

# MAINE STATE LEGISLATURE

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**PUBLIC ACTS**

OF THE

**STATE OF MAINE,**

PASSED BY THE

**FOURTEENTH LEGISLATURE,**

*At its Session, held in January, 1834.*

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1834.

## Chapter 129.

AN ACT to provide for the Instruction of Youth.

Preamble.

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

Towns and plantations required to raise a sum not less than forty cents for each inhabitant, for support of schools.

SECT. 1. *Be it enacted by the Senate and House of Representatives, in Legislature assembled,* That every town and plantation shall annually raise and expend for the maintenance and support of schools therein, to be taught by school masters duly qualified, a sum of money, exclusive of the income of any incorporated school fund, not less than Forty Cents for each inhabitant, the number to be computed according to the next preceding census of the State, by which the representation thereof has been apportioned. *Provided,* That a part, not exceeding one third of the money allotted to any district, may, if the district so determine, be applied to the support of a school taught by a mistress, or when the sum so allotted to a district in any year, shall not exceed thirty five dollars, the whole may be expended in the same manner. *Provided however,* that whenever the inhabitants of any school district may be desirous of applying to the support of a school taught by a mistress a greater proportion of the money assigned to them than is herein allowed, and shall so determine at any legal district meeting held for that purpose, and make known the same to the superintending school committee, said committee shall have power to direct what sum shall be applied for the purpose aforesaid:—and that whenever the inhabitants of a school district shall determine to apply a part of their school money to the

Proviso.

Proviso.

School money how applied.

support of a school taught by a mistress and part to that taught by a master, they may determine in district meeting, or empower the school committee, or a special committee by them chosen, to determine what description of scholars shall attend each school, and assign them to the one or the other, in such manner as shall promote their best proficiency and greatest benefit.

SECT. 2. *Be it further enacted,* That it shall be the duty of the presidents, professors and tutors of colleges, and the preceptors and teachers of academies, and all other instructors of youth, to take diligent care and exert their best endeavors to impress on the minds of children and youth committed to their care and instruction, the principles of morality and justice, and a sacred regard to truth, love to their country, humanity, and universal benevolence; sobriety, industry and frugality; chastity, moderation and temperance, and all other virtues which are the ornaments of human society.— And it shall be the duty of such instructors to endeavor to lead those under their care, (as their ages and capacities will admit) into a particular understanding of the tendency of the before mentioned virtues, to preserve and perfect a republican constitution, and secure the blessings of liberty, as well as to promote their future happiness—and the tendency of the opposite vices to slavery, degradation and ruin.

Duty of Presidents, Professors, &c. of Colleges, Preceptors, &c.

SECT. 3. *Be it further enacted,* That there shall be chosen by ballot at the annual meeting in each town and plantation a superintending school committee, who shall be sworn to the faithful discharge of their duties, consisting of not less than three nor more than five persons, whose duty it shall be to examine school masters and mistresses proposing to teach therein. And it shall be the duty of such committee to visit and inspect the schools in their respective towns and plantations, and inquire

Superintending school committee to be chosen annually by ballot.

Their duty.

into the regulations and discipline thereof and the proficiency of the scholars therein, and use their influence and best endeavors that the youth in the several districts regularly attend the schools; and the said committee shall have the power to dismiss any school master or mistress who shall be found incapable or unfit to teach any school, notwithstanding their having procured the requisite certificates; but the towns and plantations shall be bound to pay such instructors for the time they have been employed. And the said committee are hereby authorized and empowered, for misconduct, to expel from any school any obstinately disobedient and disorderly scholar, when after a proper investigation of his or her behavior, they shall judge that the peace and usefulness of the school will thereby be promoted; and shall also have the power to restore such scholar, on satisfactory evidence produced to them of repentance and amendment. And the said committee shall have power to direct what school books shall be used in the respective schools, and to fill any vacancy in their number, which may occur after the annual election; and it shall be the further duty of said committee to make a written report at the annual meeting for the choice of town officers in said town, of the standing and progress, which the scholars, in their respective districts may have made in the several branches of learning therein taught, and the various success which may have attended the mode of instruction and government of their respective teachers: *Provided*, the town does not otherwise instruct; and at the meeting for the choice of town officers, there shall be chosen an agent for each school district, whose duty it shall be to hire the school masters or mistresses for their respective districts, and to provide the necessary fuel and utensils for the schools. *Provided however*, Any town or plantation in this State, if they think proper, may, by a vote of such towns or plantations at their an-

and powers.

To make an annual report.

Proviso.

School agents, their powers and duties.

nual meeting in the month of March or April, authorize the several school districts in their towns and plantations to choose their school agent or agents in district meeting lawfully assembled, which choice shall be by ballot; and the agent so chosen shall continue in office one year, or until another is chosen in his stead; and the said agents shall, before entering upon their said office, be sworn to the faithful discharge of the duties thereof. And each of said agents shall in the month of May, in each year, return to the selectmen of said towns, and to the assessors of said plantations, a list certified by each of said agents to be a true and correct list of the scholars in their respective districts, exclusive of those attending any college or academy not belonging to such district, and also exclusive of those laboring in any manufacturing establishment, whose parents or guardians do not reside within the town where such manufacturing establishment is located, between the ages of four and twenty one years, as the same existed on the first day of said month, for the purpose of enabling said selectmen and assessors to furnish a statement as provided for in the fifth section of this act; or the list of scholars may be taken by the selectmen of any town as may be determined on in the meeting aforesaid. And it shall be the duty of the agent of every school district, to give notice to some one of the superintending school committee of the town or plantation, including such districts within its limits, on or before the opening of every town or plantation school, of the time the school commences, and the time for which the instructor is engaged therein, and it shall be the duty of one or more of the superintending school committee, to visit each school within the town or plantation at least twice during the term for which such school is kept, once within three weeks from the commencement of such school, and once within two weeks before the close thereof. If any parent, master or guardian, shall,

May be chosen by ballot.

To return certified lists of scholars.

To give notice of the time of commencing school.

Duty of school committee.

Selectmen to furnish books in certain cases.

after notice given him by the master or mistress of any school, refuse or neglect to furnish their several scholars with suitable books, the selectmen of the town or assessors of the plantation thereof, on being notified by said master or mistress, shall furnish the same at the expense of the town or plantation, which expense shall be added to the next town or plantation tax of such parent, master or guardian.

Qualifications of Instructors.

SECT. 4. *Be it further enacted,* That no person shall be employed as a school master, unless he shall be a citizen of the United States and shall produce a certificate from the superintending school committee of the town or plantation where the school is to be kept, and also from some person of liberal education or literary pursuits, and good moral character, residing within the State, that he is well qualified to instruct youth in reading, writing the English language grammatically, and in arithmetic and other branches of learning usually taught in public schools ; and also a certificate from the selectmen of the town or the assessors of the plantation where he belongs, that to the best of their knowledge he is a person of sober life and conversation, and sustains good a moral character. And no person shall be employed as a school mistress unless she shall produce a certificate from the superintending school committee of the town or plantation where the school is to be kept, that she is suitably qualified to teach the English language grammatically, and the rudiments of arithmetic, and produce satisfactory evidence of her good moral character.

Assessors to assign each school district a proportion of school money.

SECT. 5. *Be it further enacted,* That it shall be the duty of the assessors of each town and plantation to assign to each school district a proportion of the money raised in each year for the support of schools according to the number of children therein, between the ages of four and twenty one years, exclusive of those attending any college or academy not belonging to such district, and also exclusive of

those laboring in any manufacturing establishment, whose parents or guardians do not reside within the town where such manufacturing establishment is located, on the first day of May, annually, which shall be the number by which the assessors shall apportion the money raised for the support of schools, and the assessors of towns shall certify such assignment to the selectmen. *Provided*, That whenever any town or plantation shall raise a sum of money exceeding that required by this Act, such surplus may be distributed among the several school districts, in such manner as the town or plantation may determine. And if any town or plantation shall fail to raise and expend annually for the support of schools the amount of money required by this Act, they shall forfeit and pay a sum not less than twice nor more than four times the amount of such failure or deficiency. And every town or plantation, which shall neglect to choose annually a superintending school committee as required in the third section of this Act, shall forfeit and pay not less than thirty nor more than two hundred dollars, to be appropriated as is provided in the nineteenth section of this Act. And any master who shall teach any school required by this Act, without producing prior to his commencing the same, the certificates required by this Act, shall forfeit and pay a sum not exceeding his daily wages, for each day he shall so teach such school, and shall be barred from recovering of any town or plantation or person any pay for teaching such school.

*Proviso.*

Penalty for neglect to raise school money:

—for neglect to choose school committee:

—for teaching school contrary to the provisions of this act.

SECT. 6. *Be it further enacted*, That the several towns and plantations be and they hereby are authorized and empowered to determine the number and define the limits of school districts within the same. *Provided however*, That no alteration in the limits of any school district shall be made, except at the annual meeting in the month of March or April. And each and every school district in

Towns and plantations to determine limits of school districts.

*Proviso.*



School districts made bodies corporate for certain purposes.

May be formed from adjoining towns, &c.

Money to be assigned such school districts in proportion to the number of children.

Proviso.

this State is hereby made a body corporate, with power to sue and be sued, and to take and hold any estate real or personal, for the purpose of supporting a school or schools therein, and to apply the same agreeably to the provisions of this Act, independently of the money raised by the town for that purpose; and whenever it shall be found convenient to form a school district from parts of adjoining towns or plantations, such towns or plantations concurring respectively therein, may establish such district and define the limits thereof, and grant any sum of money for the purposes and in the manner provided in the twelfth section of this Act. And the selectmen or assessors of such towns or plantations shall have and possess jointly, all the powers provided in the thirteenth section of said Act. And the district so formed shall be a body corporate to all intents and purposes as if comprised within one town or plantation. And such district may, by such towns or plantations concurring, be altered or discontinued in like manner as any town may alter or discontinue its own districts.

SECT. 7. *Be it further enacted,* That the assessors of each town or plantation of which such district shall be a part, shall assign to such district a proportion of the money raised for the support of schools according to the number of children in that part of such district which may be within such respective town or plantation. And in issuing warrants for district meetings, recovering damages for injuries done to district buildings, giving to instructors certificates of qualification, directing what books shall be used and visiting, superintending and disciplining the school, the selectmen or assessors, the treasurer, and school committee of the eldest town or plantation shall have the same powers, and be subject to the same duties respecting such district, as respecting districts wholly in their own town or plantation. *Provided,* That all money raised by such district, or by the towns or

plantations composing the same, shall be paid into the treasuries of the respective towns or plantations, to be assigned in manner aforesaid, or applied to the purposes for which it shall have been legally raised by the district. And such district shall choose its own agents.

SECT. 8. *Be it further enacted,* That the inhabitants of any school district qualified to vote in town affairs, be and they hereby are empowered, at any district meeting, called in the manner hereinafter provided, to raise money for the purpose of erecting, repairing, purchasing and removing a school house, and of purchasing land upon which the same may stand, and utensils, and also for erecting or repairing such out buildings connected therewith as may be deemed necessary and proper ; and to determine where the school house shall be erected or located in said district, and also to determine at what age the youth within such district may be admitted into a school kept by a master or mistress, and whether any scholars shall be admitted into such schools from other school districts, or from other towns or places; and to determine, if they think proper, at what time their school shall commence, and the agent or agents shall, as far as practicable, conform to such determination.

School districts empowered to raise money for certain purposes, and determine location of School Houses, &c.

SECT. 9. *Be it further enacted,* That for the purposes aforesaid, all lands, whether improved or unimproved, shall be taxed in the district in which they lie; and the assessors of any town or plantation shall assess in the same manner as town taxes are assessed, on the polls and estates of the inhabitants composing any school district in their town or plantation, and on lands lying within the same, belonging to persons not living therein, all moneys voted to be raised by the inhabitants of such district for the purposes aforesaid, within thirty days after the clerk of the district shall have certified to said assessors the sum voted by said district to be raised as afore-

Lands to be taxed in the district where they lie.

School taxes, how raised.

said. And it shall be the duty of said assessors to make a warrant in due form of law, directed to one of the collectors of their town or plantation, requiring and empowering said collector to levy and collect the tax so assessed, and pay the same, within a time limited by said warrant, to the treasurer of the town or plantation, to whom a certificate of the assessment shall be made by the assessors. And the money so collected and paid shall be at the disposal of the committee of the district, to be by them applied agreeably to the vote of their district as aforesaid. And such collector in collecting such taxes shall have the same powers and be holden to proceed in the same manner, as is by law provided in collecting town taxes.

Town Treasurer to enforce collection of district taxes.

Power of Assessors to abate taxes.

SECT. 10. *Be it further enacted,* That the treasurer of any town or plantation, who shall receive a certificate of the assessment of a district tax, shall have the same authority to enforce the collection and payment thereof, as of town or plantation taxes. And the assessors of any town or plantation shall have the same power to abate such district tax, as they have to abate a town or plantation tax. And the assessors, collector and treasurer, shall be allowed by the school district the same compensation for assessing, collecting and paying any district tax as they are allowed by the town or plantation for similar services.

Duties and powers of agents, as to calling district meetings;

—how notified.

SECT. 11. *Be it further enacted,* That whenever an agent has been legally chosen in any district, it shall be his duty, upon the application of five or more legal voters in said district to said agent, requesting him to call a meeting of said district, to issue his notice calling such meeting, and insert therein the reasons and objects of said meeting; and also to post up said notification on the district school house, (if there should be any in said district) and one other public place within the limits of said district, seven days at least prior to said

meeting. And in all districts where a public paper shall be printed, such notice shall also be inserted therein. *Provided*, That any school district may, at any legal meeting thereof, determine the manner in which notice of future meetings in such districts may be given. And the legal voters when assembled, may choose a moderator, and also a clerk, who shall be sworn faithfully to discharge the duties of his office before a Justice of the Peace, or before the moderator, and it shall be the duty of such clerk to make a fair record of all votes passed at any meeting of the district, and to certify the same when required; and may also choose a committee to superintend the laying out and expending the money raised by such district, agreeably to their vote, for the purposes aforesaid, to examine and allow such accounts as they may think proper, and to draw orders on the town or plantation treasurer for the amount of the money raised. *Provided however*, That it shall be the duty of the selectmen of any town, or the assessors of any plantation, upon application made to them in writing, by three or more qualified voters residing within any school district in such town or plantation, to issue their warrant, directed to one of the persons making such application, requiring him to warn the inhabitants of such district qualified to vote in town affairs, to meet at the time and place and for the purposes set forth in said warrant; and the warning aforesaid shall be in the manner prescribed in this section.

SECT. 12. *Be it further enacted*, That whenever at any legal meeting of a school district, called for the purpose of raising money, for the erecting, repairing, purchasing or removing of a school house, or for purchasing land on which the same may stand, or for procuring utensils therefor, a majority of the voters present are opposed to the raising of money for any such purpose, it shall be lawful for the selectmen of the town, or assessors of the plantation

Proviso.

May choose Moderator and Clerk, and Committee to superintend, &c.

Proviso.

Proceedings when a majority of voters in a district are opposed to raising of money for certain purposes.

in which such district is situated, on application in writing of any five or more freeholders, inhabitants of such school district, to insert in their warrant for calling the next town or plantation meeting, an article requiring the opinion of the town or plantation relative to such subject as proposed in the said district meeting; and if a majority of the voters present in such town or plantation meeting, shall think it necessary and expedient, they may grant a sum sufficient for any of the purposes aforesaid, to be assessed on the polls and estates in said school district, to be collected and paid as is in this act provided.

Proceedings in  
case of disagree-  
ment as to loca-  
tion of School  
Houses, &c.

SECT. 13. *Be it further enacted,* That when three fourths of the inhabitants who are legal voters in any district, cannot agree where to erect or locate a school house in their district, or where two thirds of such inhabitants are not in favor of removing a school house, the selectmen of the town or the assessors of the plantation, to which such district belongs, upon application made to them in writing by any two or more legal voters of said district, or the committee of the district chosen to superintend the building or purchasing of such school house, are hereby authorized and empowered to determine on the place where such school house shall be erected or located, or removed to. And in case any school district shall neglect or refuse to appoint a committee to superintend the building or purchasing of such school house, the selectmen or assessors, as the case may be, are hereby authorized to appoint a committee to consist of three suitable persons in such district. *Provided however,* That in case said committee should refuse or neglect to act, the selectmen or assessors shall be empowered to discharge the duties of such committee.

Proviso.

Agent author-  
ized to purchase  
fuel, make re-  
pairs, &c.

SECT. 14. *Be it further enacted,* That the agent of any school district be and he hereby is authorized to expend annually out of the money raised for the support and maintenance of schools therein,

a sufficient sum to supply the school with necessary fuel, and a sum, not exceeding ten per cent. of the money assigned as the share of said district, for incidental repairs of its school house, out buildings, and necessary utensils for the same.

SECT. 15. *Be it further enacted,* That the selectmen of the several towns and the assessors of the several plantations, shall on or before the first day of the session of the Legislature, eighteen hundred and thirty-five, and every third year thereafter, make a return to the office of the Secretary of State of the number of school districts within their respective towns and plantations, the number of children in each of said districts between the ages of four and twenty one years, the number who usually attend school in each, the amount of money raised and expended for the support of schools ; designating what part is raised by taxes, and what from funds, and how such funds have accrued, and the time the school may have been kept annually in each, designating how much by a school mistress.

Selectmen to make return to Secretary of State of the number of school districts and of the children, &c.

SECT. 16. *Be it further enacted,* That it shall be the duty of the Secretary of State to furnish blank returns to the selectmen of towns, and the assessors of plantations, agreeably to the provisions of the fifteenth section of this Act, at such time and in such quantities as may be found necessary.

Secretary to furnish blank returns.

SECT. 17. *Be it further enacted,* That the inhabitants of the city of Portland shall be and hereby are authorized at their annual meetings to choose their school committees of such number as they may think proper, which committee shall have all the rights and powers and shall perform all the duties enjoyed and enjoined upon the said superintending committee and said agents. And the power of determining the age at which scholars may be admitted into the schools, of transferring the scholars from school to school, and the right of laying out and expending the money raised for the support of schools

Mode of proceeding in City of Portland and other places, and powers and duties of their school committees.

and defraying the contingent expenses thereof, and such further powers as may be found useful and necessary in managing the business committed to them—notwithstanding any thing contained in the third section of this act to the contrary. And the towns of Bangor, Bath, Augusta, or any other towns, or any number of districts in any towns, which shall at any legal town meeting called for that purpose, vote to accept the provisions of this section, shall have the right and be empowered so to do, and to the same extent as is given and provided for the city of Portland as aforesaid.

Schools to be maintained on Islands.

SECT. 18. *Be it further enacted,* That any inhabited island, so distant from the main that in the opinion of the town or plantation to which it belongs, it cannot with convenience or advantage be included in any school district, and too small to compose a district by itself, may be omitted in districting the town or plantation; and in such case the assessors shall assign to the inhabitants of such island their proportion of school money according to the number of scholars on said island, to be by them expended for the purpose of instruction, in such way as the superintending school committee shall approve.

Forfeitures and penalties, how recovered and expended.

SECT. 19. *Be it further enacted,* That all forfeitures and penalties for a breach of this Act, shall be recovered by indictment or information before any court of competent jurisdiction; and it shall be the duty of all grand jurors, to make due presentment thereof in all cases that shall come to their knowledge, and such penalty, when recovered, shall in all instances be paid into the treasury of the town or plantation where the same was incurred, for the support of schools therein, in addition to the sum required to be raised by this Act, and the cost of prosecution into the county treasury. And if any town or plantation shall neglect for the space of one year so to appropriate and expend any fine or penalty, they shall forfeit the same, to be recovered in an action of debt to the use of the person who may sue therefor.

SECT. 20. *Be it further enacted,* That it shall be the duty of the selectmen of towns and the assessors of plantations respectively, to make out a statement annually of the number of scholars in each of their districts, between the ages of four and twenty one years, as the same existed on the first day of May preceding, with such other facts as are required to be returned in the fifteenth section of this act, and to transmit such statement within the first three weeks of the annual session of the Legislature to the secretary of State, and to certify upon oath in said statement that the same is true and correct according to their best knowledge and belief; and the distribution of the Bank tax appropriated for the benefit of primary schools by an act entitled "An additional Act to provide for the education of youth," passed March fourth in the year of our Lord one thousand eight hundred and thirty three among the several cities, towns and plantations in this State, shall be predicated upon the statements so made and returned, any thing in said act to the contrary notwithstanding.

Annual statement of the number of scholars to be transmitted to Secretary of State.

Chap. 82, p. 88.

SECT. 21. *Be it further enacted,* That all Acts or parts of Acts inconsistent with the provisions of this Act be and the same are hereby repealed.

Former acts repealed.  
Ch. 117, vol. 2, page 503—Ch. 196, vol. 3, page 19—Ch. 311, vol. 3, page 153—Ch. 361, vol. 3, p. 211—Ch. 475, vol. 3, p. 321.

[Approved by the Governor, March 11, 1834.]

### Chapter 130.

AN ACT authorizing Towns and Plantations to raise money for the purpose of purchasing land for public Burying Grounds.

*Be it enacted by the Senate and House of Representatives, in Legislature assembled,* That the several towns and plantations in this State may at their annual meetings in March or April, vote to raise money necessary for purchasing land or place

Towns and plantations may raise money for purchasing land for public cemeteries.