

MAINE STATE LEGISLATURE

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DOCUMENTS

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THE LEGISLATURE

OF THE

STATE OF MAINE.

1865.

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1865.

FORTY-FOURTH LEGISLATURE.

HOUSE.

No. 39.

MINORITY REPORT OF THE COMMITTEE ON AGRICULTURE.

The Committee on Agriculture, to whom was referred the Report of the Commissioners appointed to locate the Agricultural and Industrial College, having disagreed as to their recommendation referring the whole matter to the next Legislature, beg leave to submit a Minority Report and the accompanying Bill.

THOS. S. LANG,
JOHN B. FOGG,
WILLIAM POOLE,
B. M. BAKER,
T. J. SOUTHARD.

STATE OF MAINE.

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

AN ACT

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

SECTION 1.

2

3

4 are hereby constituted a body politic and corporate
5 by the name of the Trustees of the State College of
6 Agriculture and the Mechanic Arts, having succession
7 as hereinafter provided, with power to establish and
8 maintain, subject to the provisions and limitations of
9 this act, such a college as is authorized and provided
10 for by the act of the congress of the United States,
11 passed on the second day of July, in the year eighteen
12 hundred and sixty-two, entitled "an act donating lands
13 to the several states and territories, which may provide
14 colleges for the benefit of agriculture and the mechanic

15 arts.” They shall be entitled to receive from the state
16 the income which shall accrue from the funds granted
17 to the state by the act aforesaid, and shall apply the
18 same, together with all such income as they shall re-
19 ceive from any other sources, to the maintenance of
20 the college in conformity with the act of congress.

SECT. 2. The trustees shall annually elect one of
2 their number to be president of the board. They shall
3 appoint a clerk and treasurer, both of whom shall be
4 sworn, and shall hold their offices at the pleasure of
5 the trustees. The clerk shall record all proceedings of
6 the board, and copies of their records certified by him
7 shall be evidence in all cases in which the originals
8 might be used. The treasurer shall be required to
9 give suitable bonds, and to renew the same whenever
10 the trustees shall require.

SECT. 3. The governor and council shall at all times
2 have the power, by themselves, or such committee as
3 they shall appoint, to examine into the affairs of the
4 college and the doings of the trustees, and to inspect
5 all their records and accounts and the buildings and
6 premises occupied by the college. Whenever the gov-
7 ernor and council shall have reason to believe that the
8 trustees are exercising or attempting to exercise any
9 unlawful powers, or unlawfully omitting to perform

10 any legal duty, they may direct the attorney general
11 to institute process against the trustees in their corpo-
12 rate capacity, in the nature of a complaint in equity
13 before the supreme judicial court in the county in
14 which the college may be established, and the court,
15 after notice, shall hear and determine the same, by
16 summary proceeding in term time, or by any judge in
17 vacation, and may make any suitable decree restrain-
18 ing the trustees from performing or continuing the un-
19 lawful acts complained of, or requiring them to perform
20 whatever is unlawfully omitted, and may enforce such
21 decrees. In like manner a complaint may be insti-
22 tuted against any individual trustee, and be heard in
23 the county where he resides, alleging against him any
24 cause deemed by the governor and council sufficient to
25 disqualify him for the trust; and if in the judgment of
26 the court such allegation shall be sustained, a decree
27 shall be made removing such trustee from office, and
28 his place shall be thereby vacated.

SECT. 4. No person shall be a trustee, who is not
2 an inhabitant of this state, nor any one who has
3 reached the age of seventy years. The clerk of the
4 trustees shall give notice of all vacancies to the gover-
5 nor and council. Vacancies occurring in any of the
6 foregoing modes, or by the resignation or decease of

7 any trustee, shall be filled in the following manner :
8 the first vacancy which shall occur shall be filled by
9 the legislature at the next session thereafter by joint
10 ballot of the two branches ; the second vacancy shall
11 be filled by the trustees at their next meeting ; and
12 all succeeding vacancies shall be filled in like manner,
13 alternately by the legislature and the trustees.

SECT. 5. The trustees in their corporate capacity
2 may take and hold, in addition to the income which
3 they shall receive, through the state, from the endow-
4 ment made by congress, such other real and personal
5 property as may be granted or devised to them for the
6 purpose of promoting the objects of this act. But they
7 shall not be entitled to receive any benefactions made
8 to them upon conditions inconsistent with the act of
9 congress aforesaid, or for purposes different from what
10 is therein prescribed.

SECT. 6. The governor and council shall take meas-
2 ures, as soon as may be advantageously done after the
3 passage of this act, to sell the land scrip received by
4 this state under the act of congress, and to invest the
5 same as required by the fourth section of said act.
6 The securities shall be kept by the state treasurer, and
7 he shall report annually to the legislature the amount
8 and condition of the investments and of the income of

9 the same. He shall, from time to time, as the income
10 shall accrue, pay over the same to the treasurer of the
11 college.

SECT. 7. It shall be the duty of the trustees, as
2 soon as may be, after their organization, to procure a
3 tract of land suitable as a site for the establishment of
4 the college. If no other provision shall be made there-
5 for, there shall be placed at the disposal of the trustees
6 for this purpose such proportion as the governor and
7 council may deem suitable, of that part of the fund
8 which is authorized by the fifth section of the act of
9 congress to be expended for the purchase of lands for
10 sites or experimental farms.

SECT. 8. The trustees shall appoint such directors,
2 professors, lecturers and teachers in the college, and
3 employ such other persons therein from time to time,
4 as the means at their command may permit, for the
5 accomplishment of the objects enumerated and pre-
6 scribed in the fourth section of the act of congress.
7 Every officer and every person employed shall hold his
8 office or employment at the pleasure of the trustees.
9 They shall, as soon as may be, arrange and make
10 known the several courses of instruction, which they
11 will undertake, at the outset of the college, and shall
12 enlarge and improve the same whenever practicable,

13 subject to the limitations prescribed by congress. They
14 shall also establish the qualifications for admission, and
15 modify the same as circumstances may require. But no
16 student shall be admitted into or continue in the col-
17 lege, nor shall any person be employed in any office or
18 service, who is not of good moral character and pure
19 life.

SECT. 9. In addition to the instruction which is to
2 be given by classes, text-books, lectures and apparatus,
3 in such branches of learning as are related to agri-
4 culture and the mechanic arts, the trustees shall
5 provide, as fully as may be, for practical experiments
6 and demonstrations of scientific principles and rules.
7 They shall encourage and, for due proportions of time
8 at different seasons of the year, and with reference to
9 the exercises, require all the students to engage
10 in actual labor upon the lands and in the work-shops
11 with which the college may be furnished, and shall
12 provide suitable oversight and direction in such labor,
13 so that they may become habituated to skilful and
14 productive industry.

SECT. 10. Military tactics shall be taught, during
2 some suitable part of each year, to all the students ;
3 and they shall be required to form and maintain
4 such habits of obedience and subordination as may

5 be useful to them if called into military service.
6 The adjutant general shall be authorized to furnish
7 to the college, for military drill, such arms and
8 equipments, not needed by the state for other service,
9 as may suffice for the number of students. He shall
10 also furnish to the college a United States flag.

SECT. 11. Such other studies are to be taught,
2 within the limitations of the act of congress, as the
3 facilities of the college and the periods of instruction
4 will permit.

SECT. 12. Students who satisfactorily complete any
2 one or more of the prescribed courses of study, may
3 receive public testimonials thereof, under the direction
4 of the trustees stating their proficiency.

SECT. 13. No charge shall be made for tuition
2 to any student who is an inhabitant of this state; and
3 the trustees and all persons employed by them shall
4 constantly endeavor, by the adoption of judicious and
5 effective arrangements in all the labor departments of
6 the college, to reduce the cost of subsistence to the
7 students, and to render the institution, as far as
8 possible, self-sustaining.

SECT. 14. It shall be the duty of the trustees,
2 directors and teachers of the college to impress on the
3 minds of the students the principles of morality and

4 justice, and a sacred regard to truth ; love to their
5 country, humanity and universal benevolence ; so-
6 briety, industry and frugality ; chastity, moderation
7 and temperance, and all other virtues which are the
8 ornaments of human society ; and among other means
9 to promote these ends, and to secure the best personal
10 improvement of the students, the trustees shall provide,
11 as fully as may be practicable, that the internal
12 organization of the college shall be on the plan of one
13 or more well-regulated households and families, so that
14 the students may be brought into relations of domestic
15 intimacy and confidence with their teachers.

SECT. 15. If at any time the number of students
2 applying for admission shall be greater than the means
3 of the trustees will enable them to receive, they shall
4 make regulations for the number to be admitted,
5 having reference to the proportions of population
6 in the several senatorial districts in the state, and
7 equalize the admissions according to such proportions
8 as nearly as may be.

SECT. 16. The trustees shall hold a regular session
2 at the college, at least once in each year, and
3 may provide for periodical visitations by committees.
4 No trustee shall receive any compensation, except

5 actual traveling expenses, to be paid from the treasury
6 of the college.

SECT. 17. The treasurer of the college shall make,
2 as often as once in six months, a detailed report of all
3 receipts and expenditures, and the trustees shall cause
4 the same to be verified by full inspection and settle-
5 ment of all his accounts, and shall transmit a copy of
6 the same, as verified by them, to the governor and
7 council. The trustees shall also cause to be made,
8 annually, such report as is required by the fifth section
9 of the act of congress, and communicate the same, as
10 therein provided.

SECT. 18. The legislature shall have the right
2 to grant any further powers to alter, limit or restrain
3 any of the powers vested in the trustees of the college
4 established by this act, as shall be judged necessary
5 to promote the best interests thereof. And this act
6 shall take effect upon its approval by the governor.

STATE OF MAINE.

HOUSE OF REPRESENTATIVES, }
February, 16, 1865. }

Presented, by leave, by Mr. LANG, from the Committee on
Agriculture, and on his motion laid on the table and ordered to be
printed.

HORACE STILSON, *Clerk.*