

MAINE STATE LEGISLATURE

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DOCUMENTS

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THE LEGISLATURE

OF THE

STATE OF MAINE,

DURING ITS SESSION

A. D. 1856.

PART SECOND.

Augusta:

FULLER & FULLER, PRINTERS TO THE STATE.

1856.

THIRTY-FIFTH LEGISLATURE.

HOUSE.

No. 31.

STATE OF MAINE.

THE Committee on Education, to whom was referred an order directing that committee to consider and report to the Legislature what measures are required to carry into effect the provisions of a resolve, approved August 24, 1850, directing the Land Agent, under the direction of the Governor and Council, to set apart twenty-four half townships of the public lands, for the benefit of Common Schools, have had that subject under consideration, and ask leave to

REPORT:

That they have ascertained from the report of the Governor upon the same subject, made to the last Legislature, as well as from information communicated to the committee by the Land Agent, that nothing has been done either by the governor and council, or by the land agent, to carry out the intent of said resolve, and thereby secure to our Common Schools the fruits of the State's beneficence, in the "*material aid*" which it contemplated giving.

When we consider the importance of our Common Schools to the present and future welfare of the State, and fully appreciate the trite but lightly considered truth, that these schools are the very *seed plots* of all our virtues, our prosperity and happiness, as a free, self-governing people, it is to be regretted that there should be found any want of interest on the part of public officers, to provide that our Common Schools shall enjoy the

full measure of public bounty, which the state has liberally granted and entrusted to their care and direction for its proper application.

In considering what further legislation is necessary, to secure to the Common Schools the intended benefit of the resolve, the committee have been of the opinion that the cause of the *neglect* for so long a time, to act under the resolve, by those charged with that duty, consists chiefly in *the resolve being* so framed as to allow the construction to be placed upon it, that it was left to the discretion of the Governor and Council whether any action under the resolve should be had or not. In the exercise of such supposed discretion, the Governor and Council have not seen fit to take any steps in carrying out the purpose of the resolve. It may well be doubted whether in so doing they have not omitted the performance of a duty, rather than exercised a discretion merely.

Since the passage of the resolve, much of the most valuable lands of the state have been sold, and it is probably now too late to obtain the full benefit of the resolve, which might at an earlier time have been secured; yet at this time, the state has *millions of acres*, with the management of which it appears to be *sorely perplexed*, a portion of which may wisely be applied to the use and support of our Common Schools, in the manner indicated in the resolve.

To provide against neglect in future, of the provisions of this resolve, and to secure its benefit to the schools, so far as can now be done, it has appeared to your committee necessary to provide simply, that it shall be the duty of the Governor and Council, and of the Land Agent, and that they be positively directed, to act under the resolve, and see that the land is set apart and disposed of as therein contemplated, and report their doings to the next Legislature.

In accordance with this view of the matter, your committee ask leave to introduce a resolve, which is herewith submitted.

J. M. GOODWIN, *Chairman.*

STATE OF MAINE.

RESOLVE for carrying into effect a resolve for a permanent school fund, approved August 24, 1850.

Resolved, That the land agent and the governor
2 and council be directed, and it is hereby made their
3 duty, to exercise the authority conferred upon them
4 by a resolve entitled "Resolve for a permanent school
5 fund," approved August 24, 1850, and to set apart
6 and reserve of the public lands of the state, of an
7 average quality at least in value, a quantity equal to
8 twenty-four half townships, in the manner contem-
9 plated in said resolve, and make a report of their do-
10 ings to the next legislature, on or before the tenth day
11 of January next; and that the land agent be directed to
12 make a record of such reservation, and to make sale
13 of said lands, and pay over the proceeds of sale, in
14 the manner provided in said resolve; also, that said
15 proceeds be appropriated for the purpose, and the
16 interest thereof applied for the use and in the manner
17 as provided in said resolve.

AMENDMENT.

Amend by striking out all after the word *Resolved*, and adding —

That the land agent, under the advice and direction
2 of the governor and council, be, and he hereby is,
3 directed and authorized to set apart and reserve a
4 quantity of the public lands equal in quantity to
5 twenty-four half townships, and in value to the aver-
6 age of the public lands, and make a record of such
7 reservation, and report his doings under this resolve
8 to the next legislature, on or before the tenth day of
9 January next ; said lands so set apart and reserved,
10 to be reserved and applied for the benefit of common
11 schools, and be held in trust for that purpose only.
12 And said land agent, acting under the advice and
13 direction of the governor and council, may sell for
14 cash or on approved security, not more than one of said
15 townships annually, whenever so ordered by the legis-
16 lature, and pay over the proceeds of such sale, when
17 made, to the treasurer of the state. And that said
18 proceeds be and hereby are appropriated as a perma-

19 nent fund for the benefit of common schools, the
20 interest of which fund to be paid over annually for
21 their use in the same manner as the interest on the
22 school fund is now paid.

Resolved, That the governor and council be, and here-
2 by are, directed to advise and direct the land agent in
3 *selecting* and setting apart the land aforesaid, as con-
4 templated in the foregoing resolve, as soon hereafter
5 as practicable, and report their doings to the next
6 legislature, on or before the tenth day of January
7 next.

Resolved, That a resolve approved August 24th,
2 1850, entitled, resolve for a permanent school fund, is
3 hereby repealed.



STATE OF MAINE.

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HOUSE OF REPRESENTATIVES, }  
March 19, 1856. }

ORDERED, That 350 copies of this Report and Resolve be  
printed.

DAVID DUNN, *Clerk.*