. The Superintendent of Public Instruction
2 shall prepare blank forms of teachers certificates, and
3 of the instrument revoking the same; also of the
4 school register herein required to be kept, and of the
5 returns required by law, or which he may deem nec-

6 essary ; and he shall cause the same to be distributed
7 to the proper officers throughout the State.

SECT. 9. He shall have sole power to prescribe the
2 course of study to be pursued in the public schools,
3 and also the qualifications of teachers ; which course
4 of study, and standard of qualifications shall be uni-
5 form throughout the State.

SECT. 10. On or before the first day of July, in each
2 year, he shall apportion that part of the general fund
3 for the education of youth, which is herein, or which
4 may hereafter be appropriated to the public schools,
5 among the several towns of the State, in the manner
6 herein prescribed ; a copy of which apportionment,
7 attested by his signature, and authenticated by his
8 seal of office, shall be deposited with the Treasurer of
9 State ; and it shall be the duty of the Treasurer,
10 immediately on the reception of such authenticated
11 copy, to notify to the treasurers of the several towns,
12 the sums to which they may be respectively entitled,
13 and to pay the same on their application ; *provided*,
14 that nothing in this section shall be construed to
15 authorize the apportionment of any part of the said

16 fund to any town which shall have failed to comply
17 with all the provisions of law relating to public
18 schools.

SECT. 11. On or before the thirtieth days of June
2 and December in each year, he shall apportion to the
3 several colleges and female seminaries, contemplated
4 in article first, section fourth of this act, that part of
5 the sum of fifteen thousand dollars, to which each
6 may be entitled; a copy of which apportionment,
7 attested and authenticated as provided in section
8 twelfth of this article, shall be deposited in the office
9 of the Treasurer of State; and it shall be the duty of
10 the Treasurer, immediately on the reception of such
11 copy, to notify to the presidents of the colleges, and
12 to the principals of the said female seminaries, the
13 sums to which they may be respectively entitled, and
14 to pay the same on their application; *provided*, that
15 nothing in this section shall be construed to authorize
16 the apportionment of any part of the public fund to
17 any college or seminary which shall have failed to
18 comply with those provisions of law, which are hereby
19 or which may hereafter be made conditional to the
20 reception of the same.

SECT. 12. Whenever the returns herein required, 2 shall not have been received at the time prescribed by 3 law, the Superintendent shall give the officer or 4 officers from whom such returns shall be due, immediate notice of the fact; and whenever the returns 5 when received, shall be found defective, they shall be 6 returned to the town or institution from which they 7 were received, for correction; and such town or institution shall not be deemed to have made the returns 8 required by law, until the corrections shall have been 9 made, and the papers deposited in the office of the 10 Superintendent.

SECT. 13. There shall be held annually, in each 2 county, a teachers' convention, to continue in session 3 at least one week; and it shall be the duty of the 4 Superintendent to give due notice thereof to all teachers and persons proposing to become such, and to 5 invite their attendance for the purpose of mutual 6 consultation, discipline and instruction.

SECT. 14. The Superintendent shall employ suitable persons to address and instruct those who may 2 assemble at said conventions; and, whenever his other 3

4 duties will permit, he shall himself be present and
5 assist in the proceedings.

SECT. 15. To defray the expense of the Teachers'
2 Conventions, there shall be annually appropriated the
3 sum of two thousand five hundred dollars, for which
4 the Governor shall draw his warrant on the Treasurer,
5 and which shall be at the disposal of the Superintend-
6 ent; and the Superintendent shall render to the Gov-
7 ernor and Council an annual account of the expen-
8 diture of the same.

SECT. 16. The Superintendent shall prepare a digest
2 of the school laws of the State, and shall cause the
3 same to be printed and distributed for the use of
4 school officers and teachers. He shall also furnish
5 to the Superintending Committee of each town, one
6 copy of a work entitled "School Architecture for the
7 Improvement of School Houses," by Henry Barnard,
8 Commissioner of Public Schools in the State of
9 Rhode Island; provided, that the expense thereof do
10 not exceed one dollar for each copy so delivered.

SECT. 17. The Superintendent shall cause the re-
2 turns received into his office, to be carefully collated,
3 condensed and arranged in tabular forms, so as to pre-

4 sent, as far as possible, a complete and accurate view
5 of the actual condition of the Public Schools.

SECT. 18. He shall annually, prior to the meeting
2 of the Legislature, make a detailed report to the
3 Governor and Council, of the various operations of
4 his department during the year; and of the actual
5 working of our system of public instruction, with
6 such observations as his reflection and experience
7 may suggest, respecting the most practicable method
8 of improving the same.

SECT. 19. The Superintendent shall cause his re-
2 port, together with the abstract of school returns, to
3 be printed for the use of the Legislature, and for dis-
4 tribution among the teachers, school officers, and
5 friends of education throughout the State.

SECT. 20. All necessary travelling expenses incurred
2 by the Superintendent of Public Instruction, in the
3 performance of his official duties, shall upon due
4 proof, be audited by the Governor and Council, and
5 paid by the Treasurer; and all postages, and other
6 necessary expenses arising in the office of the said
7 Superintendent, shall be paid in the same manner as
8 those of the other departments of the Government.

ARTICLE IV.

SUPERINTENDING SCHOOL COMMITTEE.

SECT. 1. The Superintending Committee shall continue to be chosen in the manner now prescribed by law.

SECT. 2. The members of said Committee shall be duly sworn, and shall immediately report their names and post office address to the Superintendent of Public Instruction.

SECT. 3. They shall procure at the expense of the town, a blank book, in which they shall make a true record of all their official acts and proceedings, which book of records shall at all times be open to the inspection of the Superintendent of Public Instruction, of the county Supervisor of public schools, and of any citizen of the town ; and they shall deliver the same to their successors in office.

SECT. 4. The Committee shall have power to fill any vacancies occurring in their board, until the next annual town meeting ; and when, by reason of resignation, removal or death, there shall be but one member of the Committee in office, he shall have power and it shall be his duty to fill such vacancy.

SECT. 5. As soon as may be after receiving the circular letter of the Superintendent of Public Instruction, requiring them to organize schools of different grades, they shall proceed to organize and establish throughout the town, such graded schools. For this purpose they shall have power to determine the number of grades into which the schools shall be divided, and the number of schools of each grade; *provided*, that in towns containing less than six hundred inhabitants, it shall be at the discretion of the Committee to establish grade schools or not, as they may deem proper. They shall determine what studies of the course prescribed by the Superintendent of Public Instruction, shall be pursued in the schools of each grade, and the qualifications which shall be requisite, in order to pass from the schools of one grade into those of a higher, or from one class to a higher in the same school; and they shall have power to district the town, with reference to the several grades of schools thus established, in such manner as they shall deem proper.

SECT. 6. In any town which contains one or more incorporated Academies or High Schools, the Com-

3 mittee may, with the consent of the trustees thereof,
4 constitute such institutions public schools ; and may
5 apportion to said schools such part of the town fund
6 as they shall deem just and equitable ; *provided*, that
7 all children and youth belonging to the town, and
8 attending such Academy or High School, shall be
9 instructed without any charge for tuition ; and *pro-*
10 *vided*, also, that the said Academy or High School
11 shall be subject to the oversight and control of the
12 Committee in like manner as other public schools of
13 the same grade.

SECT. 7. The Committee shall present to the town,
2 at the annual meeting, or at any other meeting legally
3 called for the purpose, estimates of expenses necessary
4 for renting or purchasing suitable sites, and for plac-
5 ing thereon the buildings needed for the accommoda-
6 tion of the schools ; and when the requisite sums
7 shall have been voted, they shall cause the same to be
8 expended by the agent, in procuring the title to the
9 land, and in placing thereon such building as they
10 may deem suitable and necessary.

SECT. 8. It shall be the duty of the Committee to
2 designate suitable sites for school houses and other

3 necessary buildings; and if the owner of the land
4 shall refuse to sell or lease the same, or shall demand
5 therefor a sum which in their opinion is unreasonable,
6 they may proceed to lay out a lot not exceeding
7 eighty square rods in extent; and the Selectmen shall
8 appraise the damages to the owner of the land, in the
9 same manner as is provided for laying out town ways,
10 and appraising damages sustained thereby; and upon
11 payment or tender of payment, of the amount of such
12 damages, the said land shall be taken, held and used
13 for the purpose for which it is designated.

SECT. 9. Whenever the owner of such land shall
2 feel aggrieved by the selection and location of such
3 lot and the damages awarded, he shall be entitled to
4 have the matter of complaint tried by a jury, which
5 may be applied for within one year after the location
6 of such lot, and it shall be ordered accordingly by the
7 County Commissioners. The jury shall have power
8 to change the location and assess the damages; and
9 the proceedings shall, in all respects, be conducted in
10 the same manner as is provided in the case of dama-
11 ges by laying out highways. If the damages shall be
12 increased, or the location changed by the jury, the

13 damages and all charges shall be paid by the town ;
14 otherwise the charges which may arise on such appli-
15 cation, shall be paid by the applicant ; but the land so
16 taken shall be held and used for no other purpose
17 than that contemplated in this act, and shall revert to
18 the owner, his heirs or assigns, upon the discontinu-
19 ance thereon, for one year, of a public school.

SECT. 10. The Superintending Committee shall
2 have sole power to prescribe the books which shall be
3 used in the schools ; and they may prescribe the books
4 for each class.

SECT. 11. The Committee shall procure at the ex-
2 pense of the town, or otherwise, a sufficient supply of
3 the class-books necessary for the schools ; and shall
4 give due notice of the place or places where such
5 books may be obtained ; and the books shall be sup-
6 plied to the scholars at such prices as will merely re-
7 imburse the expense of the same.

SECT. 12. It shall be the duty of the Committee
2 to appoint suitable times and places, for the examina-
3 tion of all persons who may desire to keep school in
4 the town. At all such examinations, a majority of
5 their number shall be present, and they shall proceed

6 to satisfy themselves by such testimonials as may then
7 be presented, and by such examination as they shall
8 then and there make ; whether the candidates possess
9 the moral, intellectual and personal qualifications re-
10 quired by law, and which they may deem necessary
11 for the proper instruction and government of a
12 school.

SECT. 13. To such of the candidates, as, on exam-
2 ination are found duly qualified, they shall give a
3 certificate, signed by a majority of their number, and
4 in the form prescribed by the Superintendent of Pub-
5 lic Instruction, which certificate they shall enter upon
6 their records, and a copy of the same shall be depos-
7 ited in the office of the Selectmen. The aforesaid
8 certificate shall not be valid in any other town than
9 that in which it shall be given, nor for more than one
10 year from the date thereof.

SECT. 14. After the examination and approval
2 prescribed in the preceding section, they may proceed
3 to contract with any of the candidates whose services
4 they may deem it desirable to secure ; but no contract
5 to keep school, entered into with any other person or
6 persons than the Committee, or with them prior to the

7 delivery of the certificate herein provided, shall be of
8 any force or validity whatever.

SECT. 15. The Superintending Committee shall
2 have sole power to appoint the teachers to the several
3 schools in the town, and for adequate cause, to dismiss
4 them from the same ; but such dismissal shall not
5 operate to deprive any teacher of his right to com-
6 pensation for services rendered previous to the dis-
7 missal.

SEC. 16. Whenever, after due consideration, the
2 Committee shall deem it desirable to dismiss any
3 teacher from the school to which he had been appointed
4 they shall give him an official notice of the revocation
5 of his certificate, signed by a majority of their num-
6 ber, and in the form prescribed by the Superintendent
7 of Public Instruction ; which notice shall be entered
8 upon their records, and a copy of the same shall be
9 deposited with the Selectmen.

SECT. 17. It shall be the duty of the Committee
2 to furnish to each teacher with whom they shall con-
3 tract to keep school, a copy of the school laws of this
4 State, a copy of the school register herein required to
5 be kept, a list of the books authorized to be used in

6 his school, the record of the classification and studies
7 of the school made by his predecessor in office, and
8 accurate lists of all the children and youth entitled to
9 attend his school, and of the families to which they
10 belong.

SECT. 18. The Committee shall determine the
2 time when the various schools shall commence, of
3 which they shall cause due notice to be given.

SECT. 19. They shall visit each school kept in the
2 town, at least twice every term during which it shall
3 be in operation, once within two weeks of the com-
4 mencement of the same, and once within two weeks
5 of the close. At these visits, they shall carefully
6 observe the condition of the school in respect to its
7 instruction, discipline and general working. They
9 shall ascertain whether the various provisions of law,
10 their own regulations and those of the Superintendent
11 of Public Instruction, are strictly complied with; and
12 whether the teacher evinces due capacity to instruct
13 and govern his school, and a commendable interest in
14 its success and welfare. During the period of their
15 visit, the school shall be wholly subject to their con-
16 trol. They may direct the order of exercises, determine

17 what classes shall be called upon to recite, and in
18 what studies. They may examine the classes them-
19 selves or through the teacher; and they shall give
20 both teacher and school, such encouragement and
21 advice as may seem to them expedient. They shall
22 also observe the condition of the school house, the
23 library, and the apparatus, and ascertain whether
24 every thing needful to the proper accommodation of
25 the school has been furnished; and when any defi-
26 ciency is observed, they shall take immediate measures
27 to have the want supplied.

SECT. 20. Whenever the teacher of any school
2 shall inform the Committee that any scholar belong-
3 ing to his school is not furnished with the requisite
4 books, they shall immediately cause the deficiency to
5 be supplied; and they shall prior to the first day of
6 May in each year, present to the Selectmen an account
7 properly vouched, of all books thus supplied.

SECT. 21. Whenever the teacher of any school
2 shall represent to the Committee, that any child,
3 authorized and required to attend his school, is not
4 regularly present at the same, it shall be their duty
5 immediately to make inquiry respecting the causes of

6 such absence; and if it be occasioned by a want of
7 decent and comfortable clothing, they shall forthwith
8 report the case in writing to the Selectmen. But
9 if, on due examination, they shall ascertain that such
10 absence is the result of wilfulness, or neglect on the
11 part of the child's parents or guardian, it shall be
12 their duty to require the said parents or guardian to
13 give satisfactory assurance that the child shall there-
14 after be permitted to attend the school, or shall be
15 furnished with such private instruction, as shall, in
16 their judgment, be equivalent to that given in the
17 public school; and in case of the refusal of the said
18 parents or guardian to give the assurance demanded,
19 they shall forthwith report the case in writing, to the
20 Selectmen.

SECT. 22. If any boy, between the ages of ten and
2 sixteen years, shall habitually absent himself from
3 school, or if any boy between the ages of ten and
4 twenty-one years, shall, while attending school, exhibit
5 a spirit of insubordination, and a wilful disregard of
6 the regulations of the school, to the detriment of the
7 order and progress thereof, and shall, after friendly
8 admonition and advice, persist in such evil course, the

9 Committee shall report the case in writing, to the
10 Selectmen.

SECT. 23. The Superintending Committee shall de-
2 termine the time during which the several schools
3 shall continue in operation ; but schools of the same
4 grade shall be of uniform length throughout the
5 town.

SECT. 24. Whenever any teacher shall have com-
2 pleted the term of service for which he was engaged,
3 and shall have complied with all the requisitions of
4 law pertaining to the case, it shall be their duty to
5 grant him a certificate, in the form prescribed by the
6 Superintendent of Public Instruction, and specifying
7 the sum he is entitled to receive from the treasury ;
8 which certificate they shall enter upon their records.

SECT. 25. It shall be the duty of the Committee
2 to establish in such parts of the town as will best ac-
3 commodate the inhabitants thereof, a number of school
4 libraries, equal to the number of schools of the second
5 grade. For this purpose they shall annually expend
6 ten per centum of the town fund for the support of
7 Public Schools, in purchasing books, and in providing
8 suitable book-cases therefor ; *provided*, that no money

9 shall be expended for this purpose, until they shall
10 have furnished the several schools of the town with
11 all the maps, charts, apparatus, and books of reference,
12 which their necessities require.

SECT. 26. They shall appoint suitable persons to
2 act as librarians; and shall make all needful rules
3 and regulations, respecting the use and preservation
4 of said libraries.

SECT. 27. In case of a vacancy in the office of school
2 agent, the Committee shall appoint a suitable person
3 to discharge the duties of that office.

SECT. 28. The Committee may call special meetings
2 of the town, for school purposes, whenever in their
3 opinion the public good shall require it, or when
4 requested so to do, by five legal voters.

SECT. 29. At the annual meeting of the town, they
2 shall make a detailed report of their proceedings
3 during the year; and of the condition of the several
4 schools under their charge. Said report shall embrace
5 a statement,

6 *First.* Of the whole amount of money received from
7 the State, or raised by the town, or received from any
8 other source, for the support of the schools; and of

9 the manner in which the same shall have been
10 expended.

11 *Second.* The amount raised and expended for school
12 houses and other needful buildings, and for building
13 sites.

14 *Third.* Estimates of sums needed for the erection
15 and repair of school houses during the ensuing year.

16 *Fourth.* Whole number of children in the town,
17 between the ages of five and twenty-one years.

18 *Fifth.* The whole number of children between the
19 ages of five and sixteen years.

20 *Sixth.* The number of schools of each grade kept
21 in the town, with the length of each.

22 *Seventh.* The number of male teachers employed,
23 with the wages of each per month.

24 *Eighth.* The number of female teachers employed,
25 with the wages of each per week.

26 *Ninth.* The number of their visits to the several
27 schools.

28 *Tenth.* Their proceedings under sections 20, 21
29 and 22 of this article, together with all such other
30 statements and suggestions respecting the conditions
31 and operations of the schools, as they may deem neces-

32 sary, in order to promote the interests thereof; which re-
33 port shall be read in open town meeting, or be printed
34 and distributed for the use of the inhabitants. The afore-
35 said report shall be deposited in the office of the
36 Town Clerk, and an attested copy thereof shall be
37 transmitted by the Committee to the office of the
38 Superintendent of Public Instruction, with the official
39 returns required by this act; and when by reason of
40 removal, resignation or death, there shall be but one
41 member of the Committee left, it shall be his duty to
42 make such report and returns.

SECT. 30. The Superintending Committee shall
2 annually, on or before the first day of May, transmit
3 to the office of the Superintendent of Public Instruc-
4 tion, full and complete answers to all the inquiries
5 contained in the blank forms furnished them under
6 the provisions of law, which returns they shall certify
7 to be true and correct according to their best knowl-
8 edge and belief.

SECT. 31. They shall annually, at least five days
2 prior to the annual town meeting, present to the
3 Selectmen accurate accounts of all moneys received
4 and expended by them, or by their authority, during

5 the year; which account duly vouched and certified
6 to be correct, shall be audited by the Selectmen.

SECT. 32. The members of the Committee shall
2 be allowed to charge for each full day's service, the
3 sum of one dollar and fifty cents, and a proportionate
4 sum for parts of days, which shall be paid from the
5 treasury, out of the contingent fund herein provided.
6 on the warrant of the Selectmen; but no Superintend-
7 ing Committee shall be entitled to receive any com-
8 pensation for services, until they shall have made the
9 returns into the office of the Superintendent of Public
10 Instruction, herein required.

ARTICLE V.

SCHOOL AGENTS.

SECT. 1. Each town shall at its annual meeting,
2 choose one School Agent for the whole town, who
3 shall be duly sworn, and shall continue in office one
4 year, and until another is chosen and qualified in his
5 stead.

SECT. 2. It shall be the duty of the Agent, under
2 the direction of the Superintending Committee, to
3 provide the necessary fuel and utensils for the several
4 schools; to make incidental repairs upon the school

5 houses and other buildings, and to effect insurance
6 thereon, if the town so direct ; and he shall visit the
7 various schools as often as may be necessary, in order
8 to ascertain whether they are duly supplied with all
9 things needful to their accommodation and comfort.

SECT. 3. It shall also be the duty of the Agent,
2 subject to the direction and control of the Committee,
3 to rent or purchase suitable sites, not exceeding one
4 acre in extent, for school houses ; and to rent, purchase,
5 remove, repair or erect all such buildings as may be
6 necessary for the proper accommodation of the schools.

SECT. 4. Whenever any child, whose name is on
2 the teacher's list, and who is by law, required to attend
3 school, shall be absent therefrom, a portion of time
4 equal to two half days in each week, it shall be the
5 teacher's duty immediately to ascertain the cause of
6 such absence, and by proper exertions with the child
7 and its parents or guardians, endeavor to secure a
8 punctual attendance upon the school ; and if the evil
9 continues unabated, he shall report the case, with the
10 accompanying circumstances, to the Superintending
11 Committee.

SECT. 5. On or before the first day of May in each

2 year, the Agent shall return to the Assessors of the
3 town, lists by him certified to be true, of all the chil-
4 dren in the town, between the ages of four and twenty
5 one years, exclusive of such as may have come from
6 other places to attend any Academy or College, or to
7 labor in any manufactory existing in the town ; which
8 lists shall embrace the name and age of each child and
9 the district to which he belongs ; and in case the
10 Agent fails to make the enumeration aforesaid, the
11 Assessors, as soon as may be thereafter, shall make
12 the same or cause it to be made.

SECT. 6. The Agent shall be allowed to charge for
2 each full day's service, while engaged in the duties of
3 his office, the sum of one dollar and twenty-five cents,
4 and a proportionate sum for parts of days ; and his
5 account, when certified by the Committee, shall be
6 allowed by the Selectmen, and paid from the contin-
7 gent fund.

SECT. 7. At least five days before the annual town
2 meeting, the Agent shall make to the Committee, a
3 detailed report of the various operations in his depart-
4 ment during the year, including a correct account of
5 all the moneys by him expended in virtue of the pro-

6 visions of this act, accompanied by the necessary
7 vouchers; and the said report shall be embodied in
8 the report of the Committee presented to the town, at
9 the annual meeting.

ARTICLE VI.

TEACHERS.

SECT. 1. It shall be the duty of all teachers of
2 public schools, to give faithful instruction in the
3 course of study prescribed by the Superintendent of
4 Public Instruction, and in the books authorized by
5 the Superintending Committee; and any teacher of a
6 public school who shall in any respect, deviate from
7 the said prescribed course, or make use of other than
8 the authorized books, shall forfeit his claim for wages,
9 and be summarily dismissed from his school.

SECT. 2. Every teacher of a public school shall
2 keep a record of the classification of his school, and
3 of the studies pursued by each class, together with
4 such other facts as the Committee shall prescribe;
5 which record duly signed, shall be deposited with the
6 Committee for the benefit of his successor in office.

SECT. 3. It shall be the duty of every teacher of a
2 public school, to keep a school register, of the form

3 prescribed by the Superintendent of Public Instruc-
4 tion ; which register shall at all times be open to the
5 inspection of the Superintending Committee and of
6 the County Supervisor of Public Schools ; no teacher
7 shall be entitled to receive his pay for services rend-
8 ered, until the aforesaid register, properly filled up,
9 completed, signed, and certified to be correct, shall
10 have been deposited with the Committee.

SECT. 4. Whenever any boy authorized to attend
2 a public school, shall, while present at the same, be
3 habitually idle and inattentive to the proper duties and
4 exercises thereof, or shall habitually disregard the
5 teacher's wishes and authority, it shall be the duty of
6 the teacher, if after using suitable exertions to correct
7 the evil, he find his efforts unavailing, to bring the
8 case to the notice of the Committee.

SECT. 5. Whenever any child shall be unprovided
2 with the requisite books, it shall be the teacher's duty
3 forthwith, to notify the parent or guardian of the fact,
4 and if the deficiency is not immediately supplied, to
5 report the case to the Superintending Committee.

SECT. 6. It shall be the right of every teacher of a
2 public school, to read the Holy Scriptures, and have

3 other devotional exercises therein ; nor shall he be
4 hindered or restrained in the exercise of this right, by
5 any individual or authority whatever.

SECT. 7. Every teacher of a public school shall be
2 allowed to participate in the use of the school library,
3 subject to the rules and regulations prescribed by the
4 Committee.

SECT. 8. Whenever any teacher shall have comple-
2 ted the term of service for which he was engaged, and
3 shall have deposited with the Committee the record
4 of the classification and studies of his school, and also
5 the school register duly filled up, completed, signed,
6 and certified to be correct, he shall receive from the
7 Committee the certificate herein required to be given,
8 which certificate on being presented to the Selectmen,
9 shall be their authority for drawing their warrant on
10 the treasurer for the teacher's pay.

SECT. 9. It shall be the duty of each president of
2 a college, and of each principal of a female seminary,
3 of the character contemplated in this act, to keep or
4 cause to be kept, a register in the form prescribed by
5 the Superintendent of Public Instruction, which
6 register properly filled up, completed, signed, and

7 certified to be correct, together with full and explicit
8 answers to all inquiries which may have been
9 addressed to such president or principal, shall on or
10 before the first day of May and November in each
11 year, be duly returned to the office of the said Super-
12 intendent; nor shall any part of the fund hereby
13 appropriated to the payment of tuition fees of students
14 in colleges and female seminaries, be apportioned to
15 any of the aforesaid institutions, from which the
16 returns hereby required, shall not have been received.

SECT. 10. Whenever the president of any college,
2 or the principal of any female seminary shall receive
3 from the State Treasurer official information of the
4 sum which such college or seminary is entitled to
5 receive from the income of the Public School Fund,
6 the said president or principal may apply for and
7 receive the same.

SECT. 11. It shall be the duty of the presidents,
2 professors and tutors of colleges, and of all other
3 instructors of youth, whether in public or private
4 institutions, to exert their best endeavors to impress
5 on the minds of the children and youth committed to
6 their care and instruction, the principles of piety,

7 morality and justice, and a sacred regard to truth, love
8 to their country, humanity, and an universal benev-
9 olence, sobriety, industry and frugality, chastity,
10 moderation and temperance, and all other virtues
11 which are the ornament of human society, and the
12 basis upon which a republican constitution is founded.
13 And it shall be the duty of such instructors to
14 endeavor to lead those under their care, as their ages
15 and capacities will admit, into a practical understand-
16 ing of the tendency of the beforementioned virtues, to
17 preserve and perfect a republican constitution, and
18 secure the blessings of liberty, as well as to promote
19 their future happiness; and the tendency of the oppo-
20 site vices to slavery, degradation and ruin.

ARTICLE VII.

COUNTY SUPERVISORS OF PUBLIC SCHOOLS.

SECT. 1. The Superintendent of Public Instruction
2 shall appoint a suitable person in each county, to be
3 County Supervisor of public schools, who shall hold
4 his office during the term of two years.

SECT. 2. It shall be the duty of the County Super-
2 visor to visit each public school in the county, at least
3 once a year; to observe the classification and arrange-

4 ment thereof, and the character of the instruction and
5 discipline maintained therein ; to examine the teacher's
6 certificate of approval from the Committee of the town,
7 and also the school register herein required to be
8 kept ; to inquire whether the laws respecting the
9 organization and establishment of graded schools, the
10 attendance of children upon the schools, the erection
11 of school houses, the appointment of agents, the pro-
12 viding of libraries and school apparatus, the raising
13 and expenditure of money for the support of schools,
14 and all other laws regulating the duty of towns and
15 of school officers are faithfully executed.

SECT. 3. The County Supervisor shall, in the
2 discharge of his duty, be authorized to examine the
3 records of the Town Clerk and Superintending Com-
4 mittee, and to examine, under oath, all town officers,
5 agents, and members of the Superintending Committee,
6 and teachers of public schools.

SECT. 4. The County Supervisor shall, each year,
2 deliver at least one public address in each town in the
3 county, of which he shall cause due notice to be given,
4 and in which he shall communicate information
5 respecting our school system and the results of its

6 operation, and endeavor to awaken a general interest
7 in the subject of public free schools.

SECT. 5. It shall be the duty of the County Super-
2 visor to provide a suitable place for the meeting of
3 the County Association of Teachers, and to preside
4 at the same.

SECT. 6. On or before the first day of May in each
2 year, the County Supervisor shall make a detailed
3 report to the Superintendent of Public Instruction of
4 his labors during the year, and of the results of his
5 various inquiries and examinations. He shall also
6 give full and explicit answers to all inquiries which
7 may have been addressed to him by the said Superin-
8 tendent.

SECT. 7. The County Supervisor shall receive for
2 his services an annual compensation of two hundred
3 and fifty dollars, which sum shall be in full for all ser-
4 vices rendered and expenses incurred, and shall be paid
5 by the Treasurer of State, on the certificate of the Super-
6 intendent of Public Instruction, and the warrant of
7 the Governor.

ARTICLE VIII.

MISCELLANEOUS PROVISIONS.

SECT. 1. All children and youth between the ages
2 of five and twenty-one years, shall enjoy the right of
3 attending the public schools in the towns to which
4 they respectively belong.

SECT. 2. All children between the ages of five and
2 thirteen years shall attend the public schools to which
3 they belong, in summer ; and all children between the
4 ages of five and sixteen shall attend the said schools
5 in winter, through the whole period during which
6 the same shall be in operation, unless prevented by
7 such providential causes as shall, in the judgment of
8 the Superintending Committee, be a sufficient reason
9 for absence ; or unless provided with such instruction
10 elsewhere as shall, in the judgment of the Committee,
11 be fully equivalent to that furnished in the public
12 schools.

SECT. 3. It shall be the duty of every parent,
2 guardian, or other person who may be charged with
3 the care of any child required by law to attend the
4 public schools, to use vigilant efforts to secure a con-
5 stant and punctual attendance of such child at the

6 school; and if the said parent, guardian or other
7 person, shall neglect or refuse so to do, he shall forfeit
8 and pay twenty dollars for each week during which
9 he shall thus refuse or neglect.

SECT. 4. If any person shall, while a public school
2 is in operation, furnish employment to any child re-
3 quired by law to attend such school, thus affording
4 the child inducement to disregard the requisitions of
5 the law, he shall forfeit and pay five dollars for each
6 day the said child shall thus be detained from school.

SECT. 5. Any boy who shall have completed the
2 course of study pursued in the public schools of the
3 town to which he may belong, and shall be prepared
4 to sustain the usual examination for admission at
5 either of the colleges of this state, shall be entitled
6 to enter and pursue his studies at such college, subject
7 to all the laws and regulations thereof; and all his
8 ordinary expenses for instruction in said college, or
9 such part of them as the funds herein provided will
10 permit, shall be ascertained and paid by the Superin-
11 tendent of Public Instruction.

SECT. 6. Any girl who shall have completed the
2 course of study pursued in the public schools of the

3 town to which she may belong, and shall be prepared
4 to sustain an examination in such studies as may be
5 required for admission at any female institution or
6 seminary, in which the course of instruction shall, in
7 the judgment of the Superintendent of Public Instruc-
8 tion, be substantially equivalent to that pursued in
9 college, shall be entitled to enter and pursue her
10 studies at such seminary, subject to all the laws and
11 regulations thereof; and all her ordinary expenses for
12 instruction in said institution, or such part of them
13 as the fund herein provided will permit, shall be
14 ascertained and paid by the Superintendent of Public
15 Instruction. But nothing contained in this or the
16 preceding section shall be construed to authorize the
17 application of any part of the public funds for the
18 benefit of any student who shall have been negligent
19 in his studies, or shall have failed to comply with all
20 the laws and regulations of the institution of which
21 he may have been a member; or to sustain while con-
22 nected therewith, an unblemished moral character.

SECT. 7. Nothing contained in this act shall be
2 construed to impair the rights or privileges of any

3 chartered school district or district existing in virtue
4 of any special act of incorporation.

SECT. 8. When the sum raised by any town for
2 the support of schools, with that received from the
3 State, shall be more than sufficient to maintain the
4 schools of said town nine months in any year, the
5 surplus shall be invested by the Superintending Com-
6 mittee as a special school fund, and both the principal
7 and the interest of said fund may at any time there-
8 after, be used by the Committee for the benefit of the
9 school, in accordance with the provisions of law.

SECT. 9. If any school officer or other person shall
2 unlawfully exclude any child from public school
3 instruction in this State, such child shall recover
4 damages therefor, in the sum of one hundred dollars
5 for every term during which he shall be so excluded;
6 and the said child, by his guardian or next friend may
7 bring an action therefor, in any court of competent
8 jurisdiction, to try the same against the person or
9 persons so excluding.

SECT. 10. The salaries of the Superintendent of
2 Public Instruction and his clerk, and all expenses

3 arising in his office; the salaries of the County Super-
4 visors of Public Schools, and the appropriation for the
5 expense of the County Associations of teachers; also,
6 the expenses for printing the several documents and
7 blank forms authorized and required by this act, shall
8 be paid from the income of the Permanent School
9 Fund, and shall be deducted from the same before the
10 income of said fund shall be distributed in the manner
11 required by this act.

SECT. 11. In the construction of this act, the word
2 "town," shall include "city" and "plantation," except
3 when said construction may be inconsistent with the
4 context; and the duties and powers of selectmen shall
5 be deemed in the same manner, to belong to the
6 aldermen of cities and assessors of plantations; and
7 other officers of cities and plantations respectively,
8 shall be included in the description of town officers
9 having like authority in other cases.

SECT. 12. All forfeitures for the breach of any of
2 the foregoing provisions of this act, shall, except in
3 the case contemplated in section ten of this article,
4 be recovered by indictment before any court of com-
5 petent jurisdiction; and it shall be the duty of all

6 grand jurors to make due presentment thereof, in all
 7 cases that shall come to their knowledge; and such
 8 forfeiture shall in all instances, be paid into the treas-
 9 ury of the town where the same was incurred, in
 10 addition to the amount required by law to be raised;
 11 but the costs of prosecution, when recovered, shall be
 12 paid into the county treasury.

SECT. 13. If any town shall for one year, neglect
 2 so to appropriate and expend any fine or forfeiture, it
 3 shall forfeit a sum equal to the said fine or penalty, to
 4 the use of any person who may sue therefor, in an
 5 action of debt.

SECT. 14. All acts and parts of acts inconsistent
 2 with this act, are hereby repealed.

SECT. 15. This act shall be in force from and
 2 after its approval by the Governor.

STATE OF MAINE.

HOUSE OF REPRESENTATIVES, }
 February, 14, 1855. }

ORDERED, That 1000 copies of the foregoing Bill, laid on the table
 in the Senate by Mr. Boody, be printed for the use of the Legislature.

H. K. BAKER, *Clerk.*