

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

PASSED BY THE

THIRTIETH LEGISLATURE

OF THE

STATE OF MAINE,

A. D. 1850.

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Published by the Secretary of State, agreeably to Resolves of June 28, 1820, February 26, 1840,  
and March 16, 1842.  
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1850.

PUBLIC LAWS

OF THE

STATE OF MAINE.

1850.

CHAP. 193. condition of the prison and its inmates; and shall annually report to the governor, who shall report to the legislature such information and make such suggestions in relation to the government and financial affairs of the same, as in his opinion may be conducive to the interests of the state and the promotion of the great object, the reformation of criminals.

Annual exhibit of warden.

SECT. 3. It shall be the duty of the warden to make to the governor and council, once in each year, a full exhibit of the affairs of the prison; and it shall be his duty to settle all his accounts with the governor and council, at such time as they may require.

Accounts.

Inspectors' duty.

SECT. 4. The inspectors shall visit the prison once in three months, and one of them shall visit it once in each month.

Inconsistent provisions repealed.

SECT. 5. So much of section five, chapter one hundred and seventy-seven of the revised statutes, as requires the inspectors to reside within six miles of the prison, and all acts and parts of acts inconsistent with the provisions of this act, are hereby repealed.

SECT. 6. This act shall take effect and be in force from and after its approval by the governor.

[Approved August 27, 1850.]

Chapter 193.

An act to provide for the education of youth.

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

ARTICLE I.

Of the general duties of towns.

Establishment of school districts.

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

Same subject.

SECT. 2. The inhabitants of every town, at their annual meeting, may determine the number and limits of the school districts within such town; and if necessary, may divide or discontinue any such district; or they may annex it to any other district, in such town, with such reservations and conditions, as may be proper to preserve the individual rights and obligations of the inhabitants thereof: *provided, however,* that no such action shall be had, until the selectmen and superin-

tending school committee of such town, who are hereby constituted a committee for that purpose, shall have submitted to the town a written statement of facts.

SECT. 3. Any town, at its annual meeting for the choice of town officers, may vote to choose, and in such case shall choose, an agent for each school district in such town.

District agents, how chosen.

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

Proceedings if a town contain but one district.

SECT. 5. Every town shall, annually, raise and expend for the maintenance of schools therein, to be taught by masters or mistresses, duly qualified, a sum of money, exclusive of the income of any corporate school fund, or of any grant from the revenue, or funds from the state, or of any voluntary donation, devise or bequest, or of any forfeitures accruing to the use of schools, not less than forty cents, for each inhabitant; the number to be computed according to the last census of the state, under which the representation thereof, in the legislature, shall have been apportioned.

Money to be raised for support of schools.

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

Apportionment of money to the districts.

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

Forfeiture for neglect to raise the amount required.

SECT. 8. Every town at its annual meeting in the year eighteen hundred and fifty one, shall choose by ballot, a superintending school committee, consisting of three persons; who, at their first meeting, shall designate by lot, one member of their board, to remain in office three years; also another member, to remain in office two years, and the remaining member shall hold his office one year. As soon as said committee have

Superintending school committee.

CHAP. 193.

so determined the time of service of the several members, they shall deliver to the town clerk a certificate thereof, which he shall record on the town books. Every town at each annual meeting after the year eighteen hundred and fifty-one, shall choose by ballot, one person to supply the place of that member of the committee whose term of service has expired, which office he shall hold for the term of three years. The town shall also at such meeting supply any vacancy that may then exist in said committee. The committee appointed as above, any two of whom shall constitute a quorum, shall be duly sworn and paid for their services one dollar per day, and no more, unless otherwise ordered by the town; but no superintending school committee shall be entitled to receive any compensation for their services, until they shall have furnished to the selectmen satisfactory evidence that they have made the full and complete returns required by law to the secretary of state.

Supervisor of
public schools.

SECT. 9. Any town, containing two thousand inhabitants or more, instead of the committee named in the preceding section, may choose some competent individual, an inhabitant of said town, who shall be constituted a supervisor of the public schools of the town; the same to be duly sworn, and to have all the powers, privileges and duties, and in respect of all the provisions of this act, to stand in the place of a superintending school committee, as by law provided.

Forfeiture for
neglect to choose.

SECT. 10. Every town, which shall, in any year, neglect to choose such superintending committee or supervisor, shall forfeit and pay not less than thirty, nor more than two hundred dollars.

Superintending
school committee
may be vested
with powers per-
taining to school
agents, in certain
cases.

SECT. 11. Any town, that shall, by a standing vote, provide for the purpose, may, instead of a superintending committee and school agents, as hereinbefore provided, until they rescind such vote, elect their superintending committee annually, of such number not less than three, as they shall think proper, and may invest such committee with the rights, powers and obligations pertaining to school agents, as well as to a superintending committee, including the power and duty of determining the age, at which scholars may be admitted into the respective schools, of transferring scholars from one school to another, and of laying out the money raised for supporting schools and defraying the contingent expenses thereof, and such others of said powers, as may be useful and necessary in managing the business committed to them.

CHAP. 193.

SECT. 12. Any portion of a town not containing inhabitants enough for a convenient separate organization as a district, and too remote for annexation to any district already formed, may be omitted in districting the town, to which it belongs; and in such case, the assessors of such town shall appropriate their proportion of school money, according to the number of children, of the ages specified in section six, to be expended by such inhabitants, for the purpose of instruction, in such manner as the superintending committee shall order or approve, in writing under their hands.

Privileges allowed to remote parts of a town.

SECT. 13. Whenever any town shall raise a sum of money exceeding the amount required by section fifth of this article, the excess may, if the town so vote, be apportioned among the several school districts, in such manner as the selectmen and superintending school committee may determine.

Excess of money raised beyond the amount required.

SECT. 14. Any town is hereby authorized and empowered to make all needful provisions and arrangements concerning habitual truants, and children between the ages of six and fifteen years, not attending school, without any regular and lawful occupation and growing up in ignorance; and may also make all such ordinances and by-laws respecting such children, as shall be most conducive to their welfare, and the good order of such town; and there shall be annexed to such ordinances, suitable penalties, not exceeding for any one breach, a fine of twenty dollars: *provided*, that said ordinances and by-laws shall be approved by the district court for the district and shall not be repugnant to the laws of the state.

Provisions concerning habitual truants, and certain children not attending school.

SECT. 15. The several towns, availing themselves of the provisions of the preceding section, shall appoint at their annual meeting, three or more persons, who alone shall be authorized to make the complaints, in every case of violation of said ordinances or by-laws, to the justice of the peace, or other judicial officer, who by said ordinances shall have jurisdiction in the matter, which persons, thus appointed, shall alone have authority to carry into execution the judgments of said justices of the peace or other judicial officers.

Same subject.

SECT. 16. The said justices of the peace, or other judicial officers, in all cases, at their discretion, in place of the fine aforesaid, shall be authorized to order children, proved before them to be growing up in truancy, and without the benefit of the education provided for them by law, to be placed for such periods of time as they may judge expedient, in such institution of instruction, or house of reformation, or other suitable

Same subject.

CHAP. 193. situation, as may be assigned or provided for the purpose, under the authority conferred by the fourteenth section of this act, in each town availing itself of the powers therein granted.

ARTICLE II.

Of the powers and obligations of school districts.

School districts declared to be corporations.

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

How to be named or described.

SECT. 2. In all transactions by, or with, school districts, they may be described by their numbers, in the order of their creation under the votes of the town, or by any descriptive name, which they may assume, or by such general description as may be applicable, if they have no certain name.

When deemed to be legally organized.

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

Legal voters.

SECT. 4. Any person, qualified to vote in town affairs, shall be a legal voter in the school district, in which he resides.

Mode of calling meetings.

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

Manner of notifying.

SECT. 6. On receiving any such application, the selectmen of the town, or the district agent, as the case may be, shall cause notices specifying the time, place and purposes of the meeting, seven days previous to the time appointed, to be posted up in two or more public places within the district, one of which must be on the school house, if there be any in the district; or to be published in a newspaper printed in the town, where such district is situated, if there be any. The certificate of such selectmen or agent, or of any person required by their warrant, to give such notice, returned at the time and place of meeting, shall be evidence of the notice stated in such certificate to have been given.

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

Districts may prescribe the manner of notifying.

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

Moderator and clerk.

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

School district committee.

SECT. 10. Every school district, at its annual meeting, shall choose by ballot a school agent, unless such agent shall be chosen by the town, as provided in article first, section third, of this act, and may at any meeting called for that purpose, supply any vacancy that may occur in the office of agent, and such agent, whether chosen by the town, or by the district, shall be sworn by the moderator or clerk of the meeting, or by some justice of the peace.

School districts to choose agents, unless chosen by the town.

SECT. 11. The inhabitants of any school district, qualified to vote in town affairs, at any legal meeting called for the purpose, shall have power:

General powers of districts.

First. To raise money for the purpose of erecting, repairing, purchasing and removing a school house, and for the purpose of erecting, repairing, renting, purchasing and removing such a number of school houses as the wants of such districts may require, where more than one school house is necessary to accommodate the scholars in such district; and also for the purpose of erecting or removing out-buildings, connected with such house or houses,—of purchasing or renting land upon which the same may stand, and for yards and play grounds, and for purchasing a library, utensils, black-boards, globes, maps and other useful apparatus,—providing water for the school house or houses by means of wells and aqueducts, with necessary conveniences for the health and comfort of teachers and

To raise money for school houses.

CHAP. 193.

pupils, and for the purpose of enclosing the grounds and appurtenances of the school houses, with power to sell and dispose of any such property, whenever it becomes necessary and proper to do so.

Location of the same.

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

Age and other terms of admission to schools.

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

When schools shall commence.

Fourthly. If they think proper, to instruct the agent at what time their schools shall commence; with which directions, the agent shall comply, so far as practicable; and

May join for the purpose of uniting advanced scholars.

Fifthly. To join with one or more other school districts, for the purpose of uniting the more advanced scholars of each district in one school. And when any districts shall so determine, they may appropriate such a proportion of the school money of each district, as they deem proper, provided that if one fourth of the voters present and voting at any meeting called for the purpose, shall dissent from the decision of the majority, no more than the per capita share of the scholars attending such union school, shall be so appropriated, without the written assent of the superintending school committee.

Towns may compel districts to raise money for certain purposes.

SECT. 12. Whenever, at any meeting of a school district, legally called, for raising money for any particular purpose, a majority of the legal voters present shall be opposed to the raising of any sum of money, deemed by the minority sufficient for that purpose, the selectmen of the town, on application in writing, of any five or more voters in such district, made within thirty days after such meeting, shall insert, in their warrant for calling the next town meeting on town affairs, an article requiring the opinion of the town on the subject of disagreement; and if the town, at such meeting, shall think it necessary or expedient, they may require a sum sufficient for the purpose aforesaid, if exceeding what said district were willing to raise, to be assessed on the polls and estates in such district; and the same shall be assessed, collected and paid over, in the same manner as if originally raised by such district; and thereupon it shall be the duty of the selectmen of the town to appoint, in writing, three suitable inhabitants of said district, to be a committee to superintend the expenditure of the money, so assessed and raised, for the purpose required, who shall have

all the powers of a committee chosen by the district, in pursuance of the provisions of this act.

SECT. 13. At any district meeting, called for the purpose of erecting or locating a school house, in any district where none exist, or of removing or erecting any such school house, in a different place from that previously occupied for the purpose, if a disagreement shall arise, and the voters in favor of the object, in either case, shall be less than two-thirds of the legal voters present at such meeting and voting, the clerk, at the meeting, shall make a record of the fact; and the selectmen of the town, on application, in writing, from any three or more of the voters in such district, or of any committee of such district, made within thirty days thereafterwards, shall, as soon as may be, appoint a time and place, within the district, to hear the inhabitants thereof, on the subject matter of such disagreement, and give such notice as is required for a legal meeting of the inhabitants of said district; and, after such hearing, may decide where such school house shall be placed, and shall, within ten days, give a certificate of their determination to the clerk of the district, who shall forthwith enter the same upon his records; and the district shall proceed to erect, or remove, the school house, in the same manner, as if determined by a sufficient majority of the legal voters present at said meeting: *provided, however,* that no selectman residing in such district, shall be allowed to have any voice in the determination; and whenever a majority of the selectmen of any town shall reside in one school district, in which it becomes necessary so to locate a school house, or shall not be able to agree, the superintending school committee of said town shall be required to do all the duties in relation to locating said house, which by this section are required of the selectmen.

Power of selectmen in location of school houses.

Proviso.

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

Same subject.

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

Plan of school houses to be approved by the superintending school committee.

CHAP. 193.

School district may determine what proportion of money may be used for school taught by a female.

SECT. 16. Any school district, at a legal meeting, may determine whether all, or what proportion of their school money, shall be expended for the support of a school, to be taught by a female; and their agent shall expend the same accordingly. But in case one-fourth part of the voters present and voting at said meeting, dissent from the decision of the majority, not more than one-third part of such money, shall be expended for a school taught by a female, without the written assent of the superintending school committee.

Ages for admission to schools of master or mistress.

SECT. 17. Whenever the school in any district, shall be kept in part by a mistress, and in part by a master, the inhabitants of such district, at a legal meeting, may determine by vote, or may authorize the superintending school committee to determine from time to time, what description of scholars shall attend each school respectively.

To choose a committee in certain cases.

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

Dnty of superintending school committee, if no committee be chosen.

School districts may purchase libraries.

SECT. 19. Any school district in this state, is hereby authorized to purchase, with any money that may be appropriated to said district for school purposes, a school library and apparatus, or either, for the use of the school: *provided* a majority of the district shall so vote. But there shall not be expended in one year, more than ten per centum of the whole amount appropriated to any district in the year.

Expenditures restricted.

Adjacent districts may unite for purchase of libraries.

SECT. 20. If any two adjacent districts shall severally vote to unite for the purchase of a library and apparatus, or either, they are hereby authorized so to do.

Rules and regulations.

SECT. 21. Every district that purchases a library and apparatus, or either, as aforesaid, shall make such rules and regulations, for the preservation and management of the same, as they may deem proper.

ARTICLE III.

Of the assessment and collection of money raised or borrowed by school districts.

SECT. 1. When any money shall be voted to be raised by any district, pursuant to the first specification of section eleven of the preceding article, the clerk shall forthwith, or within such time as the district may prescribe, certify to the assessors of the town, the amount voted to be raised for any or all the purposes aforesaid.

Clerk to certify to assessors when money is to be raised.

SECT. 2. Within thirty days after receiving the certificate of the clerk, as aforesaid, the assessors of such town shall assess in the same manner as town taxes are assessed, on the polls and estates of the inhabitants composing such school district, whether it be wholly within their town or not, and on lands lying within the same, belonging to persons not living therein, whether improved or unimproved, all moneys voted to be raised by the inhabitants of such district, for the purposes aforesaid; *provided*, that no inhabitant shall be taxed for any real estate not lying within such district.

Assessors to assess the same within thirty days.

SECT. 3. Said assessors shall make their warrant in due form of law, directed to any one of the collectors of their town, or of said district, or a constable, if there be no collector, requiring and empowering said collector or constable, to levy and collect the tax, so assessed, and pay the same, within the time limited by the warrant, to the treasurer of the same town; to whom, also, the assessors shall give a certificate of the assessment, as in the case of town taxes.

Mode of collection.

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

Powers of collectors.

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

Powers of town treasurers in such cases.

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

Abatements of such taxes.

SECT. 7. The money so raised, collected and paid, shall be at the disposal of the committee of the district, chosen and authorized, pursuant to the provisions of section ninth, of article second.

Sums collected to be at the disposal of the district committee.

CHAP. 193.

Compensation of assessors and collectors.

SECT. 8. Such assessors, collector or constable, and treasurer, shall be allowed, by the school district, for assessing, collecting, paying and receiving any district tax, a compensation proportionate to what they receive for similar service for town taxes.

When school districts may borrow money.

SECT. 9. Any school district, by a vote of two-thirds of the legal voters present and voting, at a legal meeting called for that purpose, shall have power to borrow money, for the purpose of erecting a school house and of purchasing land on which the same may stand.

Term of loan and mode of payment.

SECT. 10. Every such loan shall be made for a term of time, not exceeding five years, and shall be payable in equal annual instalments.

Clerk to notify assessors and treasurer.

SECT. 11. When any school district shall vote to borrow money for such purpose, the clerk shall forthwith certify such vote to the assessors and treasurer of the town.

Agents to contract a loan may be appointed.

SECT. 12. The district may appoint an agent or agents to contract a loan as aforesaid, who are authorized to bind the district therefor, and to give the necessary evidence of debt therefor, and a copy of such evidence of debt or security, shall be, by such agent or agents, filed with the town clerk of the town, and the clerk shall enter the same on the town records.

Treasurer to receive and pay out the money.

The money procured on such loan shall be received by the treasurer of the town, and shall be applied and paid out for the purposes aforesaid, in the same manner as is provided by this act, in case of money raised for the same purposes by taxation.

Annual instalments to be assessed upon the polls and estates.

SECT. 13. At each annual assessment of town taxes, after the receipt of such money by the treasurer of the town, the assessors of the town shall assess the amount of the installment and interest payable in that year, upon the polls and estates of the inhabitants of such district, in the same manner as is by this act provided for the assessment of moneys voted to be raised by any school district, by taxation. And such annual installments assessed as aforesaid, shall in like manner be collected and paid to the treasurer of the town aforesaid. And the treasurer shall pay the amount of each installment and interest, as the same becomes payable, on demand of the person to whom the same may be lawfully due.

Assessors, collectors and treasurer, their liability, authority and compensation.

SECT. 14. The assessors, collector and treasurer employed as aforesaid, shall be under the same liabilities, and shall have the same authority and compensation in respect to the services so performed by them for any school district, as is provided by this act in case of raising money by a school district, by taxation.

CHAP. 193.

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

Loans not authorized, except as herein provided.

SECT. 16. Whenever any money shall be voted to be raised by any school district, in accordance with the provisions of this act, the legal voters of said district, at any legal meeting called for the purpose, may elect by written ballot a collector, who shall be required to give bonds to the inhabitants of such district, with sufficient sureties, to be approved by the selectmen, and shall have the same powers, and be held to proceed in the same manner in collecting the taxes assessed upon said district, as in the collection to town taxes by a town collector.

Districts may elect a collector.

SECT. 17. Such collector shall be allowed such compensation for collecting and paying over to the town treasurer said taxes, as shall be determined upon by the inhabitants of said district, at the meeting at which said collector is chosen.

His compensation.

SECT. 18. Whenever the inhabitants of any school district shall elect a collector in pursuance of this act, it shall be the duty of the clerk of said district to deposit with the clerk of the town in which the district is situated, a certified copy of the record of the election of said collector, which shall be recorded by the clerk of the town, and such town record shall be evidence of the election of said collector by said district.

Copy of the record of such election to be deposited with the clerk of the town.

SECT. 19. The provisions of the three preceding sections, for the choice of collectors by school districts, shall not apply to any school district, where the sum voted to be raised and assessed, shall not exceed the sum of three hundred dollars.

Provisions relative to collector not to apply in certain cases.

ARTICLE IV.

Of school districts formed from two or more towns.

SECT. 1. Whenever it shall be found convenient to form a school district, from parts of adjoining towns, such towns respectively concurring therein, may establish such district, and determine the limits thereof; and such towns by their concurrent votes may alter and discontinue the same; and they and their officers, except as otherwise provided in this act, may exercise all the powers and duties in reference to such districts, as may be exercised by any town, in reference to school districts within its own limits: *provided*, that where such district, formed from two or more towns, has existed for the term of fifteen years, either town may disconnect its own inhabitants from such district without the concurrence of the other town or

Formation of districts from two or more towns.

CHAP. 193.

towns—*provided further*, that all district property shall be left within the limits of, and belong to the original district.

Such districts to choose their own agents.

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

Assessors of each town to assign such district its proportion of money.

SECT. 3. The assessors of each town, from which any part of such district, as is provided in the first section of this article, shall have been formed, shall assign to such district a proportion of the money by law to be distributed among the districts in such town, according the number of such children, belonging to such town, within the limits of said school district. And when any district is composed of parts of two or more towns, the powers specified in sections thirteen and fourteen of article second, to be exercised by any town, or by the selectmen, or superintending committee of any town, may be exercised by the concurrent vote of said towns, or the joint acts of the selectmen or superintending school committees of such towns; and application shall be made to each of them accordingly.

Location of school houses, &c.

Districts formed in more than one town, how superintended.

SECT. 4. When any school district shall be formed from parts of two or more towns, as aforesaid, the superintending school committee, selectmen, assessors, treasurer, collector and constable of the town in which the school house of such district is situated, or has been located, or in which the school of such district is kept, or if there be no such school house or school, the aforesaid officers of the oldest town from which any part of such district shall have been taken, shall, in respect of such district have all the powers and perform all the duties, and be deemed to all intents to stand in the place of such officers, in respect to school districts situated wholly in any one town.

Powers and duties of agents and officers of such districts.

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

ARTICLE V.

Of the powers and duties of superintending school committees.

Powers and duties of superintending school committees.

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

Filling vacancies.

First. To appoint a person to supply any vacancy 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 said vacancy.

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

Examining teachers.

Thirdly. To examine such candidates in reading, spelling, writing, English grammar, geography, history, arithmetic, and other branches usually taught in public schools, and particularly in the school for which such persons are examined ; and also as to capacity for the government and discipline of said school. And if on such examination, such persons are found competent, said committee shall grant a certificate that such persons are qualified to govern said school, and to instruct in the branches above named, and such other branches as are necessary to be taught in said school.

Same subject.

Fourthly. To direct the general course of instruction, and what books shall be used in the respective schools.

Selecting books.

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

Visiting schools.

Sixthly. After due notice and a candid investigation of the facts, to dismiss any schoolmaster or mistress, who shall be found, in their opinion, incapable or unfit to teach, or whose services are believed by them to be unprofitable to such school, notwithstanding their having procured the requisite certificate ; *provided*, that such dismissal shall not operate to deprive such master or mistress of their right to compensation, for services previous to such dismissal ; and said committee shall immediately give notice thereof in writing, to the agent of the district, and shall also deliver, or cause to be delivered, to such teacher, a certificate of dismissal, under their hands, stating the reasons of such dismissal, a copy of which they shall preserve.

Dismissing teachers.

Seventhly. To expel from any school, any obstinately disobedient and disorderly scholar, after a proper investigation of his behavior, if found necessary for the peace and usefulness

Expelling scholars.

CHAP. 193.

of the school; also to restore him to the school, on satisfactory evidence of his repentance and amendment.

Excluding persons not vaccinated.

Eighthly. To exclude if they deem expedient, from the public schools of the several towns, all those persons entitled by law to admission thereto, who shall not have been vaccinated.

Report of the state of the schools to the town.

Ninthly. To make a written report at the annual meeting next after their appointment, of the standing of, and progress made in, the several schools, in the various branches of learning therein taught, and the success which may have attended the mode of instruction and government of their respective teachers.

Annual return.

SECT. 2. The superintending school committee of the several towns, shall, annually, make out a statement, containing the following particulars:

Money expended and how obtained.

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

School districts.

Secondly. The number of school districts, and parts of districts, in their towns respectively.

Children.

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

Children not classed with any district.

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

Scholars.

Fifthly. The whole number of scholars attending the summer schools,—the average number of scholars attending the summer schools,—the whole number of scholars attending the winter schools,—the average number of scholars attending the winter schools.

Duration of schools.

Sixthly. The average length of the summer schools in weeks,—the average length of the winter schools in weeks,—the average length of the schools for the year.

Number and kind of teachers.

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

Wages of teachers.

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

Time and manner of making school return.

Ninthly. And said committee, in said returns, shall give full and complete answers, to the inquiries contained in the blank forms which shall be furnished to them, under the

provisions of law : and they shall certify that such statement is true and correct, according to their best knowledge and belief, and shall transmit the same to the office of the secretary of state, on or before the first day of April in each year ; and when, by reason of removal, resignation or death, there shall be but one member of the committee left, it shall be his duty to make said returns.

SECT. 3. If any parent, master or guardian, after notice, given him by the master or mistress of any district school, that any child, under his care, is deficient of the necessary school books, refuse or neglect to furnish such child with the books required, the superintending school committee of the town, on being notified, by said master or mistress, of such refusal or neglect, shall furnish the same at the expense of the town ; which expense may be added to the next town tax of such delinquent parent, master or guardian.

Parents, masters or guardians compelled to furnish necessary books.

ARTICLE VI.

Of the powers and duties of school agents.

SECT. 1. School agents, whether elected by the towns, or by their respective districts, shall be duly sworn ; and shall continue in office one year, and until others are chosen and qualified in their stead ; their duties and powers shall be as follows :

Powers and duties of school agents.

First. In the month of March or April, annually, to call district meetings for the choice of agents, and for other business, by causing notice to be given, as provided in the fifth and sixth sections of article second of this act.

To call district meetings.

Secondly. To hire the school masters or mistresses for their respective districts, from the money assigned to them by the assessors of their towns, pursuant to provisions of section six, of article one, and from any other funds, placed at their disposal for the purpose.

To employ teachers.

Thirdly. From the same means to provide fuel and utensils necessary for the schools, and to make incidental repairs upon the school houses and out-buildings, and insurance, if the district so direct ; *provided*, that no more than one tenth part of the moneys, received from the town, shall, in any one year, be expended for such repairs, exclusive of fuel and insurance.

To provide fuel and utensils, and make repairs.

Fourthly. Before the commencement of any term of such schools, to give notice to a member or members, of the superintending school committee of the town, of the time when the

To notify superintending school committee.

CHAP. 193.

To make return
of expenditures
to selectmen.

school is to commence; whether to be kept by a master or mistress; and for how long a time such instructor is engaged.

Fifthly. To return to the selectmen of the town, prior to the expiration of his term of service, an account of his expenditures, by virtue of the authority herein granted, accompanied with the necessary vouchers therefor.

To make annual
return of children
to assessors.

Sixthly. To return to the assessors of their respective towns, in the month of May, annually, a list by them certified to be true, of the children in their districts, of the age of four years and upwards, and under the age of twenty-one years, as they existed on the first day of said month, exclusive of such as may have come from other places, where they belong, to attend any college or academy, or to labor in any factory, in any such district; and in case said agents fail to make the returns aforesaid, the assessors, as soon as may be thereafter, shall make or cause to be made, an enumeration of the persons aforesaid in such districts.

Assessors' duty,
if agents fail to
make such
return.

ARTICLE VII.

Duties and qualifications of instructors.

Teacher to keep
a school register.

SECT. 1. It shall be the duty of every teacher of a public school to keep a school register, containing the names of all the scholars who enter the school, their ages, the date of each scholar's entering and leaving school, the number of days of each scholar's attendance, the length of the school, the teacher's wages, a list of text books used, and such other facts as may be required by the blank form, furnished under the provisions of law; which register shall, at all times, be open to the inspection of the school committee, and a return of the same be made to said committee at the close of the school. And no teacher shall be entitled to pay for his or her services, until the register for his or her school, properly filled up, completed and signed, shall be deposited with the school committee, or with such persons as they may designate to receive it.

Instructors in
colleges, academies
and schools,
to inculcate mor-
ality and virtue.

SECT. 2. It shall be the duty of the presidents, professors and tutors of colleges, and of the preceptors and teachers of academies, and all other instructors of youth, whether in public or private institutions, to take diligent care, and exert their best endeavors, to impress on the minds of the 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 a 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 beforementioned 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.

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

Forfeiture for teaching without certificate of qualification.

ARTICLE VIII.

Relating to schools in certain plantations.

SECT. 1. All plantations within this state, which are now, and which may hereafter be organized for election purposes only, are hereby vested with the same powers, and shall be subject to the same duties, of other plantations within the state, so far as the same relate to the erection of school districts, and the apportionment and expenditure of any moneys, which they now are, or may hereafter be, entitled to receive as their proportion of any bank tax, or which may arise from any act of bounty on the part of the state, or the interest of the permanent school fund.

Powers of plantations organized for election purposes, relative to the establishment of schools.

SECT. 2. The clerks of the said several plantations, organized for election purposes only, shall perform the duties of treasurer of their respective plantations ; and in that capacity, each of said clerks shall be entitled to receive any and all moneys, which of right, may belong to his plantation, whether the same be deposited in the treasury of the county within which his plantation may be situated, or which is now remaining, or may hereafter accrue in the state treasury ; the apportionment thereof, among the said plantations, to be made according to their respective population, to be ascertained and determined, by the

Clerks to act as treasurers.

Apportionment of certain funds, how made.

CHAP. 193.

last preceding census. And each of said clerks shall apportion and pay out the same to the several school districts, within his plantation, according to the number of scholars therein: *provided, always*, each of said clerks, before entering upon the discharge of the duties of the office of treasurer, shall give to the assessors of his plantation, a good and satisfactory bond for the faithful performance of his duties.

Bond of clerk.

Assessors to call district meetings.

SECT. 3. The assessors of said plantation shall issue their warrant for the calling of district meetings in their respective plantations, in the same manner that selectmen of towns are authorized to issue their warrants for the calling of district meetings in their respective towns; and the said plantation school districts shall have power to choose all district officers, which school districts in towns have; and said officers shall have the same powers, and be subject to the same duties, of school district officers in towns.

Officers, how chosen.

Powers and duties.

Violated bonds to be prosecuted by assessors.

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

Clerks may be authorized to cut and dispose of grass on reserved lands.

SECT. 5. The county commissioners, for the county in which such lands are situated, are hereby authorized to permit the said plantation clerks, in their capacity of treasurers, to cut and dispose of any grass, which may grow on lands reserved for public uses, in their respective plantations, *provided* the same may be done without injury to said lands, or to the public interest. And the proceeds of the sales of said grass shall be appropriated for the support of schools in the respective plantations in which the said lands may lie; and shall be apportioned in the same manner as is provided for the apportionment of other moneys mentioned in the second section of this article.

Proceeds of sales, how appropriated.

Power to choose district officers.

SECT. 6. All plantations organized for election purposes only, shall have power to choose one collector of taxes for each plantation, and all school district officers that incorporated towns are entitled to; who shall have the same power, and be under the same restrictions that such officers are, in incorporated towns.

Power to raise money for the establishment of schools.

SECT. 7. All school districts that now are, or may hereafter be established in such plantations, shall have power to raise money, to hire, buy or build, a suitable school house for the benefit of the district, and shall likewise have power to raise money for the support of schools.

SECT. 8. All school district meetings shall be called by the assessors of the plantation, on the written application of three or more of the legal voters of such district, stating the reason and objects of their proposed meeting; and at such meeting, the inhabitants of said district shall have power to raise money for the purposes stated in the seventh section of this article.

Manner of calling district meetings.

SECT. 9. Whenever such school district shall vote to raise any sum or sums of money, the assessors shall make out a valuation of the property, real and personal, that is liable to be taxed, except wild lands, including improved real estate, whether owned by a resident in the district or not, together with all the polls in said district.

Valuation to be taken, when vote to raise money is passed.

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

Assessment and collection of tax.

ARTICLE IX.

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

SECT. 1. The board of education, as now established in this state, shall consist of one member from each county; who shall be elected in the manner hereinafter provided.

To consist of one member from each county.

SECT. 2. The superintending school committees of the several towns, and the clerks of the several plantations in each county, are hereby required to assemble, annually, at the times and places designated as hereinafter provided, and when so assembled in each county, to choose, by the majority of those present, one person, a resident of the county, who shall be the member of the board of education for such county, and shall hold his office until a successor is duly chosen and qualified. The county meetings aforesaid shall be organized by the choice of a chairman and clerk, who shall severally certify the election of the member chosen, and transmit one copy of such certificate to the secretary of state, and one copy to the person chosen.

How chosen.

SECT. 3. A quorum of such county meeting shall consist of one or more members of the superintending school committees, from a majority of the towns in the county, but if any town or city shall have a superintending school committee consisting of more than five members, such committee shall appoint delegates from their own number, not exceeding five,

County meetings — what shall constitute a quorum.

CHAP. 193.

which delegates shall exercise the duties and powers herein provided.

Time and place
of holding such
meeting.

SECT. 4. The county meetings aforesaid shall be held at such time and place in each county, as the member of the board of education for the county shall appoint: *provided*, that in any county in which a teachers' institute shall be held, said meeting may be appointed at the place where such institute is held, and on some day during the session thereof; and it shall be the duty of the member of the board for each county, to give notice of the time and place by him appointed for said meeting, by forwarding a notice thereof to the superintending school committees of the several towns, and clerks of the several plantations in said county, thirty days, at least, before the time so appointed, and shall also give the like notice to the secretary of the board of education. In case of a vacancy in the office of member of the board for any county, it shall be the duty of the secretary of the board to appoint the time and place, and give the notices aforesaid.

Meeting for or-
ganization of the
board.

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

Chairman and
clerk.

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

Quorum.

Vacancies, how
filled.

SECT. 7. The board of education shall, at their first meeting in each year, elect by ballot, one person, who shall be styled the secretary of the board of education, and shall hold his office one year, and until another shall be chosen. In case of a vacancy in the office of secretary, it shall be the duty of the board, as soon as may be after the occurrence of such vacancy, to elect another for the remainder of the year.

Secretary, how
chosen.

Vacancy, how
filled.

SECT. 8. The members of the board, and the secretary, shall severally be sworn to the faithful performance of their respective duties, before any magistrate authorized to qualify civil officers.

Members and
secretary to be
sworn.

SECT. 9. It shall be the duty of the board of education, and especially of the secretary, to devote themselves assiduously to examine the practical operation of those parts of the constitution and laws of the state, which provide for public education, and the diffusion of knowledge among the people. In pursuance of this object, the secretary shall attend the county meetings herein provided for the election of members of the board, and communicate with the superintending school committees there assembled, and with teachers, and the friends of public instruction generally. And the board of education, directly, or through the agency of the secretary, are authorized and required to collect and disseminate information in regard to the location and construction of school houses; on the arrangement of school districts, and the use of the best school apparatus; to consult with superintending school committees and school agents on the best and cheapest method of introducing uniform school books, and on the practicability and expediency of establishing school district libraries; to inquire and report upon the advantages of normal schools, or schools for the education of teachers; to consider the best methods of aiding and promoting education in the new settlements of the state; to devise improvements in teaching the branches of instruction now pursued in the common schools, and for the introduction of such other branches of useful knowledge as may be practicable, and generally to consult with school committees, school agents, and other authorities and inhabitants of the state, for the purpose of ascertaining, recommending and promoting all such improvements in the common school system as may be consistent with the constitution and laws of the state, and the welfare of its inhabitants. And it shall be the duty of the board, before the first Wednesday of May, annually, to prepare a report of their doings, and the result of their investigations during the preceding year, which shall be presented to the governor, and by him laid before the legislature.

SECT. 10. The secretary of state is hereby authorized, under the direction of the governor and council, to furnish such blank forms for returns respecting schools, as may be recommended by the board of education; and all such returns may be addressed to the secretary of state.

SECT. 11. The members of the board of education shall each receive for their travel from their several places of residence, to the place of their several meetings, ten cents per mile, and one dollar for each day's attendance at any meet-

Duties of members and secretary.

Secretary of state to furnish blanks.

Compensation of members.

CHAP. 193.

ing, but not exceeding in the aggregate, thirty days in each year.

Compensation of secretary.

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

Pay roll audited by the governor and council.

SECT. 13. The board of education, at such times as they may appoint, shall make up their pay roll for travel and attendance, which when examined and allowed by the governor and council, shall be paid to them out of any money in the treasury not otherwise appropriated.

Members to take charge of the teachers' institute in their respective counties, when directed by the board.

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

Report.

ARTICLE X.

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

Forfeitures, how recovered and appropriated.

SECT. 1. All forfeitures and penalties for the breach of any of the foregoing provisions of this act, shall be recovered by indictment, 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 where the same was incurred, for the support of schools therein, in addition to the amount required by law to be raised; but the costs of the prosecution, when recovered, shall be paid into the county treasury.

Penalty for wrong appropriation of forfeiture.

SECT. 2. If any town shall neglect for one year, so to appropriate and expend any fine or penalty, it shall forfeit a sum

equal to the said fine or penalty, to the use of any person who may sue therefor, in an action of debt.

SECT. 3. The treasurer of state shall keep a separate account of all moneys he may have received, or may hereafter receive, from the sales of land by the land agent, or from the notes taken therefor, pursuant to the provisions of the first section of an act passed February twenty-third, in the year eighteen hundred and twenty-eight, entitled "an act providing for the promotion of education," and the same shall constitute a permanent fund, to be reserved for the benefit of town or district schools. The fund shall be put out on interest in such manner as the legislature shall, from time to time determine; and the income thereof, annually, distributed amongst the towns in the state, according to the number of children therein, between the ages of four and twenty-one years.

State school fund arising from sale of lands.

SECT. 4. All the sums of money which may hereafter be received by the state, for the tax on the several banks, shall continue to be appropriated to the support of town or district schools.

Bank tax, how appropriated.

SECT. 5. The secretary of state shall ascertain annually from the statements of superintending school committees, required to be returned, the aggregate number of children between the ages of four and twenty-one years, in the several towns from which returns shall be seasonably made; and immediately notify the treasurer of the state of the number so ascertained.

Secretary to notify state treasurer of the number of children in each town.

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

Treasurer to apportion the school fund to the towns.

Towns from which no returns are received by the secretary of state, by the tenth of April, receive no portion thereof.

CHAP. 193.

school fund, or other fund which may from time to time be apportioned for the support of schools ; and such portion, which would otherwise belong to said town, city or plantation, shall be divided among the cities, towns and plantations, from which returns shall have been received, unless it shall be made to appear to the governor and council, on or before the fifteenth day or May, then next following, that said returns were seasonably forwarded, or that the omission to make said returns was occasioned by unavoidable accident ; and in case it shall be so made to appear, said city, town or plantation, shall be entitled to receive its proportion of money, upon making out the proper returns immediately after such hearing before the governor and council. And it is hereby made the duty of the secretary of state, to notify any city, town or plantation, from which returns are not received by the tenth day of April, of their delinquency.

Proviso.

Secretary to notify delinquent towns.

Secretary to furnish blanks.

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

Tenure of office of presidents of colleges.

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

Graduation fees to be paid into college treasury.

SECT. 9. All fees paid by any person for any diploma, or any medical degree, granted or conferred by any college in this state, shall be paid into the treasury for the use of such college ; and no part thereof shall be received as a perquisite of office, by any officer of the college.

Innholders, and certain others, not to give credit to students.

SECT. 10. No innholder, tavern-keeper, retailer, confectioner, or keeper of any shop, or boarding-house, for the sale of drink or food, or any livery stable keeper, for horse or carriage hire, shall give credit to any under graduate or pupil, of any college or other institution in this state, incorporated for the instruction of youth, without the consent of the president, or such officer of such college or other institution as may be authorized thereto, by the government thereof, nor in violation of any rules and regulations thereof.

Persons violating said provision not to be licensed.

SECT. 11. No person shall be licensed by the selectmen of any town, for any of the employments aforesaid, if it shall appear that he has, within the year then last past, given credit to any such under graduate or pupil, contrary to the provisions of the preceding section.

SECT. 12. If any person shall give credit to any such under graduate or pupil, contrary to the said provisions, he shall forfeit a sum equal to the amount so credited, whether the same shall have been paid or not; to be recovered by the treasurer of such college or other institution, in an action of debt; one half to the use of such college or institution, and the other half to the use of the town where the same is established.

Forfeiture for such violation.

SECT. 13. If any person, whether he be a scholar or not, shall enter any school house or other place of instruction, during or out of school hours, the teacher or any of the pupils being therein, and shall willfully interrupt or disturb the teacher or pupils by loud speaking, rude or indecent behavior, signs or gestures; or if any person shall willfully interrupt a school by prowling about the building, by making noises, or by throwing missiles at the school house, or in any wise disturbing the school, the person so offending shall pay a fine of not less than two, nor more than twenty dollars, to be recovered by complaint before any justice of the peace, or by indictment and conviction in the district court.

Penalty for interrupting or disturbing schools.

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

Parents or guardians liable for injuries done to buildings or property of districts by a minor.

SECT. 15. In the construction of this act, the word "town" shall include "city" and "plantation," except where such construction may be inconsistent with the context; and the duties and powers of the selectmen, shall be deemed in the same manner to belong to the aldermen of cities, and assessors of plantations; and other officers of cities and the plantations, respectively, shall be included in the description of town officers, having like authority in other cases.

The word "town" to include "city" and "plantation."

SECT. 16. The provisions of chapter one hundred and seventeen of the revised statutes, which are contained in the sections, from forty-two to forty-nine, both inclusive, of said chapter, shall apply as well to executions against any school district, as against towns.

Executions against school districts, how collected.

ARTICLE XI.

Of teachers' institutes.

Institutes, how formed.

SECT. 1. Whenever reasonable assurance shall be given to the board of education, that a suitable number of the teachers of public schools in any county, shall desire to assemble for the purpose of forming a teachers' institute, and to remain in session for a period not less than ten working days, said board, by their member for such county, or in case of vacancy in any county, by their secretary, shall appoint a time and place for said meeting, make suitable arrangements therefor, and give notice thereof: *provided*, that said meeting shall be held annually in different sections of the county, any not oftener than once in four years in the same, or in adjoining towns, except in those counties where suitable places cannot be obtained for said meeting.

Proviso.

Expenses.

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

—not to exceed \$200 for any one institute.

—how paid.

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

ARTICLE XII.

Inconsistent acts repealed.

SECT. 1. The following laws and acts are hereby repealed, viz:—

“The seventeenth chapter of the revised statutes.”

“An act additional relating to school districts,” approved March 14, 1842.

“An act in relation to school districts in certain plantations,” approved February 29, 1844.

“An act in addition to the seventeenth chapter of the revised statutes,” approved March 6, 1844.

“An act authorizing school districts in this state to purchase school libraries,” approved March 19, 1844.

“An act making further provision for the purposes of education,” approved March 21, 1844.

“An act to establish a board of education,” approved July 27, 1846. CHAP. 194.

“An act to authorize school districts to borrow money for certain purposes,” approved August 8, 1846.

“An act to establish teachers’ institutes,” approved June 21, 1847.

“An act additional in relation to public schools,” approved July 31, 1847.

“An act additional to an act to establish a board of education,” approved June 27, 1848.

“An act in further regulation of the annual school funds,” approved July 14, 1848.

“An act respecting school agents,” approved July 22, 1848.

“An act making further provisions for locating school houses in certain cases,” approved August 7, 1848.

“An act for the benefit of schools in plantations organized for election purposes only,” approved July 17, 1849.

“An act to appropriate the interest upon the permanent school fund to the support of primary schools,” approved August 11, 1849.

“An act authorizing the election of collectors of school district taxes,” approved August 14, 1849.

“An act to amend an act establishing teachers’ institutes,” approved August 15, 1849.

SECT. 2. This act shall take effect and be in full force on and after the first day of March, eighteen hundred and fifty-one.

[Approved August 27, 1850.]

Chapter 194.

An act in relation to county attorneys.

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

SECT. 1. In all cases in which, by the provisions of the sixth section of the one hundred and second chapter of the revised statutes of this state, a county attorney has been or hereafter shall be appointed in any county within this state, the judge making such appointment shall be authorized to allow to such attorney for services rendered the state, by virtue of such appointment, a reasonable compensation, and order the same to be paid out of the treasury of such county ; and the

County attorneys appointed by the court, how paid.