

MAINE STATE LEGISLATURE

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FOURTH REVISION.

THE
REVISED STATUTES

OF THE
STATE OF MAINE,

PASSED AUGUST 29, 1883, AND TAKING EFFECT JANUARY 1, 1884.

BY THE AUTHORITY OF THE LEGISLATURE.



PORTLAND:
PUBLISHED BY LORING, SHORT & HARMON
AND
WILLIAM M. MARKS, PRINTER.
1884.

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ERRATA:

**The following two leaves are
inserted because one or more pages
in this chapter have errors
noticed and corrected here.**

ERRORS.

ERROR IN THE TEXT OF THE REVISED STATUTES.

Page 63, § 3, line one.—Erase the last word “may.”

ERROR IN THE TEXT OF THE REPEALING ACT.

Page 999.—Transfer “Chapter 48, Section 6, of an act to facilitate the prompt administration of justice by establishing a superior court in Kennebec County,” from the year 1879 to 1878.

ERROR IN THE COMMISSIONER’S NOTES.

Pages 177, 178.—Erase the last two lines of page 177, and the first three lines of page 178.

ERRORS IN THE MARGINAL REFERENCES.

Page 59, § 6, ¶ xx.—Erase “*R. S.*, c. 1, ¶ xx”, and supply, at the bottom of the page, “*R. S.*, c. 1, § 4”

“ 66, § 24.—Erase “*Resolve of 1837*, c. 52.”

“ 69, § 44.—Supply “*Resolve of 1840*, c. 107.”

“ 72, § 68.—Erase “*See c. 6*, §§ 40-67.”

“ “ § 70.—Erase “*R. S.*, c. 2, § 66.”

“ 79, § 12, (note b).—“*See c. 18*, § 73” should read “*See c. 18*, § 75.”

“ “ “ “ “*See c. 30*, § 15” should read “*See c. 30*, § 16.”

“ “ § 14.—Supply “*See c. 18*, § 75.”

“ 83, § 40.—“*R. S.*, c. 3, § 34” should read “*R. S.*, c. 3, § 33.”

“ 84, § 46.—“*See c. 18*, § 67” should read “*See c. 18*, § 59.”

“ 86, § 59, ¶ i, (note b).—“*See c. 17*, §§ 25-29” should read “*See c. 17*, §§ 27, 28.”

“ “ “ ¶ vi, (note e).—“*See c. 18*, § 15” should read “*See c. 18*, § 17.”

“ 92, note.—“*c. 18*, §§ 39, 103” should read “*c. 18*, §§ 39, 97.”

“ 97, § 16.—Erase “*R. S.*, c. 4, § 16.”

“ 108, § 86.—“*Art. ii*, § 2” should read “*Art. ii*, § 1, ¶ 2.”

“ 117, § 28.—Erase the first reference to “1878, c. 31, § 1.” Also erase “*R. S.*, c. 5, § 26.”

“ 176, § 27.—“*Resolve of 1883*, c. 20” should read “*Resolve of 1883*, c. 86.”

“ 183, § 5.—“*See § 93*, ¶ 6” should read “*See § 93*, ¶ v.”

“ 202, § 102.—“1883, c. 229” should read “*See c. 115*, § 1.”

“ 209, § 1.—Supply “1880, c. 215.”

“ 210, § 7.—Supply “1880, c. 215.”

“ 249, § 44.—“1875, c. 25, § 6” should read “1875, c. 25, § 6.”

“ 270, § 16.—Supply “1880, c. 215.”

“ 330, § 26.—“*See c. 40*, § 77” should read “*See c. 40*, § 74.”

“ “ § 28.—“*See c. 40*, § 38” should read “*See c. 40*, §§ 33, 40.”

“ 374, § 23.—“*See § 17*” should read “1880, c. 234, § 1.”

“ 384, § 74.—Add “1883, c. 138, § 3.”

“ “ “ “ “1883, c. 144, § 4.”

“ 506, § 1.—Supply “*See 1880*, c. 215.”

“ 642, § 80, bottom of the page.—Supply “1878, c. 48, § 6.”

“ 709, § 105.—“*See c. 134*, § 13” should read “*See c. 134*, § 19.”

“ 773, § 42.—Supply “1883, c. 198, § 2.”

“ 804, § 35.—“*See c. 134*, § 26” should read “*c. 134*, § 26.”

“ 861, § 1.—“*R. S.*, c. 2, § 20,” } should read “1883, c. 221.”
“ “ “ “ *R. S.*, c. 115, § 1.” }

“ 862, § 4.—“*See c. 63*, §§ 32 to 39” should read “*See c. 63*, § 35.”

ERRORS IN CITATIONS OF CASES.

- Page 10, § 8, ¶ iii, (note c).—"14 *Pet.*, 504" should read "14 *Pet.*, 540."
 " 16, § 1, (note b).—"10 *Me.*, 483" should read "10 *Me.*, 283."
 " 78, § 5, (note a).—"13 *Me.*, 472, 489" should read "13 *Me.*, 472."
 " " § 7, (note b).—"12 *Me.*, 589" should read "12 *Me.*, 489."
 " 147, § 97.—"58 *Me.*, 528" should read "58 *Me.*, 532."
 " 166, § 1.—"64 *Me.*, 549" should read "64 *Me.*, 599."
 " 200, § 93, ¶ iv.—Erase "20 *Me.*, 545."
 " 211, § 19.—"3 *Me.*, 347" should read "3 *Me.*, 249."
 " 241, § 5, (note b).—"68 *Me.*, 28" should read "63 *Me.*, 28."
 " 257, § 80, (note a), Construction of ways.—"26 *Me.*, 340" should read "26 *Me.*, 240."
 " 397, § 1, (note a).—Erase "66 *Me.*, 526."
 " 521, § 2, (note a).—Erase "60 *Me.*, 377."
 " " § 9.—Erase "60 *Me.*, 533."
 " 563, § 10.—"31 *Me.*, 286" should read "31 *Me.*, 254."
 " 597, § 23.—"4 *Me.*, 19" should read "4 *Me.*, 8."
 " 705, § 78.—"43 *Me.*, 438" should read "48 *Me.*, 438."
 " 728, § 12.—Erase "68 *Me.*, 30."
 " 750, § 5.—Erase "20 *Me.*, 325."
 " 765, § 1, (note a).—Erase "73 *Me.*, 228."
 " 814, § 19, (note c).—Erase "71 *Me.*, 543."
 " 817, § 8, (note b).—"27 *Me.*, 363" should read "27 *Me.*, 362."
 " 885, § 1.—Erase "62 *Me.*, 285."
 " 886, § 8.—"36 *Me.*, 225" should read "36 *Me.*, 227."
 " 933, § 4.—"34 *Me.*, 478" should read "39 *Me.*, 478."

OMISSION IN REFERENCE INDEX TABLE, PART I.

Page 1060.—Supply "1878, c. 48, § 6," with a reference to "R. S., c. 77, § 80."

TITLE TWO.

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

- CHAP. 11. Education of youth.
12. Parishes, meeting-houses, ministerial and school lands and funds.
 13. The practice of medicine and surgery.
 14. Contagious diseases.
 15. Burying grounds.
 16. Drains and common sewers.
 17. Nuisances.
 18. Ways.
 19. The law of the road.
 20. Ferries.
 21. Work-houses.
 22. Fences, common fields, and drainage of salt marshes.
 23. Pounds and impounding beasts.
 24. Paupers, their settlement and support.
 25. Keeping watch and ward in towns, and of disorders in streets and public places.
 26. Engine men, fires and the prevention of fires.
 27. Innholders and victualers. Intoxicating liquors.
 28. Apothecaries, and the sale of poisons.
 29. Public exhibitions, bowling alleys, and billiard rooms.
 30. Mischievous dogs, wolves and bears; moose, deer, and other wild game.
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CHAPTER 11.

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2. Remote portions of town may be omitted in districting.
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 4. Towns may at annual meeting choose school agents. Vacancies.
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 7. School fund and mill-tax to be withheld from delinquent towns.
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 9. School committees may provide for the distribution and preservation of school books.
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 11. Cities or towns may instruct in industrial or mechanical drawing.
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 13. Certificate to be returned by municipal officers to state superintendent.
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 15. Duty of assessors when school agent fails to return number of scholars. Apportionment of money to districts.

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77. Assessment of school district tax, how paid.
78. Section 142, of chapter six, applies to taxes assessed for school districts.
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81. District may borrow money to erect school-house and to purchase lot, on ten years, in equal payments. Clerk to certify vote.
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88. Particulars of annual statement. To make return to state superintendent.
89. If agent neglects, school committee to make enumeration of scholars.
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91. Parents or guardians neglecting to furnish books to scholars, committee to furnish them. Expense may be added to town tax of delinquent.
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CHAP. 11.

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 104. Duties of superintendent.
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- SEC. 117. Permanent school fund and bank tax, how managed and appropriated.
 118. Treasurer of state to apportion school funds. Basis when returns are not received. Not to be paid until return is made.
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 127. Instruction and support of each pupil not to exceed \$175 a year.
 128. Form of application.

DUTIES OF TOWNS.

- SEC. 1. A town at its annual meeting, or at a meeting called for that purpose, may determine the number and limits of the 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; but when in the judgment of the board, consisting of the municipal officers and school committee or supervisor, the number of scholars in any district becomes too few for the profitable expenditure of the money

Towns may determine the number and limits of school districts. 1880, c. 181.

apportioned thereto, said board may suspend the school in said district and cause such money to be expended for the benefit of said scholars, in the adjoining district or districts. Said board shall make a record of its decision in relation to such school in said small district, sign the same and cause it to be recorded by the town clerk; and such decision shall remain in force until annulled by vote of the town, or by the action of a subsequent board. Said board may reserve not more than half of the money appropriated to such districts, to be expended, in their discretion, for the conveyance of its scholars to and from school. (a)

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

SEC. 3. A town may abolish the school districts therein, and shall thereupon forthwith take possession of all the school-houses, lands, apparatus, and other property owned and used for school purposes, which districts might lawfully sell and convey. The property so taken shall be appraised under the direction of the town, and at the next annual assessment a tax shall be levied upon the whole town, equal to the whole amount of said appraisal, or such part thereof as the town shall vote, and the remainder of said appraisal, if any, shall be levied by tax upon the whole town at the second and third annual assessments thereafter, or at the second alone, as the town shall vote, and there shall be remitted to the tax payers of each district the said appraised value of its property thus taken, in the same proportion, annually, as the tax therefor shall be levied, or the difference in the value of the property of the several districts may be adjusted in any other manner agreed upon by the parties in interest. Upon the abolition or discontinuance of any district, its corporate powers and liabilities continue so far as may be necessary for the enforcement of its rights and duties.

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. (b)

SEC. 5. A town at its annual meeting may empower the school district agents instead of the superintending school committee, to employ the teachers, and when such power is granted to said agents it shall remain in force until otherwise ordered by a vote of the town at its annual meeting.

SEC. 6. Every town shall raise and expend, annually, for support of schools therein, 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 forfeiture accruing to the use of schools, not less than eighty cents for each inhabitant, according to the census 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.

SEC. 7. When the governor and council have reason to believe that a

(a) 17 Me., 103; 22 Me., 567; 31 Me., 281; 48 Me., 569; 49 Me., 349; 61 Me., 583; 62 Me., 516; 64 Me., 46.

(b) See §§ 47, 93-95; c. 3, §§ 14, 25.

CHAP. 11.

—when a school in a small district may be suspended; proceedings. See §§ 40, 66, 71.

—part of money may be used for conveyance.

Remote parts may be omitted. R. S., c. 11, § 2. See § 87, ¶ 9. Towns may abolish school districts.

—property, how appraised. 1875, c. 14. —tax therefor to be levied on town. 64 Me., 46.

—to be remitted to district for property taken.

—certain powers and liabilities of districts continue.

Towns may choose agents. R. S., c. 11, § 4.

May empower agents to employ teachers. 1872, c. 87, § 2. See § 93, ¶ 6.

Towns to raise 80 cents for each inhabitant. 1878, c. 20. 68 Me., 584. 72 Me., 166. See § 12. —penalty. See §§ 49, 55, 117, 118; c. 5, §§ 18, 19; c. 12, § 46.

School fund and mill tax

CHAP. 11.

to be withheld from delinquent towns.
1873, c. 111.
See §§ 118, 121.

Towns may provide school books.
R.S., c. 11, § 6.

Distribution and preservation of books, &c.
1873, c. 110, § 2.

School books, damages for injuring or destroying, how recovered of parent or guardian.
1873, c. 110, § 1.

Instruction in industrial or mechanical drawing.
1871, c. 194.

Assessors and committee to apportion school money among the smaller districts.
1875, c. 8.

Annually to return certificate to state superintendent.
1876, c. 68, § 1.
Amount voted by town.

Amount payable from state.

Expended for schools.

Unexpended.

Answers to other questions.

Superintendent to furnish blanks, and make return of delinquent towns.

town has neglected to raise and expend the school money required by law, or faithfully to expend the school money received from the State, they shall direct the treasurer of state to withhold further payment to such town from the state school fund and mill tax until such town satisfies them that it has expended the full amount of school money required by law.

SEC. 8. Towns may provide school books for the use of the pupils in their public schools, at the expense of said town, or may furnish them at cost to the pupils; and all money raised and appropriated for that purpose, shall be assessed like other moneys.

SEC. 9. School committees may make such rules and regulations not repugnant to law, as they deem proper, for the distribution and preservation of school books and appliances furnished at the expense of the town.

SEC. 10. When a pupil in the public schools loses, destroys, or unnecessarily injures any such school book or appliance, furnished such pupil at the expense of said town, his parent or guardian shall be notified, and if the loss or damage is not made good to the satisfaction of such committee within a reasonable time, they shall report the case to the assessors, who shall include in the next town tax of the delinquent parent or guardian the value of the book or appliance so lost, destroyed or injured, to be assessed and collected as other town taxes.

SEC. 11. Any city or town may annually make provision for free instruction in industrial or mechanical drawing, to persons over fifteen years of age, either in day or evening schools, under direction of the superintending school committee.

SEC. 12. The assessors and superintending school committee, or school supervisors, of towns, may annually apportion twenty per cent. of all money required to be raised by section six, and twenty per cent. of all money received from the State for schools, except money received under section twenty-eight, among the districts in the several towns, in such manner as in their judgment shall give to the smaller districts, as nearly as may be, an equal opportunity for a common school education.

SEC. 13. The assessors or municipal officers of each town, shall, on or before the first day of each May, make to the state superintendent of common schools, a certificate, under oath, embracing the following items:

I. The amount voted by the town for common schools at the preceding annual meeting.

II. The amount of school moneys payable to the town from the state treasury during the year ending with the first day of the preceding April.

III. The amount of money actually expended for common schools during the last school year.

IV. The amount of school moneys unexpended, whether in the town treasury or in the hands of district agents.

V. Answers to such other inquiries as are presented to secure a full and complete statement of school revenues and expenditures.

SEC. 14. The state superintendent shall prepare and furnish to the town officers such blanks as he deems proper to secure the fiscal returns required in the preceding section. He shall return to the treasurer of

state on the first day of July, annually, a list of such towns as have made such fiscal returns; and no school moneys shall be paid by the treasurer of state to any town, so long as it neglects to make such returns.

SEC. 15. When a school agent fails to return, in 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 to 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.

SEC. 16. A town raising more money than is required by section six, may, by vote, direct the excess to be apportioned to the several districts, as the assessors and superintending school committee determine.

SEC. 17. No money appropriated by law for public schools shall be paid from the treasury of any town, except upon the written order of its municipal officers; and no such order shall be drawn by said officers, except upon presentation of a properly avouched bill of items.

SEC. 18. 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 eighty-six, and shall fill vacancies arising therein at each subsequent annual meeting, or shall, in the same manner, choose a supervisor of schools, who shall perform the duties of said committee; and his election shall terminate the office of all members of such committee. No person is ineligible to the office of supervisor of schools, or of superintending school committee, on account of sex.

SEC. 19. The superintending school committee may appoint one of their number, who shall have all the power and perform all the duties specified in items five and twelve of section eighty-seven.

SEC. 20. A town failing to elect members of superintending school committee or supervisor, as required by law, forfeits not less than thirty nor more than two hundred dollars.

SEC. 21. Towns may make such by-laws, not repugnant to law, concerning habitual truants, and children between six and seventeen 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 such by-laws must be first approved by a judge of the supreme judicial court.

SEC. 22. Such towns shall, at their annual meeting, appoint one or more persons, who alone shall make complaints for violations of said by-laws, and shall execute the judgments of the magistrate.

SEC. 23. Said magistrate, in place of fine, 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 as he thinks expedient, in the institution of instruction, house of reformation, or other suitable situation provided for the purpose under section twenty-one.

CHAP. 11.

—money to be withheld. 1876, c. 68, § 2.

Duties of assessors when agent fails to return scholars.

R. S., c. 11, § 8. See §§ 89, 93, ¶ 5, § 94.

—apportionment.

Excess, how appropriated. R. S., c. 11, § 9.

School money, how paid by towns. 1877, c. 196.

—how avouched.

Towns to choose superintending school committee or supervisor. R. S., c. 11, § 10.

—sex no test of eligibility. 1881, c. 27.

Committee may appoint one of their number. R. S., c. 11, § 11.

Neglect to choose committee or supervisor. R. S., c. 11, § 12.

Towns may make by-laws concerning truants; to be approved by S. J. court. R. S., c. 11, § 13. —penalty.

Violation of by-laws. R. S., c. 11, § 14. 65 Me., 130.

Truant children may be placed in suitable institutions. R. S., c. 11, § 15.

CHAP. 11.

COMPULSORY EDUCATION.

Children
required to
attend public
school twelve
weeks in
each year.
1875, c. 24, § 1.

—exception.

—proviso.

Penalty for
delinquent
parent, guar-
dian, &c.
1875, c. 24, § 2.
Delinquent
boys fined.
1875, c. 24, § 3.

Foregoing
enforced.
1875, c. 24, § 4.

SEC. 24. Every parent, guardian, or other person having control of any child between the ages of nine and fifteen years, shall send him to a public school for at least twelve weeks in each year, unless he is excused from such attendance by the school officers of the town in which such parent, guardian or other person resides, upon its being shown to their satisfaction by the certificate of a physician that the mental or bodily condition of such child has been such as to prevent attendance at school or application to study for the period required, or that such child has been taught at a private school or at home in such branches as are usually taught in primary schools; *provided*, that in case a public school is not taught for three months in the year within a mile and a half of the residence of such delinquent, by the shortest travelled road, nor within the school district within which such child resides, he shall not be liable to the provisions of this section and the three following.

SEC. 25. Every such parent, guardian, or other person violating the preceding section forfeits not exceeding five dollars to the treasurer of the town for school purposes.

SEC. 26. Every boy between the ages of nine and fifteen years, who neglects or refuses to attend school as required in section twenty-four, unless excused by the school officers of the town, forfeits not exceeding five dollars.

SEC. 27. The school committee or town supervisor shall enforce the three preceding sections.

FREE HIGH SCHOOLS.

State aid to
free high
school.
1880, c. 229, § 1.

—amount.

—proviso.

—how paid.

—proviso.
See § 17.

SEC. 28. Any town which establishes and maintains a free high school as provided by this section and the seven following, for at least ten weeks in any one year, shall, on complying with the conditions hereinafter set forth, receive from the State one half the amount actually expended for instruction in said school, not exceeding two hundred and fifty dollars; *provided*, that no town shall receive such state aid unless its appropriation and expenditure for such school, has been exclusive of the amounts required by law for common school purposes. Such aid shall be paid from the state treasury on and after the first day of each December, upon certification by the governor and council as provided by section thirty-five. But whenever a town or district desires to draw its aid semi-annually, it shall be paid on and after the first days of June and December; *provided*, that the superintending school committee of such town makes, semi-annually, before said days the report required in section thirty-five.

Free high
schools, town
may establish
two.
1878, c. 52.

—adjoining
towns may
maintain
school.
—districts
may estab-
lish.

SEC. 29. Any town may establish and maintain not exceeding two free high schools; and in such case shall receive the same state aid as if the expenditures of both schools had been made for one. Two or more adjoining towns may unite in establishing and maintaining a free high school, and both shall receive the same state aid as if such school had been maintained by one town. So long as any town declines to avail itself of the foregoing provisions, any school district, or union of districts

therein, may establish and maintain a free high school, and receive state aid the same as the town might have done; *provided*, that no more than two such free high schools shall be established in any town, and that the amount of aid extended to the districts in any town shall not exceed the sum that the town might have received. Two or more adjoining school districts in different towns may establish and maintain a union free high school, and, with the consent of both towns, may receive a proportional part of such aid, to be determined as provided by section thirty-five, but in no case to exceed the amount that either town might have received. Towns shall receive in trust and faithfully expend gifts and bequests made to aid in the maintenance of free high schools, and shall receive aid in such cases to the same extent and on the same conditions as if such schools had been established and maintained by taxation; and any town or district shall receive such state aid on any expenditure for a free high school or schools, made from the funds or proceeds of the real estate of an academy or incorporated institution of learning, surrendered or transferred to such town or district for educational purposes; but if any part of the money so paid by the State, is expended for any other purpose than the support of such free high schools, as provided by this section, then each person so misapplying said money forfeits double the sum so misapplied, to be recovered in an action of debt, in the name and to the use of the town, by any inhabitant thereof; and no town shall receive further support from the State for any free high school, until the amount so received, but misapplied, has been raised and expended for such free high schools by such town.

SEC. 30. Any town, or union of towns or districts, voting to establish a free high school as herein provided, may locate the same permanently, or vote that the terms thereof be held alternately in such districts within the town or towns as may be selected, and as may accept said school. The district in which said school is thus held, shall supply appropriate equipments, and furnish and warm a suitable building for the same; *provided*, that such district may use its school-house for such free high school, when not required for ordinary school purposes.

SEC. 31. The course of study in free high schools, shall embrace the ordinary English academic studies, especially the natural sciences in their application to mechanics, manufactures and agriculture; but the ancient or modern languages shall not be taught therein except wholly at the expense of the city, town, district or union of districts maintaining such school or schools. Any town having one or more graded schools, with a prescribed course of study, including Latin, Greek and French, established prior to March eighteen, eighteen hundred and eighty, may avail itself of the foregoing privileges, without any change in the prescribed courses of study. Such schools, when established by any town or union of towns, shall be free to all the youth in such town or towns, on such attainments of scholarship as shall be fixed by the committees having supervision thereof. When such school is established by any district or union of districts, it shall be free in the same manner to the

CHAP. 11.

—proviso.

—adjoining school districts in different towns may establish.

—towns shall receive and expend gifts and bequests.

—when funds surrendered by academies entitle to state aid.

—penalty for misapplying money appropriated by state.

Location.
1873, c.124, § 3.—school rooms, &c., how supplied and furnished.
—proviso.Course of study, what it shall embrace.
1880, c.229, § 2.

—exception.

—schools to be free to youth in town or district.

CHAP. 11.

—school committees may admit pupils from without town, on payment of tuition.

Free high schools subject to the school laws, except in certain cases.

—established by towns, how managed.

1875, c. 33.

—established by union of towns.

—established by districts.

—established by districts in different towns.

Towns may raise money to maintain free high schools.

1873, c. 124, § 6.

Towns may contract with and pay academies for tuition of scholars.

1873, c. 124, § 7.

—entitled to state aid for such expenditure.

scholars within such districts, and open also to scholars passing the required examination from without such districts; but within the towns in which said districts are situated, on payment to the agent of the district in which such school is located, of such tuition, to be fixed by the superintending school committee or committees having supervision of the same, as is equivalent to the cost a scholar of maintaining such school, after deducting the aid extended by the State. Whenever in the judgment of the superintending school committees having the supervision of any free high school or schools, the number of pupils in the same may be increased without detriment; scholars from without the towns, directly interested in such school or schools, may be admitted to the same on passing the required examination and paying such tuition as may be fixed by such committee, to the treasurer of the town in which the school is kept, when the school is maintained by a town or union of towns, or to the agent of the district in which the school is kept, when such school is maintained by a district or union of districts.

SEC. 32. Free high schools, established and maintained under the foregoing provisions, are subject to the laws relating to common schools, so far as applicable, except as otherwise provided. When established and maintained by a town, they shall be under the supervision and entire management of the superintending school committee of such town. When established and maintained by a union of towns, such school shall be under the supervision and entire management of the school committees of such towns, who constitute a joint board for that purpose. When established and maintained by any district or union of districts in the same town, such school shall be under the supervision of the superintending committee of such town, or of the state superintendent, when the district or districts so elect, and under the financial management of the agent of the district in which such school is kept, who, in connection with said committee or superintendent, shall employ teachers for the same. When established and maintained by two districts in different towns, such school shall be under the supervision of the superintending school committees of such towns, who constitute a joint board for that purpose, and under the financial management of the agents of both districts, who, in connection with said committees, shall employ the teachers.

SEC. 33. Towns and school districts may raise money for establishing and maintaining free high schools, and erecting buildings and providing equipments for the same, in the same manner as for supporting common schools and erecting school-houses.

SEC. 34. Any town may from year to year authorize its superintending school committee to contract with and pay the trustees of any academy in said town for the tuition of scholars within such town, in the studies contemplated by the six preceding sections, under a standard of scholarship to be established by such committee; and the expenditure of any town for tuition in such academy shall be subject to the same conditions, and shall entitle such town to the same state aid as if it had made such expenditure for a free high school.

SEC. 35. Superintending school committees having the supervision of free high schools, shall, annually, before the first day of June, make returns under oath to the state superintendent, on blanks prepared and sent out by him, of the amount appropriated and the amount expended by each town or school district for instruction in such free high schools during the current year; also of the amount appropriated and the amount expended for common school purposes by each town or school district maintaining the same; the number of weeks during which such schools have been taught; the wages paid to each teacher; the number of pupils registered; the average attendance; the number of pupils in each branch of study pursued, and the amount received for tuition. If the state superintendent is satisfied that the provisions of the seven preceding sections, have been complied with, he shall certify to the governor and council the sum which each town or district is entitled to receive from the State. Any town or district, dissatisfied with his decision, may appeal to the governor and council. The governor and council shall issue a certificate to the treasurer of the town, or agent of the district, for such amount as they adjudge such town or district entitled to receive from the state treasury. Any person connected with the management of such free high schools, either as teacher, agent, committee or supervisor, who in any way aids or abets in defrauding the State into the payment in support of said schools, of more than is contemplated by this chapter, shall forfeit not less than five hundred dollars, or be imprisoned in the county jail not less than one year.

SEC. 36. The trustees of any academy or other corporation formed for educational purposes may by a majority vote of such of said trustees as reside in the state, surrender the whole, or any part of the property belonging thereto, to the municipal officers of any town, or the trustees of any school fund in any town in which said academy or corporation is situated, for turning the same into a free high school as hereinafter provided, and said municipal officers or trustees, for the time being, shall be a board of trustees to take and hold said property for maintaining a free high school; and upon receiving said property, they shall use proper diligence to make the same produce income for the support of said free high school.

SEC. 37. When such vote is so passed, the treasurer of said trustees shall convey, assign and deliver to the municipal officers of said town, or the trustees of such fund, all property belonging to said academy or corporation for the purposes indicated by the preceding section.

SEC. 38. The municipality accepting the property in trust, as named in section thirty-six, shall apply the income thereof towards the support of a free high school, to be kept within said municipality, at least twenty-two weeks in each year, and provide suitable accommodations for the same, and the superintending school committee or supervisor in said municipality shall determine the qualifications necessary to entitle any applicant to enter or attend said free high school, and no one shall attend it without the certificate of said officers to that effect.

CHAP. 11.

Superintending school committee to make annual return to state supt. 1883, c. 129, § 1.

—state superintendent to certify amounts to which towns are entitled.

—appeal.

—governor and council to certify amount to treasurer.

—penalty for defrauding state.

Trustees of academies, &c., may surrender property to establish free high schools. 1874, c. 216.

—trustees of free high schools, duties of.

Property, how conveyed. 1874, c. 216.

Income of property, how applied. 1873, c. 115, § 3.

—qualification of pupils, how determined.

CHAP. 11. SEC. 39. All scholars residing within the municipality aforesaid, having such certificate, may attend said school without tuition fee, and all scholars not residents of said municipality, may attend said school, upon such terms and conditions as said school officers impose.

Tuition to be paid by non-residents. 1873, c 115, § 4.

POWERS AND OBLIGATIONS OF SCHOOL DISTRICTS.

School districts are corporations. R.S., c. 11, § 16.

—executions against them, how satisfied.

SEC. 40. School districts, whether a part of one or more towns, which have exercised the privileges of a district for one year, are presumed to be legally organized; and all districts legally organized are 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. (a)

Voters. R.S., c. 11, § 17.

SEC. 41. Any person qualified to vote in town affairs is a voter in his school district.

Notice of meetings, how given. R.S., c. 11, § 18. 51 Me., 102.

SEC. 42. School district meetings may be called by the agent, on written application of three or more 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, or any justice of the peace, on like application.

Return of proper officer, evidence of notice. R.S., c. 11, § 19.

SEC. 43. On receiving such application, the agent or municipal officers, or justice of the peace, 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 in two or more public places in the district, one of which must be on the school-house, if any, or published in a newspaper, if any, printed in the town. The certificate of such agent or municipal officers, justice of the peace, or any person required by their warrant to give notice, returned at the time and place of meeting, is evidence that the notice therein stated has been given. (b)

Ancient meetings of school districts, made valid. R.S., c. 11, § 20.

SEC. 44. Meetings of any school district which, prior to March twenty, eighteen hundred and sixty, were duly called by selectmen, or by an agent of such district, without application in writing, signed by any number of the legal voters thereof, and stating the reasons and objects of such meeting, are as legal and valid as they would have been if called upon such application.

How notified. R.S., c. 11, § 21.

SEC. 45. The district, at a legal meeting, may determine the manner of notifying future meetings. (c)

Moderator to be chosen. R.S., c. 11, § 22. See c. 3, § 24. —clerk to be sworn.

SEC. 46. At such meeting, a moderator shall be chosen, with 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,

(a) 17 Me., 103; 22 Me., 566; 23 Me., 545; 35 Me., 396; 38 Me., 34; 39 Me., 187; 46 Me., 224; 63 Me., 243.

(b) 44 Me., 385. The annual meeting in March or April, may be called by the agent without application. See § 93, item 1. 4 Me., 46; 20 Me., 441; 28 Me., 202; 38 Me., 169; 51 Me., 102.

(c) 4 Me., 46; 66 Me., 588.

be sworn by the moderator or a justice of the peace, shall 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 errors, as provided in section ten of chapter three.

SEC. 47. 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 the purpose.

SEC. 48. A school district, at any legal meeting called for the purpose, has power:

I. To raise money for erecting, repairing, renting, purchasing and removing such school-houses and out-buildings as the wants of the district require; for purchasing or renting land therefor, 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.

II. To determine where school-houses shall be located. (a)

III. To dispose of any school-house or other property, if necessary.

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

V. To instruct the superintending school committee or supervisor at what time the schools commence; and the schools shall commence and continue as voted by the district, unless, in the opinion of the school committee or supervisor, it would be detrimental to the best interests of the district on account of contagious disease or other good reason; but in towns or cities that have abolished the district system, the school committee or supervisor shall determine the commencement and duration of the schools therein.

VI. To allow the school-house to be used for meetings of religious worship, lectures and other similar purposes.

SEC. 49. Any school district maintaining graded schools, may raise for the support of schools therein a sum not exceeding that which it receives from the town in addition thereto.

SEC. 50. 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 raised. (b)

SEC. 51. When at a meeting of a school district 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

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4 Me., 46.
28 Me., 203.
38 Me., 170.
39 Me., 558.
44 Me., 384.
65 Me., 556.

To choose agents.
R.S., c. 11, § 23.
See §§ 74, 93, 94, 95.

Powers.
R.S., c. 11, § 24.

May raise money.
See §§ 70, 75-84, 93, ¶ 2.
7 Me., 121.
24 Me., 350.
33 Me., 171.
38 Me., 35, 170.
41 Me., 247.
60 Me., 404.

Locate school-houses.

Sell them.
22 Me., 569.

Regulate admissions to schools.

Instruct committee or supervisor when schools shall commence.
1883, c. 187.

Use of school-houses.
R.S., c. 11, § 24.

Graded district schools.
R.S., c. 11, § 25.
See § 6.

Committee to superintend money affairs.
R.S., c. 11, § 26.

Minority dissatisfied, may appeal to town.
R.S., c. 11, § 27.
39 Me., 186.
60 Me., 404.

(a) 39 Me., 558; 60 Me., 405, 542; 65 Me., 187.

(b) 7 Me., 120; 12 Me., 297; 17 Me., 323; 28 Me., 200; 38 Me., 170; 39 Me., 222; 63 Me., 264.

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—proceedings in such cases.

When the erection, repairing, renting or purchasing of a school-house may be ordered and completed by the town.
R.S., c. 11, § 28.
60 Me., 404.
63 Me., 262, 264.

Districts having no voters.
R.S., c. 11, § 29.
See § 95.

Districts may unite for support of union school.
R.S., c. 11, § 30.
72 Me., 166.
—provision, if one fourth object.

School districts may unite to maintain graded schools.
1877, c. 205.

—proceedings in such cases.
35 Me., 397.
46 Me., 221.
72 Me., 166.

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 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, 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, with all the powers of a committee chosen by the district, in pursuance of the provisions hereof.

SEC. 52. When, in the opinion of the superintending school committee, any district in their town unreasonably neglects or refuses to raise money for erecting, repairing, renting or purchasing a school-house or school-houses and out-buildings, such as the wants of the district require, or for purchasing or renting land therefor and for yards and play grounds, the municipal officers, upon written application of said committee, shall insert in their warrant for calling the next town meeting for town affairs, an article to see if the town will vote to raise money in such district for said purposes. Any sum so voted shall be assessed upon the polls and estates therein and collected and paid as if originally raised by the district, and thereupon said officers shall appoint three suitable inhabitants of the town a committee to superintend the expenditure of the money for such purpose, with the powers of a committee chosen by the district pursuant to law.

SEC. 53. In school districts not having any legal voters to transact district business, money may be raised and expended in the manner and for the purposes specified in the foregoing section.

SEC. 54. Two or more districts, by vote at their district meetings, may unite to support a union school for 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. 55. Two or more districts may unite for the purpose of establishing and maintaining a system of graded free schools, for such time as they determine, 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, who shall enter said votes upon the town records; and thereafter such districts shall constitute one district, to be known by the name that its inhabitants adopt; and have all the rights and powers, and be subject to all the liabilities of other school districts for said time; and, during said time, the town shall not alter or divide it, without the consent of a majority of its voters; and at the expiration of said time each district shall resume its district organization, unless a majority of the voters in each, vote to continue the united district; and at its annual meeting, it may raise money for support of its schools,

in addition to what it receives from the town, and not exceeding three fifths thereof. Any school district maintaining graded schools may raise money for support of its schools as herein provided for districts composed of two or more districts.

SEC. 56. 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 of 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 the notice required for a district meeting; 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 a 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 such determination into effect, the municipal officers or said 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. In towns which have abolished their school districts, the location for the erection or removal of school-houses and requisite buildings and for play grounds shall be designated by vote of the town at any town meeting called for that purpose.

SEC. 57. When a location for the erection or removal of a school-house and requisite buildings has been legally designated, and the owner thereof refuses to sell, or, in the opinion of the municipal officers, asks an unreasonable price for it, or resides without the state and has no authorized agent or attorney therein, they may lay out a school-house lot, not exceeding one hundred square rods, and appraise the damages, as is provided for laying out town ways and appraising the damages therefor; and on payment or tender of such damages, or if such owner does not reside in the state, upon depositing such damages in the treasury of such town or district for his use, the town or district designating it may take such lot to be held and used for the purposes aforesaid; and when such school-house has ceased to be thereon for two years, said lot reverts to the owner, his heirs or assigns. And any town or city may take real estate for the enlargement or extension of any location designated for the erection or removal of a school-house and requisite buildings and play grounds, as herein provided; but no real estate shall be so taken within fifty feet of a dwelling-house.

SEC. 58. If the owner is aggrieved at the location of the lot, or the damages awarded, he may apply to the county commissioners within one year, who may change the location and assess the damages, and the proceedings shall be conducted as in section eight, of chapter eighteen.

CHAP. 11.

—districts maintaining schools, may raise money.

Location of school-houses, how determined, in case of disagreement. 1883, c. 101. See § 72. 60 Me., 334, 403, 405, 542-4. 65 Me., 188. —proceedings.

—when districts have been abolished.

Towns may lay out school-house lots in certain cases. 1873, c. 100. 52 Me., 146. 60 Me., 405, 542, 545. 63 Me., 192. 67 Me., 283. —damages, how appraised. See c. 18, § 8. —how paid. —lot to revert to owner if not occupied for two years.

—land may be taken for school-house lot, play grounds, &c., but not within fifty feet of a dwelling.

If owner is aggrieved, issue may be tried by jury. R.S., c. 11, § 34.

CHAP. 11. 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.

See § 72.
60 Me., 335,
542, 543.
63 Me., 192.
School-house
lots, erroneous
location
of, how re-es-
tablished and
made valid.
1873, c.144, § 1.

SEC. 59. Any town or school district which, by its officers or by a committee, has designated, located and described a lot upon which to erect, move or repair a school-house, and from mistake or omission has failed to comply with the law, whereby such location has been rendered invalid, may, on petition of three legal voters and tax-payers thereof, apply in writing to the selectmen of said town, and have the lot, so designated or described, re-appraised by them.

Notice of ap-
praisement
and hearing,
how given.
1873, c.144, § 2.

SEC. 60. The selectmen of any town to whom such application has been made, shall forthwith give not less than seven nor more than twenty days' notice, to the clerk of said district and to the owner of such real estate, or to the persons having the same in charge, of the time and place by them fixed for such hearing, and shall, after examination and hearing of all interested, appraise the lot as set out and affix a fair value thereon, exclusive of improvements made by said district or town, either by build-ings or otherwise; and shall, as soon as practicable, notify the district clerk, and the persons interested in said estate who had been notified as hereinbefore provided, of the sum at which said lot has been appraised.

Sum, how
assessed and
collected.
1873, c.144, § 3.

SEC. 61. The sum fixed as the value of said lot shall be assessed, collected and paid over as provided in section forty-eight.

Tender to be
allowed in
payment.
1873, c.144, § 4.

SEC. 62. Any sum which has been tendered and is in the hands or under the control of the persons owning or having charge of such land, shall be allowed in payment of said appraisal.

Either party
may appeal.
1873, c.144, § 5.

SEC. 63. If the district, or persons owning or having charge of the land on which such location is made, are dissatisfied with such appraisal, either party may within ten days appeal to the county commissioners of the county in which the land lies, by filing a copy of the proceedings and a claim of appeal with said commissioners, and the determination of a majority of said commissioners not residents of said district, shall be final.

Improve-
ments inure
to town or
district.
1873, c.144, § 6.

SEC. 64. When any school district or town has erected or moved a building upon such lot or in any way improved the same, such improve-ment shall inure to the benefit of such town or district, and the same may be as completely occupied and controlled by such town or district as it would have been if such location had been in strict conformity to law.

Tax not
affected by
error in
location.
1873, c.144, § 7.

SEC. 65. The legality of a tax assessed to build, repair or remove a school-house and to pay for a lot, shall not be affected by any mistake or error in the designation or location thereof.

Plan to be ap-
proved by
committee.
1883, c. 99.

SEC. 66. A plan for the erection or reconstruction of a school-house voted by a town or a district, shall first be approved by the superintend-ing school committee.

Summer
schools.
R.S., c.11, § 36.

SEC. 67. A school district at a legal meeting, may determine what proportion of their school money shall be expended for the support of a summer school; and the school committee or supervisor shall expend it accordingly, if practicable.

Master's and
mistress'
schools.

SEC. 68. When the school is kept in part by a mistress, and in part by a master, the district may determine by vote, or may authorize the

superintending school committee to determine, from time to time, what description of scholars shall attend each.

SEC. 69. 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, they shall at their first meeting, 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 state superintendent.

SEC. 70. 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 may make proper rules for the preservation and management thereof. Adjacent districts may, by vote of each, unite for the purpose aforesaid.

SCHOOL DISTRICTS FORMED FROM TWO OR MORE TOWNS.

SEC. 71. 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, which a town may relating to its own districts. If such district has existed fifteen years, either town may disconnect its part, without concurrence of the others, by leaving all the district property to what remains.

SEC. 72. 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, such 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, which 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 fifty-six, 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. Sections fifty-seven and fifty-eight apply to such districts.

SEC. 73. 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 district living in their town.

SEC. 74. Such district shall annually choose its agent, and his contract shall bind each town in proportion to and not exceeding the amount which it is required to pay 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.

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R.S., c. 11, § 37.

Districts may choose committee to classify scholars. R.S., c. 11, § 38. See § 87, ¶ 11.

Districts may purchase library. R.S., c. 11, § 39. See § 93, ¶ 2.

Two or more towns may concur in establishing districts. R.S., c. 11, § 40. See § 1.

How such districts shall be superintended. R.S., c. 11, § 41. 63 Me., 244.

Assessors to apportion money to such districts. R.S., c. 11, § 42.

Such district shall choose its agent. R.S., c. 11, § 43. See §§ 4, 47. —powers of its officers.

CHAP. 11. ASSESSMENT AND COLLECTION OF MONEY RAISED OR BORROWED BY DISTRICTS.

School district taxes, how assessed and collected.

1874, c. 163.
12 Me., 258.
15 Me., 260.
28 Me., 203.
31 Me., 284.
35 Me., 397.
39 Me., 187.
41 Me., 505.
51 Me., 102.
60 Me., 280.
74 Me., 411.

Assessors authorized to assess 5 per cent. overlay.

1874, c. 162, § 1.

Expense of assessment, how paid.

1874, c. 162, § 2.
73 Me., 181.

District taxes assessed without authority.

R.S., c. 11, § 45.

Powers and duties of collectors; their compensation.

R.S., c. 11, § 46.
31 Me., 281.
41 Me., 247.
67 Me., 240.

Money at disposal of committee.

R.S., c. 11, § 47.

District may borrow money to build school-house.

R.S., c. 11, § 48.

District may appoint agent to contract loan.

R.S., c. 11, § 49.

Duties of assessors in such cases.

SEC. 75. When a district votes to raise money for any legal purpose, its clerk shall forthwith, or within the time prescribed by the district, certify the amount thereof to the assessors of the town, and the time when it must be raised; and within sixty days after receiving such certificate they shall assess it as they do town taxes, on the polls and estates of the residents and owners in the district at the time of raising said money, whether wholly in their town or not, and on the non-resident real estate in the district. They shall then make their warrant in due form of law, directed to any collector of their town or of the district, if any, if not to a constable, requiring him to levy and collect such tax and pay it to the town treasurer within the time limited in the warrant; and they shall give a certificate of the assessment to such treasurer, and may abate such taxes as in the case of town taxes.

SEC. 76. The assessors may include in their assessment such sum over and above the sum committed to them to assess, not exceeding five per cent. thereof, as a fractional division renders necessary, and certify that fact to the town treasurer.

SEC. 77. The town treasurer shall pay the expense of assessing and collecting any school district tax out of the money of the district, upon the order of the selectmen.

SEC. 78. Section one hundred and forty-two of chapter six, and all other sections relating to the same subject apply to taxes assessed by or for school districts, so far as applicable; but the district and not the town is liable.

SEC. 79. The collector or constable, and the town treasurer, or treasurer and collector, if one person is both, each have the same powers and are subject to the same duties and obligations in relation to district taxes, as to town taxes; and they and the assessors shall be allowed by the district for their services, a compensation proportionate to what they receive from the town for similar services.

SEC. 80. The money so raised and paid shall be at the disposal of the district committee, provided for in section fifty.

SEC. 81. 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 to erect a school-house, and to buy a lot therefor, on a time not exceeding ten years, payable in equal annual instalments, 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.

SEC. 82. 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.

SEC. 83. At each annual assessment of town taxes after such loan, the assessors of the town shall assess the amount of the instalment 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 instalment and interest as it becomes due, on demand of the owner of the security. CHAP. 11.
R.S., c. 11, § 50.

SEC. 84. A district voting to raise a sum 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 votes 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 collector when sum raised exceeds three hundred dollars.
R.S., c. 11, § 51.

POWERS AND DUTIES OF SUPERINTENDING SCHOOL COMMITTEES.

SEC. 85. Members of superintending school committees and supervisors shall be sworn. Officers, to be sworn.
R.S., c. 11, § 52.

SEC. 86. 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 constitute a quorum; and if there is but one in office, he may fill vacancies; *provided, however*, that if the one thus remaining in office declines or neglects to fill such vacancies, the municipal officers shall fill the same; and they shall fill all vacancies arising in the office of supervisor until the next annual election. Superintending school committees, when first chosen, shall arrange terms of office.
1880, c. 171.
See § 18.
—vacancies, how filled.

SEC. 87. Superintending school committees shall perform the following duties: Duties.
R.S., c. 11, § 54.

I. They shall appoint suitable times and places for the examination of candidates proposing to teach in town, and shall give notice thereof by posting the same in two or more public places within the town at least three weeks before the time of said examination, or by the publication of said notice for a like time in one or more newspapers having the largest circulation in the county. They shall employ teachers for the several districts in the town, unless the town otherwise vote, as provided in section five, and notify the several agents of the teachers employed and the compensation agreed to be paid. Five days constitute the school week, and four weeks a school month. To appoint time and place for examination of teachers.
See §§ 67, 95.
4 Me., 45.
74 Me., 463.
See § 93, ¶ 6.
—school week and month.
1883, c. 240.

II. 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, English grammar, geography, history, arithmetic, book-keeping and physiology, and such other branches as they desire to introduce into public schools, and particularly into the school for which he is examined; also as to his capacity for the government thereof. Instructors of youth, examination of.
1873, c. 120.

III. They shall give to each candidate found competent, a certificate Certificate to teachers.

CHAP. 11.
SEC. 87.

1871, c. 215.
20 Me., 40,
155.
26 Me., 59.
27 Me., 277.
See § 98.
To direct the
course of in-
struction and
text-books.
R.S., c. 11, § 54.
38 Me., 394.

—purchase
and sale of
books, how
regulated.

Examine
schools.

May dismiss
teachers for
sufficient
cause.
3 Me., 453.
16 Me., 185.

Expel
scholars.
38 Me., 391.

Exclude
scholars not
vaccinated.

Direct
expenditures.
See § 2.

Prescribe
sums to be
paid in cer-
tain cases.
See c. 2, §§ 1-3.

Classify
scholars.
See §§ 68, 69.

Make annual
report.

that he is qualified to govern said school and instruct in the branches above named, and such other branches as may be necessary to be taught therein; or they may render valid by indorsement, any graded certificates issued to teachers by normal school principals, county supervisors or the state superintendent.

IV. Direct the general course of instruction, and select a uniform system of text-books, due notice of which shall be given; any text-book thus introduced, shall not be changed for five years unless by vote of the town; any person violating this provision shall forfeit not exceeding five hundred dollars, to be recovered in an action of debt by any school officer or person aggrieved. And when said committee have made such selection of school books, they may contract, under section eight, with the publishers for the purchase and delivery thereof; make such rules as they deem effectual for their preservation and return; or, if they are kept for sale, may regulate the sale and appoint an agent to keep and sell them, and fix the retail price, which shall be marked on the title page of each book.

V. Examine the schools, and inquire into the regulations and discipline thereof, and the proficiency of the scholars, 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.

VI. After due notice and investigation, they shall dismiss any teacher, although having the requisite certificate, who proves 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.

VII. Expel 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.

VIII. Exclude, if they deem it expedient, any person not vaccinated, although otherwise entitled to admission.

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

X. Prescribe the sum, on 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 may attend school in such district; and when such territory adjoins two or more districts, they shall designate the one where they may attend.

XI. 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, and they may authorize the admission of scholars in one district into the schools of another.

XII. 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 thereof, and transmit a copy to the superintendent of common schools. CHAP. 11.

SEC. 88. They shall annually make a statement containing the following particulars: Annual statement.
R.S., c. 11, § 55.

I. 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.
—money expended.

II. The number of districts and parts of districts in their town. Number of districts.

III. 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. Number of children in each.

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

V. The whole number and the average number of scholars attending the summer schools; the whole number and the average, attending the winter schools, also the total number of different scholars attending school two weeks or more of the preceding year, as shall appear from the teachers' registers returnable to said officers agreeably to section ninety-six. Return of scholars.
1873, c. 134.

VI. The average length of the summer schools in weeks; the average length of the winter schools in weeks; and the average length of the schools for the year. Average length of schools.
R.S., c. 11, § 55.

VII. The number of male, and of female teachers employed in the public schools during any part of the year. Number of teachers.

VIII. The wages of male teachers a month, and the wages of female teachers a week, exclusive of board. Teachers' wages.

IX. They shall give in their returns, the number of scholars corrected to the first day of April preceding the time of making said returns, and full and complete answers to the inquiries contained in the blank forms furnished them by law; certify that such statement is true and correct, according to their best knowledge and belief; and transmit it to the office of the state superintendent on or before the first day of each May. When but one member of the committee remains, he shall make said returns. Returns to superintendent of common schools.

SEC. 89. If any school agent neglects to make the return required in section ninety-four, the school committee shall immediately make such enumeration and be paid a reasonable sum therefor, to be taken from the amount apportioned to the district of such delinquent agent. If agent neglects to return scholars, committee must.
R.S., c. 11, § 56.

SEC. 90. They shall return under oath to the assessors, on or before the fifteenth day of May, annually, the number of scholars in each school district, according to the enumeration provided for in sections eighty-nine and ninety-four. Committee to return list of scholars in each district to assessors.
R.S., c. 11, § 57.
1876, c. 142.

SEC. 91. If any parent, master or guardian, after notice from the teacher of a school that a child under his care is deficient in the necessary school books, refuses or neglects to furnish them, the superintending school committee, on being notified by the teacher, shall furnish him Committee to furnish books if parents or guardians neglect.
R.S., c. 11, § 58.

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—delinquents
may be taxed
therefor.

Compensa-
tion of school
committee.
R.S., c. 11, § 59.

with 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. 92. Superintending school committees and supervisors, on satisfying the municipal officers that they have made the returns to the superintendent of common schools required by law, shall receive for their services one dollar and fifty cents a day and all necessary travelling expenses, and no more, unless ordered by the town.

POWERS AND DUTIES OF SCHOOL AGENTS.

Agents to be
sworn; pow-
ers and
duties.
R.S., c. 11, § 60.
See §§ 4, 47,
74, 94, 95.
To call school
meetings.
See §§ 42, 43.

SEC. 93. Each school agent elected by the town or district, shall be 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; his duties and powers are as follows: (a)

I. In 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, which meeting shall be called by the agent without application therefor.

Provide fuel,
and for
repairs and
insurance.
See § 95.
24 Me., 350.

II. To provide fuel and utensils necessary for the schools, make repairs upon the school-houses and out-buildings, and procure insurance of the same if the district so directs; but no more than one tenth of the money apportioned to the district shall be expended for such repairs in one year, exclusive of fuel and insurance.

If agent neg-
lects, special
agent may be
appointed.

III. He shall, within the year for which he is chosen, perform all the duties required by law, and if he refuses or neglects so to do, so 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 discharge such duties, who shall be sworn, and have all the powers and perform all the duties of school agent for the district.

To account
for expen-
ditures.
See § 95.
20 Me., 545.

IV. 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.

Employing
teachers, to
notify com-
mittee or
supervisor as
to schools.
1872, c. 87, § 1.
See § 5.
74 Me., 463.

V. When school district agents are empowered by the town to employ teachers, they shall, before the commencement of a term of school, give written notice to some member of the school committee or to the supervisor, when it is to commence, whether to be taught by a master or mistress, and how long it is expected to continue.

Agents to
return list of
persons from
four to twenty-
one years
to committee.
R.S., c. 11, § 61.
1876, c. 142.
See §§ 15, 89,
93, ¶ 5.

SEC. 94. Each school agent shall return under oath to the assessors and school committee, in April, annually, a certified list of the names and ages of all persons in his district, from four to twenty-one years, corrected to the first day of said month, leaving out of said enumeration all persons coming from other places to attend any college or academy, or to labor in any factory, or at any manufacturing or other business.

Committee
may do duties
of agent.
R.S., c. 11, § 62.
See § 53.

SEC. 95. In school districts not having legal voters, the school committee of the town shall perform the duties imposed upon school agents by specifications two and four of section ninety-three.

(a) 20 Me., 441; 26 Me., 53.

DUTIES AND QUALIFICATIONS OF INSTRUCTORS.

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SEC. 96. Every teacher of a public school shall keep a register thereof, 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 during which 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 him; 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 paid for his services, until such register, properly filled, completed, and signed, is deposited with the school committee, or with a person designated by them to receive it.

Teachers to keep school register.
R.S., c. 11, § 63.
63 Me., 244.

—not to be paid until register is completed.

SEC. 97. 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 ornament 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, 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, truth, industry and patriotism.
R.S., c. 11, § 64.

SEC. 98. Whoever teaches a district school without first obtaining a certificate from the school committee of the town, forfeits not exceeding the sum contracted for his daily wages, for each day he so teaches, and is barred from receiving pay therefor; and no certificate shall be valid for more than one year without the approval of the superintending school committee annually indorsed thereon.

Forfeitures for teaching without certificate.
R.S., c. 11, § 65.
See § 87, ¶ 3.
20 Me., 155.
37 Me., 368.

SCHOOLS IN PLANTATIONS.

SEC. 99. Plantations 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 apportioned 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. The assessors of plantations may take a census of the inhabitants thereof, at the expense of the plantation, and when so taken, the money raised therein for schools shall be upon the basis of such census and not upon the census of the state.

Powers of plantations to form school districts.
R.S., c. 11, § 66.
61 Me., 449.

SEC. 100. School district meetings shall be called by the assessors of the plantation, on 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 school districts.

District meeting, how called.
R.S., c. 11, § 67.

SEC. 101. Such districts, at meetings called for the purpose, may raise money and choose committees to hire, buy or build a school-house

Districts may raise money and choose

CHAP. 11. 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, including wild lands, 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.

committee to provide school-houses.
R.S., c. 11, § 68.
See §§ 6, 48, ¶ 1.

STATE SUPERINTENDENT OF COMMON SCHOOLS.

Appointment and term of office.
R.S., c. 11, § 69.
1883, c. 229.

SEC. 102. The governor with the advice and consent of council shall appoint a state superintendent of common schools, who shall be sworn and continue in office three years, or during the pleasure of the executive ; vacancies shall be filled by a new appointment for a like term.

To have an office at the capital.
R.S., c. 11, § 70.

SEC. 103. An office shall be provided for him at the seat of government, where he shall preserve all school reports of this state and of other states which he may receive, the returns of the school committees of the various towns, and such books, apparatus, maps, charts, works on education, plans for school buildings, models, and other articles of interest to school officers and teachers as may be procured without expense, to the State.

Duties.
R.S., c. 11, § 71.
To exercise general supervision of schools.

SEC. 104. His duties are as follows :

I. To exercise a general supervision of all the public schools, and to advise and direct the town committees in the discharge of their duties, by circular letters and personal conference, devoting all his time to the duties of his office.

Obtain and disseminate information relating to school systems, &c.

II. To obtain information as to the school systems of other states and countries, and the condition and progress of common school education throughout the world ; to disseminate this information, with such practical hints upon the conduct of schools and the true theory of education as observation and investigation convince him to be important, by public addresses, circulars, and articles prepared for the press ; and to do all in his power to awaken and sustain an interest in education among the people, and to stimulate teachers to well directed efforts in their work.

Take necessary measures for holding state educational conventions.

III. To take such measures as he deems necessary to secure the holding of a state educational convention once each year, with a view of bringing together the teachers, school committees, and friends of education, for consultation with reference to the interest of common schools and the most approved method of instruction.

Hold county institutes.

IV. If sufficient encouragement is afforded by the citizens, to hold in each county once during each year a public meeting or institute for teachers and educators.

Publish abstract of proceedings of such conventions.
1875, c. 34.
Prescribe studies to be taught.
R.S., c. 11, § 71.
Make report to governor and council annually.
1880, c. 239, § 28.

V. To prepare and cause to be printed and distributed such portions of the proceedings of state institutes or teachers' conventions as he deems important in the furtherance of education.

VI. To prescribe the studies to be taught in the common schools, reserving to town committees the right to prescribe additional studies.

VII. Annually, to report to the governor and council the result of his inquiries and investigations, and the facts obtained from the school returns, with such suggestions and recommendations as in his judgment would best promote the improvement of common schools.

SEC. 105. Such superintendent shall prepare and print blank forms for all returns required by law, or deemed by him necessary, and shall, on the first day of each March, forward to town clerks, blanks for the annual school return, and registers for the school year commencing on the first day of April following; and said clerks shall forthwith deliver the same to the school committees of their towns.

SEC. 106. He shall, on the first day of each June, notify the school committee of any town whose returns were not received at his office in May, and shall, annually, ascertain on the first day of July, 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 treasurer of state.

NORMAL SCHOOLS.

SEC. 107. The northern normal school at Farmington, the eastern normal school at Castine, and the western normal school at Gorham, shall be conducted for the purposes and upon the principles herein set forth.

I. They shall be thoroughly devoted to the training of teachers for their professional labors.

II. The course of study shall include the common English branches in thorough reviews, and such of the higher branches as are especially adapted to prepare teachers to conduct the mental, moral and physical education of their pupils.

III. The art of school management, including the best methods of government and instruction, shall have a prominent place in the daily exercise of said schools.

IV. Said schools, while teaching the fundamental truths of Christianity, and the great principles of morality, recognized by law, shall be free from all denominational teachings, and open to persons of different religious connections on terms of equality.

V. The principals of the normal schools and of all other schools in which normal departments are supported, wholly or in part, by the State, shall keep a register containing the names of all students entering such schools or departments, the date of entering and leaving, their ages, number of days' attendance, the length of the term, a list of text-books used, and all other information required in the blanks furnished by the state superintendent. Such register and blanks shall be returned to said superintendent by the first day of each December, and the information so furnished shall appear in his annual report, for the use of the legislature.

SEC. 108. The course of study shall occupy two years with suitable vacations; and with the terms of admission shall be arranged by said superintendent, subject to the approval of the governor and council. The trustees may arrange for a course of study, occupying three years, for such students as elect to pursue the same.

SEC. 109. Any student who completes the course of study prescribed, and otherwise complies with the regulations of the school, shall receive a diploma certifying the same.

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Superintendent to prepare and forward to town clerks, blanks for school returns.
R.S., c. 11, § 73.

To notify delinquent committees; to return to state treasurer, number of school children.
R.S., c. 11, § 74.

Three normal schools, where located.
R.S., c. 11, § 83.
1878, c. 44.
R.S., c. 11, § 83.
Their objects.

Course of study.

Art of school management.

Christianity and morality to be taught to teachers, without sectarianism.

Principals of normal schools or normal departments in other schools, to forward to superintendent statistics of students therein; such information to be laid before legislature.
1872, c. 11.

Two years' course, arranged by superintendent.
R.S., c. 11, § 84.
—trustees may extend it.
1874, c. 190.
Diplomas to be issued.
R.S., c. 11, § 85.

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Applicants for admission, qualification of.
R.S., c. 11, § 86.

—tuition, to be free.

Trustees of normal schools, appointment of, &c.
1873, c. 114.

—term.

—compensation.

—powers and duties of.

—annual financial statement to governor and council.

Annual appropriation of \$19,000.
1881, c. 96,
§§ 1, 2.

—governor may draw warrants in favor of trustees.
1873, c. 114.

Forfeitures, how recovered and appropriated.
R.S., c. 11, § 88.

—penalty, if town neglects to expend money.

Penalty for disturbing schools.
R.S., c. 11, § 89.
27 Me., 278.
35 Me., 197.

Parents or guardians liable.
R.S., c. 11, § 90.

SEC. 110. Applicants for admission shall be sixteen years of age if females, and seventeen if males, and shall signify their intention to become teachers and come under obligation to teach in this state for at least one year, and if they receive a diploma, two years after they have graduated; on these conditions they shall be received without charge for tuition; but each pupil must pay one dollar and fifty cents for incidental expenses of the school.

SEC. 111. Said schools are under the direction of a board of seven trustees, five of whom shall be appointed by the governor, with the advice and consent of council, for not more than three years under one appointment; and the governor and superintendent of common schools are, by virtue of their office, members of the board. Each of the trustees appointed by the governor shall receive ten cents a mile for actual travel each way, and two dollars a day for his services when employed. Said board has charge of the general interests of said schools; shall see that the affairs thereof are conducted as required by law and by such by-laws as the board adopt; employ teachers and lecturers for the same; and, annually, on the first day of December lay before the governor and council, for the information of the legislature, a financial statement, furnishing an accurate detailed account of the receipts and expenditures for the school year preceding.

SEC. 112. For support of the three normal schools, nineteen thousand dollars is annually appropriated, to be expended under the direction of said trustees, which sum the treasurer of state shall deduct for said purpose from any school money raised for the support of common schools. The governor and council may, from time to time, as they think proper, draw warrants therefor on said treasurer in favor of said trustees.

PENAL PROVISIONS AFFECTING SCHOOLS.

SEC. 113. Forfeitures under this chapter, not otherwise provided for, may be recovered by indictment, and shall be paid into the treasury of the town where they occurred, 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; any town neglecting for one year, so to expend such money, forfeits an equal sum to any person suing therefor in an action of debt.

SEC. 114. Whoever, whether 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 present, and wilfully interrupts or disturbs the teacher or pupils by loud speaking, rude or indecent behavior, signs or gestures, or wilfully interrupts a school by prowling about the building, making noises, throwing missiles at the school-house, or in any way disturbing the school, forfeits not less than two nor more than twenty dollars, to be recovered as aforesaid, or on complaint.

SEC. 115. 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 damage occasioned thereby.

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—double damages.

SEC. 116. Whoever defaces the walls, benches, seats, blackboards, or other parts of any school-house or out-buildings belonging thereto, by obscene pictures, language, marks or descriptions, shall be fined not exceeding ten dollars, on complaint made within one year.

Penalty for defacing school-houses, out-buildings, &c.
1874, c. 165.
See c. 124, § 13.

STATE SCHOOL FUNDS.

SEC. 117. The treasurer of state shall keep a separate account of all moneys received from sales of lands appropriated for the support of schools or from 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 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.

Permanent school fund.
R.S., c. 11, § 91.
73 Me., 126.

See c. 47, § 37.

SEC. 118. The treasurer shall, immediately after the first day of July, apportion to the towns all state school funds for the year, according to the list of children furnished by the superintendent of common schools, as provided in section one hundred and six. The number of scholars belonging to a town from which either the school committee or the municipal authorities have failed to make the returns required by law, 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 until its return is made to the superintendent of common schools, nor so long as any state tax assessed upon such town remains unpaid.

Treasurer to apportion school funds.
1883, c. 129, § 2.
See §§ 6, 88, ¶ 9.

—basis when returns are not received.

—school funds not to be paid until return is made.

SEC. 119. A tax of one mill on a dollar shall annually be assessed upon all the property in the state according to the valuation thereof, and shall be known as the mill tax for the support of common schools.

Mill tax.
1872, c. 43, § 1.
68 Me., 582,
586.
73 Me., 126.

SEC. 120. This tax shall be assessed and collected in the same manner as other state taxes, and be paid into the state treasury and designated as the school mill fund.

How assessed and collected.
1872, c. 43, § 2.
73 Me., 126.

SEC. 121. This fund shall be distributed by the treasurer of state on the first day of January, annually, to the several cities, towns and plantations according to the number of scholars therein, as the same shall appear from the official return made to the state superintendent for the preceding year.

To be distributed in January, annually.
1872, c. 77, § 1.

SEC. 122. All of the school mill fund not distributed or expended during the financial year shall at its close be added to the permanent school fund.

Unexpended balance to be added to school fund.
1872, c. 43, § 4.
73 Me., 126.

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PROVISIONS RESPECTING LITERARY INSTITUTIONS.

Presidents of colleges, tenure of office.
R.S., c. 11, § 93.

SEC. 123. Presidents of colleges are removable at the pleasure of the trustees and overseers, whose concurrence is necessary for their election.

Fees for degrees conferred.
R.S., c. 11, § 94.

SEC. 124. No officer of a college shall receive as perquisites any fees for a diploma or medical degree conferred by such college, but such fees shall be paid into the college treasury.

Innholders, stable-keepers, and certain others, not to give credit to students.
R.S., c. 11, § 95.
—penalty.

SEC. 125. 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 forfeits a sum equal to the amount so credited, whether it has been paid or not, to be recovered in an action of debt by the treasurer of such institution; half to its use, and half to 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.

SCHOOL FOR THE DEAF.

Governor and council may send deaf persons to Hartford Asylum or to Portland school for deaf.
1879, c. 110, § 1.

SEC. 126. The governor, with approval of the council, may send such deaf persons as he deems fit subjects for instruction at the expense of the State, to the American Asylum at Hartford, Connecticut, or to the Portland School for the Deaf at Portland, as the parents or guardian may designate in their written application for aid.

Governor to pay for instruction, &c., by warrant.
1879, c. 110, § 2.
—not over \$175.00 a year per pupil.
Form of application.
1879, c. 110, § 3.

SEC. 127. The governor may draw his warrant for the sums necessary to pay for the instruction and support of such pupils as may be sent to said institutions, respectively, pursuant to the preceding section, the same not to exceed one hundred and seventy-five dollars a year for each pupil.

SEC. 128. The following blank forms shall be used in all applications :

_____, _____, 18—.

"To His Excellency, the Governor of the State of Maine :

I, _____, of the town of _____, in the county of _____, and State of Maine, respectfully represent to your Excellency that my _____, aged _____ years, is deaf, and cannot be properly instructed in the public schools of this state; and that I am unable, in addition to my other necessary expenditures, to defray the expense attending _____ instruction and support. I therefore respectfully request that your Excellency will send _____ either to the American Asylum at Hartford, Connecticut, or to the Portland School for the Deaf at Portland."

(Signed) _____.

_____, _____, 18—.

"The undersigned, being acquainted with _____, a resident of the _____ of _____, are of the opinion that the foregoing statement made by _____ is true, and that _____ is entitled to the benefit of the legislative appropriation for the education of deaf persons.

(Signed)

_____, Mayor
 _____,
 _____,
 _____,
 _____,
 _____,
 _____,
 _____,
 _____, } Aldermen
 of the city of _____.
 or _____,
 _____,
 _____, } Selectmen of the town of _____.

_____, _____, 18—.

I hereby certify that the above named _____, a deaf person, is free from all contagious diseases, and, as I believe, from all immoralities of conduct; is neither sickly nor mentally weak, and is a fit subject for instruction at the expense of the State.

(Signed)

_____, M. D.

Questions to be answered by the parent or guardian:

1. Names of parents.
2. Residence.
3. Birthplaces of parents.
4. Were either of them deaf and dumb?
5. Have they other children deaf and dumb?
6. Name of child.
7. Birthplace of child.
8. Was the child born deaf and dumb?
9. Has the child ever spoken?
10. If it has, when was hearing lost?
11. What was the cause?
12. Has the child ever been to school?
13. How much has the child been taught?
14. Do you prefer to have the child sent to the American Asylum at Hartford, or to the Portland school for the Deaf at Portland?
15. Is the child mentally weak?
16. Does the child now speak; if so, how many words?
17. Remarks.