

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

# ACTS AND RESOLVES

PASSED BY THE

EXTRA SESSION OF THE THIRTY-SECOND LEGISLATURE, 1853,

AND THE

## THIRTY-THIRD LEGISLATURE

OF THE

## STATE OF MAINE,

1854.

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

Augusta:

WILLIAM T. JOHNSON, PRINTER TO THE STATE.

1854.

---

PUBLIC LAWS

OF THE

STATE OF MAINE.

1854.

---

## Chapter 104.

## CHAP. 104.

An act additional to "An act to provide for the education of youth."

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

SECT. 1. The inhabitants of every town, at their annual meeting, may determine the number and limits of school districts, within such towns; 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 superintending 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, with their decision thereon, that such division, discontinuance or annexation, is necessary and proper.

School districts,  
limits and  
division of.

Proviso.

SECT. 2. From and after the first day of January next, every city and town shall, annually, raise and expend, for the maintenance of schools therein, to be taught by instructors 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 sixty 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.

School tax.

SECT. 3. It shall be the duty of each school agent, to expend the money apportioned to his district, for the support of schools taught by instructors, duly qualified, in said district, within the year for which such agent may have been chosen; and, if any such agent shall refuse or neglect so to expend said money, so far as may be practicable, the selectmen of the town, or mayor and aldermen of the city, in which the district is situated, may, on complaint by any inhabitant of said district, and after due notice and investigation, appoint a special agent to expend the money as aforesaid. The special agent, so appointed, shall be sworn in the same manner as school agents are required to be sworn, and shall have all the powers and perform all the duties of school agent for said district. Any money, received by any school agent, for the use of the district, and not appropriated by him to the use of said district during his term of office, or before the appointment of such special agent, may be

School money,  
how expended.

Special agent  
may be  
appointed.

## CHAP. 104.

Money unex-  
pended in hands  
of agent, how  
recovered.

recovered from him in an action of the case. Any action, brought to recover money, received by any school agent for the use of the district, may be maintained in the name of the city, town, or district.

School commit-  
tees with powers  
of agents, how  
elected.

SECT. 4. Any city or town, which shall determine to elect a superintending committee, with the powers of school agents and superintending school committee, as provided by the eleventh section of the first article of the act to provide for the education of youth, passed the twenty-seventh day of August, in the year of our Lord one thousand eight hundred and fifty, may elect said committee annually, or may elect one-third of said committee each year, in the same manner that towns elect their superintending school committees, under the provisions of the eighth section of the same article.

District commit-  
tee, how elected.

SECT. 5. Any school district, which may determine to elect a district committee, as provided in the eighteenth section of article second of the act aforesaid, may elect said committee annually, or may elect one-third of said committee each year, in the same manner that towns are authorized to elect their superintending school committees, by the eighth section of the first article of the same act.

Permanent  
school fund.

SECT. 6. The tenth article of the act aforesaid, shall be amended by striking out the third section thereof, and inserting the following: "Section 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 which have been, or which may hereafter be appropriated by law, for the support of the primary or common schools in this state, or from the notes taken therefor, and also of any other moneys which may be appropriated for the same purpose; and the same shall constitute a permanent school fund. This fund may be put out on interest, in such manner as the legislature shall determine. And a sum of money, which shall be equal to six per centum of the whole amount of said permanent school fund, shall be annually appropriated to the support of common schools, and shall be annually distributed amongst the several cities, towns and plantations, according to the number of children therein, between the ages of four and twenty-one years."

—how  
appropriated.

School house  
lots, selection  
of, &c.

SECT. 7. Whenever a suitable place shall have been designated, which place so designated shall be at least ten rods from any dwelling-house, by any city, town or school district, for the erection of a school house and necessary buildings, agreeably

to the provisions of law; and the owner of the land shall refuse to sell the same, or shall demand therefor a price which, in the opinion of the selectmen, or mayor and aldermen, is unreasonable, the said selectmen, or mayor and aldermen, may proceed to select, at their discretion, a school house lot, and lay out the same, not exceeding in quantity forty square rods, and to appraise the damages to the owner of such land, in the same manner as is provided for laying out town ways, and appraising damages sustained thereby; and upon payment, or tender of payment, of the amount of such damages, by the city, town, or district, designating such school house lot, to the owner thereof, the said land shall be taken, held and used, for the purpose for which it is designated.

SECT. 8. Whenever the owner of such land shall feel aggrieved by the selection and location of such lot, and the damages awarded, he shall be entitled to have the matter of complaint tried by a jury, which may be applied for within one year after the location of such lot, and shall be ordered accordingly by the county commissioners: and the jury shall have power to change the location and assess the damages, and the proceedings shall, in all respects, be conducted in the same manner as is provided in cases of damages by laying out highways; and if the damages shall be increased, or the location be changed by the jury, the damages and all charges shall be paid by the town or district for whose benefit the lot is selected; otherwise, the charges which may arise on such application, shall be paid by such applicant. And the land so taken, shall be held and used for no other purpose than that contemplated in this act, and shall revert to the owner, his heirs, or assigns, upon the discontinuance thereon, for two years, of such school as is now, or may hereafter be, required of the city, town or district, by law.

Owner of land aggrieved, matter of complaint may be tried by jury.

Land to revert to the owner in case of discontinuance.

SECT. 9. All acts and parts of acts, inconsistent with the provisions of this act, are hereby repealed.

[Approved April 20, 1854.]