

MAINE STATE LEGISLATURE

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THE
REVISED STATUTES

OF THE
STATE OF MAINE,

PASSED APRIL 17, 1857;

TO WHICH ARE PREFIXED
THE CONSTITUTIONS

OF THE
UNITED STATES AND OF THE STATE OF MAINE:

WITH AN
APPENDIX.

PUBLISHED BY AUTHORITY OF THE LEGISLATURE.

BANGOR:
WHEELER & LYNDEN.

1857.

CHAP. 11.**TITLE TWO.**

Provisions respecting education, religious instruction, public health, convenience, support of the poor, and police.

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SEC. 1. School districts shall remain as they are, until altered or discontinued. A town, at its annual meeting, may determine the number and limits of school districts therein; but they shall not be altered, discontinued or annexed to others, except on the written recommendation of the municipal officers and superintending school committee, accompanied by a statement of facts, and on conditions proper to preserve the rights and obligations of the inhabitants.

School districts established. Towns may determine their number and limits. How they may be enlarged. 17 Maine, 100. 22 Maine, 564. Act of Aug. 27, 1850.

SEC. 2. Any portion of a town too remote to be annexed to existing districts, and not having sufficient population to form a separate district, may be omitted in districting the town.

Remote portions of town may be omitted in districting.

SEC. 3. A town containing but one district, may transact all business relating to schools and school-houses in town meeting.

Towns having but one district.

SEC. 4. A town, at its annual meeting, may choose its school agents; and vacancies may be filled as in case of other town officers not chosen by ballot.

Towns may choose agents. Vacancies how filled.

SEC. 5. Every town shall annually raise and expend, for the maintenance of schools therein, 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, according to the census of the state, by which representatives to the legislature were last apportioned, under penalty of forfeiting not less than twice, nor more than four times the amount of its deficiency.

Towns to raise money for schools.

SEC. 6. When any school agent fails to return, in the month of April, the number of persons in his district between four and twenty-one years of age, exclusive of those coming from other places to which they belong, to attend a college or academy, or work in a factory therein, the assessors of the town shall cause an enumeration thereof to be made. They shall annually apportion to each district, and to any inhabitants not embraced in a district, the money so raised, and all funds derived from any source for the support of public schools in their town, in proportion to the number of scholars aforesaid.

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Excess of money raised, how apportioned.

SEC. 8. Every town shall choose by ballot, at its annual meeting, a superintending school committee of three, unless already done, to hold office as provided in section forty-seven, and shall fill vacancies arising therein at each subsequent annual meeting, except as provided in the two following sections.

Towns to choose superintending school committee.

SEC. 9. A town may choose annually a supervisor of schools, who shall have the power and perform the duties of the committee aforesaid; and his election shall terminate the office of any existing member thereof.

Towns may choose supervisor.

SEC. 10. Any town may choose a committee consisting of not less than three, all or one-third each year, and invest them with the rights, powers and obligations of superintending school com-

Towns may choose a committee with powers of agents.

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Penalty for towns failing to choose committees or supervisor.

Towns to make by-laws concerning truants.

Penalty for breach thereof.

Shall appoint persons to make complaint of violation of by-laws.

Truant children placed in suitable institutions.

mittee and school agents, including the power of determining the age and qualifications of scholars to be admitted into the several schools, of transferring scholars from school to school, of employing teachers, and expending money raised for school purposes.

SEC. 11. Any town failing to elect either of the committees aforesaid, or supervisor for any year, shall forfeit not less than thirty, nor more than two hundred dollars.

SEC. 12. Towns may make such by-laws, not repugnant to the laws of the state, concerning habitual truants, and children between six and fifteen years of age not attending school, without any regular and lawful occupation, and growing up in ignorance, as are most conducive to their welfare and the good order of society; and may annex a suitable penalty, not exceeding twenty dollars, for any breach thereof; but said by-laws must be first approved by a judge of the supreme judicial court.

SEC. 13. Such towns shall appoint, at their annual meeting, three or more persons, who alone shall make complaints for violations of said by-laws to the magistrate having jurisdiction thereof by said by-laws, and execute his judgments.

SEC. 14. Said magistrate, in place of the fine aforesaid, may order children proved 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 he thinks expedient, in the institution of instruction, house of reformation, or other suitable situation provided for the purpose under the authority conferred by section twelve.

POWERS AND OBLIGATIONS OF SCHOOL DISTRICTS.

School districts declared corporations.
23 Maine, 583.

Executions against them, how satisfied.

Who are legal voters.

District meetings, how called.

20 Maine, 439.
38 Maine, 164.

Notice of meetings, how to be given.
28 Maine, 193.

Return of proper officer, evi-

SEC. 15. School districts, whether a part of one or more towns, that have exercised the privileges of a district for one year, shall be presumed to be legally organized; and all districts legally organized shall be corporations with power to hold and apply real and personal estate for the support of schools therein, and to sue and be sued. Executions against them may be satisfied as executions against towns are; and in all suits or business, they may be described by their numbers as fixed by the town, by the name which they have assumed; or if they have no certain name, by an appropriate general description.

SEC. 16. Any person, qualified to vote in town affairs, shall be a legal voter in his school district.

SEC. 17. School district meetings may be called by the agent, on the written application of three or more legal voters, stating the reasons and objects thereof. When there is no agent, or when he neglects or refuses, they may be called by the municipal officers, on like application.

SEC. 18. On receiving such application, the agent or municipal officers, as the case may be, shall cause notices specifying the time, place, and purposes of the meeting, seven days before the time appointed, to be posted up in two or more public places in the district, one of which must be on the school-house, if there is any, or published in a newspaper, if any, printed in the town. The certificate of such agent or municipal officers, or of any per-

son required by their warrant to give notice, returned at the time and place of meeting, shall be evidence of the notice therein stated to have been given.

SEC. 19. The district, at a legal meeting, may determine the manner of notifying its future meetings.

SEC. 20. At such meeting, a moderator shall be chosen, and 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, be duly sworn by the moderator or a justice of the peace, record all votes passed at district meetings during the year, and until another is chosen in his place and sworn, may certify copies from the records of such district, and correct any errors, as provided in section eight of chapter three.

SEC. 21. Every school district, at its annual meeting, shall choose a school agent by ballot, unless chosen by the town; and may fill a vacancy in that office at a meeting called for that purpose.

SEC. 22. A school district, at any legal meeting called for the purpose, shall have power:

First.—To raise money for erecting, repairing, renting, purchasing and removing such school-houses and outbuildings as the wants of the district require; for purchasing or renting land for them to stand upon, and for yards and play grounds; for purchasing a library, utensils, black-boards, globes, maps and other useful apparatus; for providing water for school-houses by means of wells or aqueducts, with necessary conveniences for the health and comfort of teacher and pupils; and for inclosing the grounds and appurtenances of the school-houses.

Second.—To determine where their school-houses shall be located.

Third.—To sell and dispose of any school-house or other property, if necessary.

Fourth.—To determine at what age the youth therein may be admitted into the schools kept by a master or mistress, and whether, and upon what terms, scholars may be admitted into their schools from other districts, towns, or places.

Fifth.—To instruct the agent, if they think proper, at what time the schools shall commence, if he finds it practicable.

SEC. 23. A district may choose a committee to superintend the expenditure of money legally raised by it, to examine and allow accounts, and to draw orders on the town treasurer for the amount of money raised.

SEC. 24. When at a meeting of a school district legally called for raising money for any particular purpose, a majority of the legal voters present are opposed to raising a sum sufficient, in the opinion of the minority, for such purpose, the municipal officers, on written application of five or more voters 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 disagreement; and if the

CHAP. 11.

dence of notice.
20 Maine, 439.
Districts may determine mode of notifying.
Moderator to be chosen.
Clerk to be chosen and sworn.
4 Greenl. 44.

Districts shall choose agent.

Powers of a district.

May raise money for certain purposes.
33 Maine, 170.

Locate school-houses.

Dispose of same.

Regulate admission to schools.

Instruct agent.

May choose committee to superintend money affairs.
17 Maine, 316.
39 Maine, 220.

Minority dissatisfied may appeal to town. Proceedings in such cases.
39 Maine, 183.

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Districts may unite for support of union high school.

Provision if one-fourth object.

Same for maintaining graded schools.
Proceedings in such cases.
35 Maine, 393.

Location of school-houses, how determined in case of disagreement.
Proceedings.
39 Maine, 556.

town thinks it necessary or expedient, they may require a sum sufficient for such purpose, if exceeding what the district was willing to raise, to be assessed on the polls and estates therein; and it shall be assessed, collected and paid over, as if originally raised by the district; and thereupon the municipal officers shall appoint, in writing, three suitable inhabitants of said district, a committee to superintend the expenditure of the money for such purpose, and they shall have all the powers of a committee chosen by the district, in pursuance of the provisions hereof.

SEC. 25. Two or more districts, by vote at their district meetings, may unite to support a union school for the more advanced scholars, and appropriate therefor a portion of the school money assigned to each district. But if more than one-fourth of the voters present and voting at any meeting, object, only the per capita share of the scholars, attending such union school, shall be so appropriated, without the written assent of the superintending school committee.

SEC. 26. Two or more school districts may unite for the purpose of establishing and maintaining a system of graded free schools, when a majority of the voters present and voting at a meeting of each district, legally called for the purpose, so determines; and the clerk of each district shall forthwith furnish the town clerk with a certified copy of such votes, and he shall enter said votes upon the town records; and thereafter such districts shall constitute one district, to be known by the name that the inhabitants thereof adopt; and have all the rights and powers, and be subject to all the liabilities of other school districts; and the town shall not alter or divide it, without the consent of a majority of its voters; and at its annual meeting, it may raise money for the support of its schools, in addition to what it receives from the town, and not exceeding three-fifths of that sum.

SEC. 27. At any district meeting called for the purpose of removing a school-house, or locating one to be erected, if more than one-third of the voters present and voting, object thereto, the clerk shall make a record of the fact; and the municipal officers, on written application of any three or more of said voters, or any committee of the district, made within thirty days thereafter, shall, as soon as may be, appoint a time and place in the district to hear the parties, and give such notice as is required for a district meeting; and after such hearing, they may decide where the 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 it on his records; and the district shall proceed to erect, or remove the school-house, as if determined by a sufficient majority of the voters present at said meeting; but no such officer residing in the district, shall have any voice in such determination; and when a majority of them reside therein, or do not agree, the superintending school committee shall do all the duties herein required of the municipal officers; and if the district refuses or neglects for sixty days, to carry into effect such determination, the municipal officers or

superintending school committee, at the expense of the district, shall, if need be, purchase a lot for said house; and cause it to be erected or removed thereon. CHAP. 11.

SEC. 28. When a location for the erection or removal of a school-house and necessary buildings, has been legally designated, ten rods at least from any dwellinghouse, and the owner thereof refuses to sell, or asks an unreasonable price for it in the opinion of the municipal officers, they may lay out a school-house lot not exceeding forty square rods, and appraise the damages as is provided for laying out town ways and appraising damages therefor; and on payment or tender of such damages, the town or district designating it, may take such lot, to be held and used only for the purposes aforesaid, and when such school-house as is required of the town or district, has ceased to be thereon for two years, it shall revert to the owner, his heirs, or assigns.

Lot may be taken for school-house without consent of owner. Proceedings.

Land to revert to owner.

SEC. 29. If the owner is aggrieved at the location of the lot, or the damages awarded, he may within one year thereafter, apply to the county commissioners, and have the matter tried by a jury, who may change the location and assess the damages, and the proceedings shall be conducted as in case of damages for laying out highways. If the damages are increased, or the location changed, such town or district shall pay the damages and costs, otherwise the costs shall be paid by the applicant.

Owner aggrieved, issue may be tried by jury.

SEC. 30. A plan for the erection or re-construction of a school-house voted by a district, shall first be approved by the superintending school committee.

Plan to be approved by sup. sch. com.

SEC. 31. A school district, at a legal meeting, may determine what proportion of their school money shall be expended for the support of a school taught by a female; and their agent shall expend it accordingly. But if one-fourth of the voters present and voting dissent from the decision of the majority, not more than one-third shall be so expended, without the written assent of the superintending school committee.

Districts may determine proportion of money for female teachers. Provisions case of dissent.

SEC. 32. When the school is kept in part by a mistress, and in part by a master, the district may determine by vote, or authorize the superintending school committee to determine, from time to time, what description of scholars shall attend each.

May direct what scholars shall attend school of master and mistress.

SEC. 33. Each district, where more than one school is kept at the same time, may choose annually, or one-third in each year, a committee to determine what description of scholars shall attend each school, to classify said scholars and to transfer them from school to school; and unless such election is for one year only, at their first meeting, they shall determine their respective terms of office by lot, and certify the result to the district clerk; they or the district shall fill vacancies as they occur; and they shall transmit a copy of their annual report, if printed, to the superintendent of common schools.

Districts may choose committee to classify scholars.

SEC. 34. A district may appropriate not exceeding one-tenth of its school money for any year, to purchase a school library and apparatus for the use of the schools therein, and make proper rules for the preservation and management thereof. Ad-

Districts may purchase library.

CHAP. 11. jacent districts may, by vote of each, unite for the purpose aforesaid.

SCHOOL DISTRICTS FORMED FROM TWO OR MORE TOWNS.

Two or more towns may concur in establishing districts.

SEC. 35. Two or more adjoining towns may concur in establishing school districts from parts of each when convenient, in determining their limits, and in altering and discontinuing them; and they and their officers, except as herein otherwise provided, may exercise the powers and duties relating thereto, that a town may relating to its own districts. If such district has existed fifteen years, either town may disconnect its part, without the concurrence of the others, by leaving all the district property to belong to what remains.

How such districts shall be superintended.

SEC. 36. The superintending school committee, municipal officers, assessors, treasurer, collector, and constables of the town where the school-house of such district is situated, or has been located, or where the school is kept; or if there is no such school-house or school, said officers of the oldest town from which a part of such district is taken, shall have all the powers and perform all the duties relating to it, that they have and perform relating to districts wholly in their own town; and such assessors shall assess all taxes, voted by such district, according to a valuation made by them, uniform throughout the district. The powers specified in section twenty-seven, may be exercised in such district by the concurrent votes of said towns, or the joint acts of the municipal officers or superintending school committees thereof, and application shall be made to each of them accordingly. The provisions of sections twenty-eight and twenty-nine shall also apply to such districts.

Assessors to apportion money to such districts.

SEC. 37. The assessors of each town from which a part of such district is taken, shall annually apportion to it a share of the school money of their town, according to the number of scholars in such districts living in their town.

Such district shall choose its agent.

SEC. 38. Such district shall annually choose its agent, and his contracts shall bind each town in proportion to and not exceeding the amount which it is required to pay to him as aforesaid; and all agents and officers thereof shall have the same powers and privileges and perform the same duties as in districts wholly in one town.

Powers of its officers.

ASSESSMENT AND COLLECTION OF MONEY RAISED OR BORROWED BY DISTRICTS.

How money raised by districts shall be assessed.
15 Maine, 253.

SEC. 39. When a district votes to raise money for any legal purposes, its clerk shall forthwith, or within the time prescribed by the district, certify the amount thereof to the assessors of the town; and within thirty days after receiving such certificate, they shall assess it, as they do town taxes, on the polls and estates of the inhabitants of the district whether wholly in their town or not, and on the non-resident real estate within, but not on any real estate without, the district. They shall then make their warrant in due form of law, directed to any collector of

How collected.

their town, or of the district, if any, if not, to a constable, authorizing and requiring him to levy and collect such tax and pay it, within the time limited in the warrant, to the town treasurer; and they shall give a certificate of the assessment to such treasurer, and may abate such taxes as in case of town taxes. CHAP. 11.

SEC. 40. The collector or constable, and the town treasurer, or treasurer and collector, if one person is both, shall each have the same powers and be subject to the same duties and obligations relating to district taxes, as relating to town taxes; and they and the assessors shall be allowed by the district for the services herein required, a compensation proportionate to what they receive from the town for similar services. Powers and duties of collectors; their compensation. 31 Maine, 272.

SEC. 41. The money so raised and paid shall be at the disposal of the district committee, provided for in section twenty-three. Money at disposal of district committee.

SEC. 42. A district, at a legal meeting called for that purpose, by a vote of two-thirds of the voters present and voting, may borrow money for erecting a school-house, and buying a lot therefor, on a time not exceeding ten years, payable in equal annual installments, but for no other purpose, and in no other manner; and when they do so, the clerk shall forthwith certify such vote to the assessors and treasurer of the town. District may borrow money to build school-house. 33 Maine, 239.

SEC. 43. The district may appoint an agent or agents to contract such loan, who may bind the district, and give the necessary security therefor, a copy of which shall be filed by him with the town clerk, and entered on the town records. The money thus procured shall be received by the town treasurer, applied for the purposes aforesaid, and paid out in the same manner as money raised by taxation for the same purposes. District may appoint agent to contract loan.

SEC. 44. At each annual assessment of town taxes after such loan, the assessors of the town shall assess the amount of the installment and interest for that year, on the polls and estates in the district, as if the district had voted to raise it, and it shall, in like manner, be collected and paid to the town treasurer, who shall pay each installment and interest as it becomes due, on demand of the owner of the security. Duty of assessors in such cases.

SEC. 45. A district voting to raise a sum of money exceeding three hundred dollars under the provisions hereof, may elect a collector by ballot, who shall give bond to the inhabitants thereof, with sufficient sureties approved by the municipal officers; have the same powers and be subject to the same duties and obligations as a collector of town taxes; and receive such compensation for collecting and paying over such taxes as the district vote at the meeting when he is chosen. The district clerk shall file a certified copy of his election with the town clerk, who shall record it, and such record shall be evidence of the collector's election by the district. District may elect a collector when sum raised exceeds three hundred dollars.

POWERS AND DUTIES OF SUPERINTENDING SCHOOL COMMITTEES.

SEC. 46. Members of superintending school committees and supervisors shall be duly sworn. Officers to be sworn.

CHAP. 11. **SEC. 47.** Superintending school committees at their first meeting, shall designate by lot one of their number to hold office three years, and another, two years, and certify such designation to the town clerk to be by him recorded. The third member shall hold office one year; and each member elected to fill the place of one whose term expires, shall hold office three years. They shall fill all vacancies in their number until the next annual town meeting. Two members shall constitute a quorum; but if there is but one in office, he may fill vacancies.

SEC. 48. Committees elected under section ten, unless chosen for one year only, shall hold office and determine their terms of office, as provided in the preceding section.

SEC. 49. Superintending school committees shall perform the following duties:

First.—They shall appoint suitable times and places for the examination of candidates proposing to teach in town, and give notice thereof.

Second.—On satisfactory evidence that a candidate possesses a good moral character, and a temper and disposition suitable to be an instructor of youth, they shall examine him in reading, spelling, writing, English grammar, geography, history, arithmetic, and other branches usually taught in public schools, and particularly in the school for which he is examined, and also as to capacity for the government thereof.

Third.—They shall give to each candidate found competent, a certificate that he is qualified to govern said school, and instruct in the branches above named, and such other branches as are necessary to be taught therein.

Fourth.—Direct the general course of instruction, and what books shall be used in the schools.

Fifth.—Examine the several schools, and inquire into the regulations and discipline thereof, and the proficiency of the scholars therein, for which purpose one or more of the committee shall visit each school at least twice in summer, and twice in winter; and use their influence to secure the regular attendance at school of the youth in their town.

Sixth.—After due notice and investigation, they shall dismiss any teacher, although having the requisite certificate, who is found incapable or unfit to teach, or whose services they deem unprofitable to the school; and give to said teacher a certificate of dismissal and of the reasons therefor, a copy of which they shall retain, and immediately notify the district agent of such dismissal, which shall not deprive the teacher of compensation for previous services.

Seventh.—Expel from a school any obstinately disobedient and disorderly scholar, after a proper investigation of his behavior, if found necessary for the peace and usefulness of the school; and restore him on satisfactory evidence of his repentance and amendment.

Eighth.—Exclude from the public schools, if they deem expedient, any person who is not vaccinated, though otherwise entitled by law to admission thereto.

Sup. sch. com.
first chosen,
term of office.

Same of com.
under sec. ten.

Sup. sch. com.,
duties of.

Examine can-
didates for in-
structors.

Give certifi-
cate.
27 Maine, 266.

Direct course
of instruction.

Examine
schools.

May dismiss
teachers for
sufficient
cause.

Give certifi-
cate in such
cases.
3 Greenl. 450.
16 Maine, 184.

May expel dis-
orderly schol-
ars.

May expel
scholars not
vaccinated.

Ninth.—Direct or approve in writing the expenditure of school money apportioned to inhabitants not included in any district.

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Tenth.—Prescribe the sum, on the payment of which persons of the required age resident on territory, the jurisdiction of which has been ceded to the United States, included in or surrounded by a school district, shall be entitled to attend school in such district; and when such territory adjoins two or more districts, they shall designate the one where they may attend.

Direct expenditures.
Prescribe sums to be paid in certain cases.

Eleventh.—Determine what description of scholars shall attend each school, classify them, and transfer them from school to school, in districts where more than one school is kept at the same time, and no district committee is elected.

May classify scholars.

Twelfth.—At the annual town meeting, they shall make a written report of the condition of the schools for the past year, the proficiency made by the pupils, and the success attending the modes of instruction and government of the teachers; and if their reports are printed, they shall transmit a copy thereof to the superintendent of common schools.

To make annual report.

SEC. 50. They shall annually make out a statement, containing the following particulars:

Shall make annual statement.

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 accrued.

Particulars.

Second.—The number of school districts, and parts of districts in their town.

Third.—The number of children between four and twenty-one years of age, belonging to their town in each district, on the first day of April preceding.

Fourth.—The number of such children who reside on islands, or in any other part of the town not in any district.

Fifth.—The whole number, and the average number of scholars attending the summer schools; the whole number and the average number of scholars attending the winter schools.

Sixth.—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.

Seventh.—The number of male teachers and the number of female teachers employed in the public schools during any part of the year.

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

Ninth.—They shall give in their returns, full and complete answers to the inquiries contained in the blank forms furnished them under the provisions of law; certify that such statement is true and correct, according to their best knowledge and belief; and transmit it to the office of the secretary of state, on or before the first day of April in each year. When by reason of removal, resignation or death, but one member of the committee remains, he shall make said returns.

Return to secretary of state.

SEC. 51. If any parent, master or guardian, after notice from the teacher of a school that a child under his care is deficient of

Committee to furnish books if parents or

CHAP. 11.

guardians neglect.

Delinquents may be taxed.

Compensation for sup. sch. com. and supervisors.

the necessary school books, refuses or neglects to furnish such child with the books required, the superintending school committee, on being notified thereof by the teacher, shall furnish them at the expense of the town; and such expense may be added to the next town tax of the parent, master, or guardian.

SEC. 52. Superintending school committees and supervisors shall be paid for their services, on satisfying the municipal officers that they have made the returns to the secretary of state required by law, one dollar a day and all necessary traveling expenses, and no more unless ordered by the town.

POWERS AND DUTIES OF SCHOOL AGENTS.

School agents shall be sworn; their powers and duties.

SEC. 53. Each school agent elected by the town or district, shall be duly sworn by the moderator, town or district clerk, or a justice of the peace, and continue in office one year, and until another is chosen and qualified in his stead; and his duties and powers shall be as follows:

First.—In the month of March or April, annually, to call a district meeting for the choice of an agent, and for other business, by causing notice to be given as provided in this chapter.

Second.—To employ teachers for his district, from the money placed at his disposal for the purpose.

Third.—From the same means, to provide fuel and utensils necessary for the schools, and make repairs upon the school-houses and outbuildings, and insurance if the district so direct; but no more than one-tenth of the money received from the town, shall be expended for such repairs in one year, exclusive of fuel and insurance.

Fourth.—Before the commencement of a term of school, to give written notice to some member of the superintending school committee, when it is to commence, whether to be kept by a master or mistress, and how long it is expected to continue.

Fifth.—To return to the municipal officers, prior to the expiration of his term of service, an account of his official expenditures with the necessary vouchers therefor.

Sixth.—To return to the assessors in the month of April annually, a certified list of the children in his district between four and twenty-one years of age as they existed on the first day of said month, exclusive of those coming from other places, where they belong, to attend any college or academy, or to labor in any factory therein.

Agent to expend money.

Provision in case of neglect.

SEC. 54. Each school agent within the year for which he is chosen, shall expend the money apportioned to his district, for the support of schools therein taught by instructors duly qualified; and if he refuses or neglects so to do, as far as practicable, the municipal officers, on complaint of any inhabitant of the district, and after due notice and investigation, may appoint a special agent to expend the money; who shall be duly sworn, have all the powers and perform all the duties of school agent for said district. Any money received by a school agent for the use of the district, and not appropriated by him to such use during his term of office, or before the appointment of a special agent, may

4 Greenl. 44.
26 Maine, 56.

24 Maine, 349.
33 Maine, 170.

be recovered from him in an action of the case in the name of the town or district. CHAP. 11.

SEC. 55. If any agent neglects to give written notice to the superintending school committee, when any school in his district is to commence, whether it is to be kept by a master or mistress, and how long it is expected to continue, he shall forfeit one dollar for each day the school is kept before such notice is given. Penalty for neglect to notify sup. sch. com.

DUTIES AND QUALIFICATIONS OF INSTRUCTORS.

SEC. 56. Every teacher of a public school shall 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, the number of days each attended, the length of the school, the teacher's wages, a list of text books used, and all other facts required by the blank form furnished under the provisions of law; such register shall at all times be open to the inspection of the school committee, and be returned to them at the close of the school. No teacher shall be entitled to pay for his services, until the register of his school properly filled up, completed, and signed, is deposited with the school committee, or with a person designated by them to receive it. Teachers to keep school register.
Not to be paid till register is completed.

SEC. 57. The presidents, professors, and tutors of colleges, the preceptors and teachers of academies, and all other instructors of youth, in public or private institutions, shall use 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 for truth; love of 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 to lead those under their care, as their ages and capacities admit, into a particular understanding of the tendency of such virtues to preserve and perfect a republican constitution, and secure the blessings of liberty, and promote their future happiness; and the tendency of the opposite vices, to slavery, degradation, and ruin. Instructors of colleges, &c. to inculcate morality, justice and patriotism.

SEC. 58. Any person who teaches a district school without first obtaining a certificate from the superintending school committee of the town, shall forfeit not exceeding the sum contracted for his daily wages, for each day he so teaches, and shall be barred from receiving any pay therefor; and 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.
20 Maine, 37, 154.
26 Maine, 56.
37 Maine, 367.

SCHOOLS IN PLANTATIONS ORGANIZED FOR ELECTION PURPOSES.

SEC. 59. Plantations organized for election purposes have the same powers and liabilities as towns, for the formation of districts, electing committees or supervisors, treasurers, collectors, and school agents, and for raising, assessing and collecting school money, not exceeding one dollar for each inhabitant, to be appor- Powers of plantations to form school districts.
Authorized to raise money.

CHAP. 11.

District meet-
ings how call-
ed.

May raise
money and
choose com-
mittees to pro-
vide school
houses.

Superinten-
dent of com-
mon schools,
appointment
and term of of-
fice.

Duties of su-
perintendent.

To correspond
with teachers
and give ad-
dresses.

To prepare
blank forms.

Secretary to
print and dis-
tribute.

To make report
to governor
and council.

tioned and expended as in towns; and the districts therein shall elect school district officers, whose powers and duties shall be the same as those of like officers in towns.

SEC. 60. School district meetings shall be called by the assessors of the plantation, on the written application of three or more legal voters in the district, stating the reasons and objects thereof, and notice shall be given as for meetings in town districts.

SEC. 61. Such districts, at meetings called for the purpose, may raise money and choose committees to hire, buy or build a school-house for their use; and the plantation assessors shall make a valuation of the real and personal estate in the district, whether owned by residents or not, exclusive of wild lands, and assess the money so raised on the polls and estates, and commit the tax to the collector, who shall collect it and pay it to the treasurer.

SUPERINTENDENT OF COMMON SCHOOLS, AND COUNTY CONVENTIONS
OF TEACHERS.

SEC. 62. The governor and council shall appoint a superintendent of common schools, who shall be duly sworn, and continue in office three years or during the pleasure of the executive; and when a vacancy occurs, a new appointment shall be made for a like term.

SEC. 63. The superintendent shall devote his time to the improvement of common schools and the promotion of the general interests of education in this state. He shall carefully investigate the operation of our school laws; collect information in regard to the arrangement of school districts, the location and construction of school-houses, and the use of the best school apparatus; consult and advise with superintending school committees on the selection of text books adapted to the wants of schools, and on the methods of ascertaining the qualifications of teachers, and of visiting and examining schools; inquire into the most approved modes of teaching, and the best means of training and qualifying teachers for their duties; examine the returns made by superintending school committees to the office of the secretary of state, and obtain from them such facts and statistics as may be useful, and in general, procure information from every available source for the improvement of common schools.

SEC. 64. By correspondence with teachers, school officers, and others, and by public addresses from time to time in different parts of the state, he shall endeavor to disseminate the information he has acquired, and awaken a more general interest in public education.

SEC. 65. He shall prepare blank forms for all returns required by law, or deemed by him necessary, to be made by school officers and teachers, which shall be printed and distributed by the secretary of state to the superintending school committees on the first day of October annually.

SEC. 66. He shall annually, prior to the session of the legislature, make a report to the governor and council of the result

of his inquiries and investigations, and of the facts obtained from the school returns, with such suggestions and recommendations as in his judgment will best promote the improvement of common schools. CHAP. 11.

SEC. 67. He shall receive a salary of twelve hundred dollars, payable quarterly, and render an account of his traveling and other necessary expenses to the governor and council to be by them audited, and paid out of the treasury of state. Salary.

SEC. 68. He shall annually hold in each county a teachers' convention, to continue in session one week at least; give due notice thereof to all teachers and persons proposing to become such, and invite their attendance. He shall attend and have charge of each convention, and employ suitable instructors and lecturers to give instruction and addresses, with the view to aid the teachers in qualifying themselves for a more successful discharge of their duties. Teachers' conventions.

SEC. 69. To defray the expenses of the conventions, two thousand dollars shall be annually appropriated, to be expended by the superintendent, who shall render an account thereof to the governor and council to be examined and audited by them. Expenses of conventions, how defrayed.

PENAL PROVISIONS AFFECTING SCHOOLS.

SEC. 70. All forfeitures arising under this chapter not otherwise provided for, may be recovered by indictment, and shall be paid into the treasury of the town where they were incurred, for the support of schools therein, in addition to the amount required by law to be raised; but the costs of prosecution shall be paid into the county treasury; and if any town neglects for one year, so to expend such money, it shall forfeit a sum equal thereto, to the use of any person suing therefor in an action of debt. Forfeitures, how recovered and appropriated.

Penalty of town for neglect to expend money.

SEC. 71. If any person, whether he is a scholar or not, enters any school-house or other place of instruction during or out of school hours, while the teacher or any pupil is there, and willfully interrupts or disturbs the teacher or pupils by loud speaking, rude or indecent behavior, signs, or gestures; or willfully interrupts a school by prowling about the building, making noises, throwing missiles at the school-house, or in any way disturbing the school, he shall forfeit not less than two, nor more than twenty dollars, to be recovered as aforesaid, or by complaint before a justice of the peace. Penalty for disturbing schools.
35 Maine, 195.

SEC. 72. If a minor injures or aids in injuring any school-house, out-buildings, utensils or appurtenances belonging thereto; defaces the walls, benches, seats, or other parts of said buildings by marks, cuts or otherwise; or injures or destroys any property belonging to a school district, such district by its agent or committee, may recover of his parent or guardian, in an action of debt, double the amount of damages occasioned thereby. Parents or guardians liable.

STATE SCHOOL FUNDS.

SEC. 73. The treasurer of state shall keep a separate account of all moneys received from the sales of lands appropriated for Permanent school fund.

CHAP. 11.

the support of schools in this state, or from the notes taken therefor, and of any other moneys appropriated for the same purpose; and such sum shall constitute a permanent school fund, which may be put at interest as the legislature directs. A sum equal to six per cent. of the amount of such fund, and also all money received by the state from the tax on banks, shall be annually appropriated to the support of common schools, and distributed among the several towns, according to the number of children therein between four and twenty-one years of age.

Bank tax.

Secretary of state to notify, &c.

Furnish treasurer with list of scholars.

Treasurer to apportion school funds. Basis when returns not received.

Not to be paid till return is made.

SEC. 74. The secretary of state shall on the first day of May, notify the school committees of any towns, whose returns were not received at his office in April; and shall annually ascertain, on the first day of June, the number of children between four and twenty-one years of age in the towns from which returns are received, and furnish a list thereof to the state treasurer.

SEC. 75. The treasurer shall, immediately after the first day of June, apportion to the towns all state school funds for the year according to such list. The number of scholars belonging to a town from which a return has not been received, shall be reckoned by taking the number used as the basis of the last apportionment, and deducting all scholars set off to other towns, or incorporated into a new town within a year, and one-tenth of the remainder, and the residue shall be the basis of the new apportionment. Immediately after making the apportionment, the treasurer shall notify each town of its proportion; which shall not be paid to any town that has not made return for the year, until it is made to the secretary of state.

PROVISIONS RESPECTING LITERARY INSTITUTIONS.

Presidents of colleges, tenure of office.

Fees for degrees conferred.

Innholders and certain others not to give credit to students.

Act of August 27, 1850.

SEC. 76. The presidents of colleges in this state are removable at the pleasure of the trustees and overseers, whose concurrence is necessary for their election.

SEC. 77. No officer of a college shall receive as perquisites any fees paid for a diploma or medical degree conferred by such college, but they shall be paid into the treasury for the use of the college.

SEC. 78. If an innholder, confectioner, or keeper of a shop, boarding house, or livery stable, gives credit for food, drink, or horse or carriage hire to any pupil of a college or literary institution in violation of its rules, or without the consent of its president or other officer authorized thereto by its government, he shall forfeit a sum equal to the amount so credited, whether it has been paid or not, to be recovered in action of debt by the treasurer of such institution, half to its use, and half to the use of the town where it is located; and no person shall be licensed by the municipal officers for any of said employments, if it appears that within the preceding year he had given credit contrary to the provisions hereof.