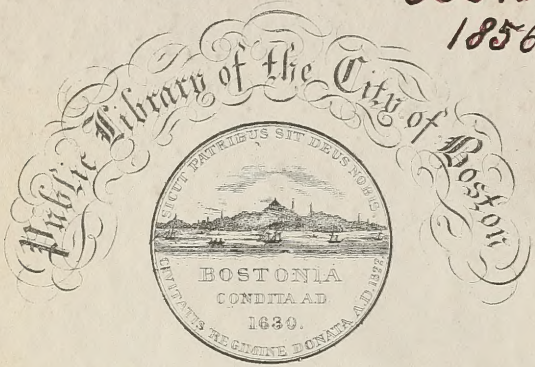


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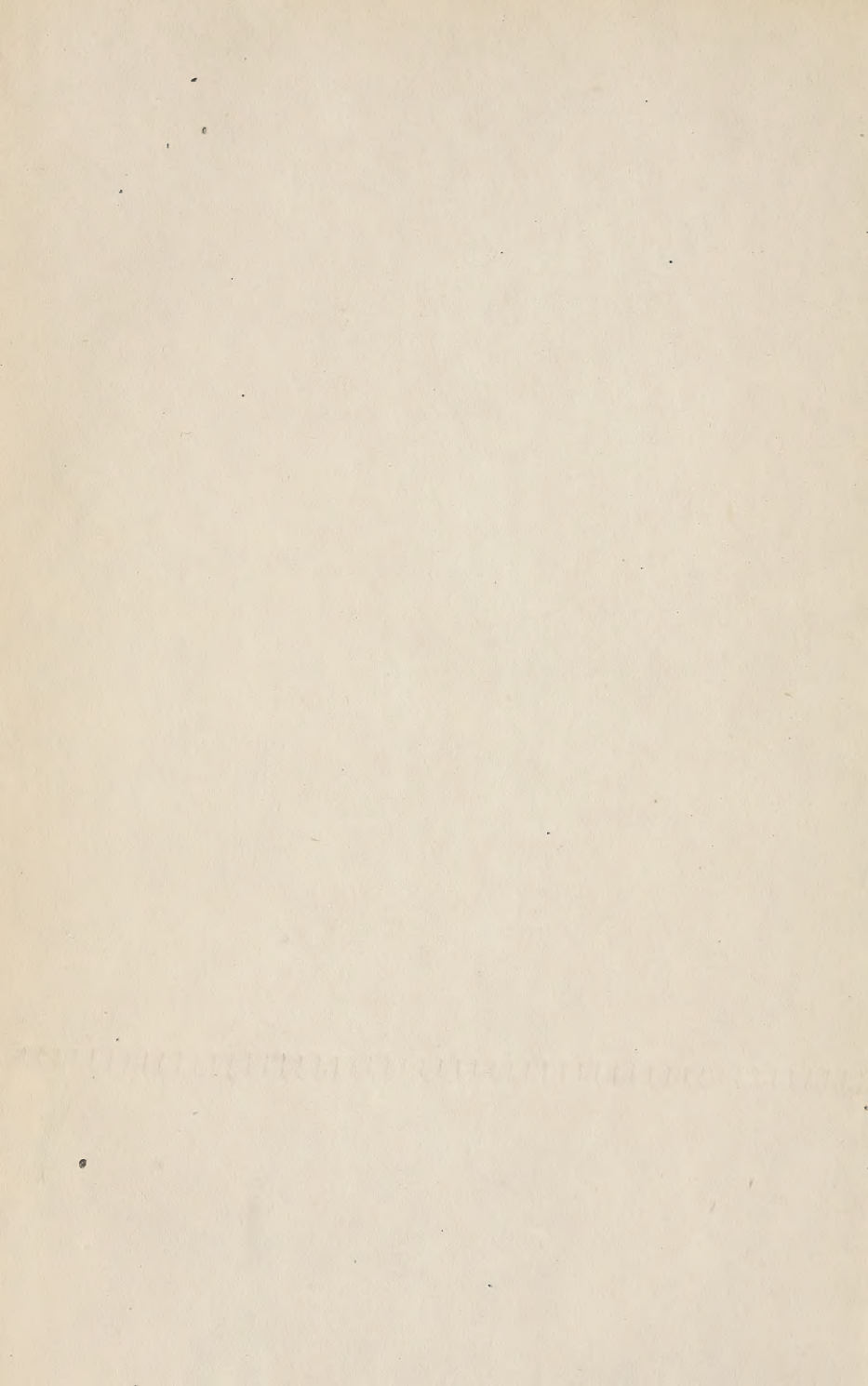
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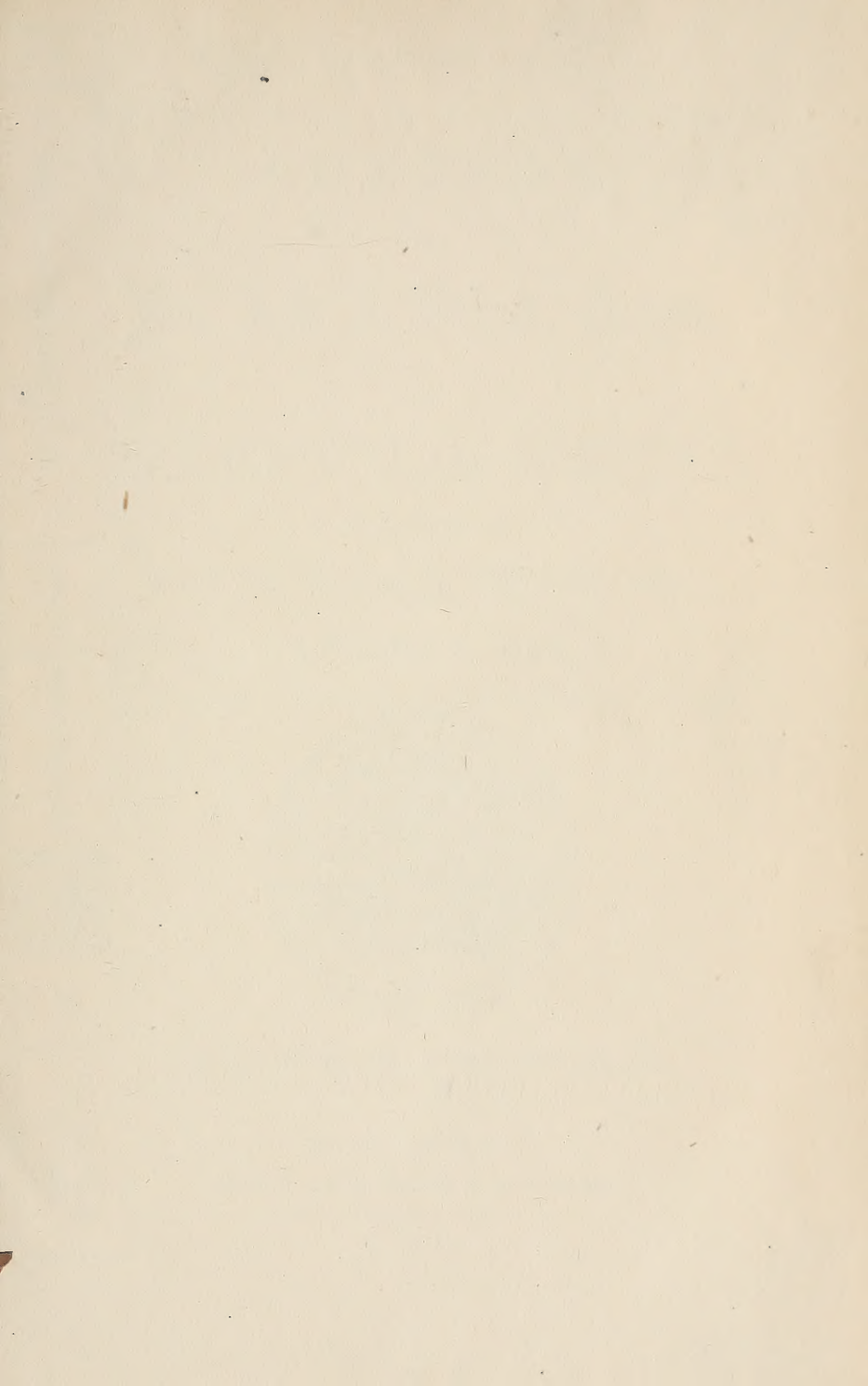
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MINORITY REPORT

OF THE

JOINT SPECIAL COMMITTEE

ON THE SUBJECT OF THE

DONATION OF HON. LINUS B. COMINS

TO ONE OF THE PUBLIC SCHOOLS OF ROXBURY.



ROXBURY:

NORFOLK COUNTY JOURNAL PRESS.

1856.

CITY OF ROXBURY.

IN COMMON COUNCIL, Feb. 25, 1856.

ORDERED, That Messrs. NICHOLS, BUMSTEAD, and PERKINS be a Committee, with such as the Board of Aldermen may join, to ascertain what sum of money, if any, may be in the hands of the Government, or may have been expended in any manner, being the whole or a portion of any donation from the Hon. LINUS B. COMINS.

Sent up for concurrence.

JOSHUA SEAVER, *Clerk.*

IN BOARD OF ALDERMEN, March 17, 1856.

Concurred. And the MAYOR and Alderman ROBINSON were joined.

JOSEPH W. TUCKER, *City Clerk.*

IN BOARD OF ALDERMEN, March 31, 1856.

Report read; and it was ordered that it be laid upon the table, and twelve hundred copies be printed for distribution.

JOSEPH W. TUCKER, *City Clerk.*

IN COMMON COUNCIL, April 14th, 1856.

Mr. BUMSTEAD, from the Minority of the Committee, submitted the following Report, which was read, and, on motion of Mr. WILLIAMS, laid on the table, and twelve hundred copies ordered to be printed for distribution.

JOSHUA SEAVER, *Clerk.*

The undersigned, a member of the Joint Special Committee, to whom was referred an order "to ascertain what sum of money, if any, may be in the hands of the Government, or may have been expended in any manner, being the whole or a portion of any donation from the Hon. LINUS B. COMINS," would respectfully submit a

MINORITY REPORT:

With the statement of facts, as submitted by the Committee, the undersigned has no serious objections; and if the committee had been willing that the mere facts in the case should alone be presented, without giving their opinion on the same, there would have arisen no necessity for a minority report; for whilst they acknowledge the fact, that the sum of one hundred and thirty dollars, being "a portion of a donation from the Hon. Linus B. Comins," for the benefit of "The Comins Grammar School for Girls," has been expended by the Board of School Committee and Trustees, and the books thus purchased are now in possession of the school, and yet come to the conclusion, that "whatever may have been the action of the School Committee, such action cannot affect the relation of the City Council towards this donation," is a statement not warranted by the facts in the case, nor is it in accordance with that spirit of equity, that should at all times govern the actions of the City Government in all their intercourse with their fellow-citizens.

It appears by the records of the School Committee, that the Hon. Linus B. Comins made a donation of six hundred dollars for the benefit of "The Comins Grammar School for Girls," as an acknowledgment of his appreciation of a "compliment, than which none other could be more grateful to his feelings;" and that the sum of one hundred dollars was to be expended for Books of Reference, for the teachers and pupils, and the sum of five hundred dollars, to constitute a permanent fund, the interest accruing on the same, to be expended on the library of the school; and that this sum of five hundred dollars was to be held in trust by the Chairman of the Board of School Committee, the Mayor of the city, and the President of the Common Council as *ex officio*.

It appears by evidence submitted to the committee, that the amount of five hundred dollars has never been in the hands of either branch of the City Council, and consequently, has never been invested by them, or have they had any control over it; but that the Board of Trustees temporarily invested it, in the Sunday School Union Society, taking their note for the same, and depositing it in the hands of the City Treasurer, subject to delivery, at any time, on presentation of his receipt for the same. It is thus apparent, the City Council has no control over the five hundred dollars; for when it becomes necessary to return to the donor this portion of his donation, it can be done without the action of the City Council.

But in regard to the sum of one hundred and thirty dollars, being a portion of the donation, with interest on the same, which has been expended for books by the School Committee and Trustees, is now the property of the City, and as such, is in the care of the Joint Standing Committee on Public Property, and under the control of the City Council, for the safe keeping of which, the city has provided a suitable book-case, or shelves, and that these books have been, and are, accessible to the teachers and

pupils of the public schools of this city, and they are now enjoying the advantages of this portion of a donation from the Hon. Linus B. Comins.

It likewise appears by an ordinance of the City Council, that the School Committee have no power to expend over fifty dollars, at any one time, for expenditures on the property of the city, and they have no power to dispose, bargain, pledge, or give away any of the property in their possession; and, since it is very evident that the books thus purchased from a portion of the donation has become the property of the city, and as such, is under the control of the City Council, that when it becomes necessary to return this portion of the donation, it can only be done by the joint action of the City Council, consequently, the action of the School Committee does "affect the relation of the City Council towards this donation for the Comins Grammar School for Girls."

On the 10th of March, the City Council adopted an order, giving the name of "Eliot School" to the building on Gore Avenue, and by this act, jeopardise the benefit to be derived from an annual appropriation to the library of the school; but before the donation is returned, it is important to ascertain if the school has forfeited its claims to the donation, by the late action of the City Council; if it should appear there is no "Comins Grammar School for Girls in the City" of Roxbury, it is very plain, that, as an act of justice, the donation should be returned, since there would cease to be an object for which the donation was made. If the City Council take away the consideration for which the donation was made, they are in duty bound, on the grounds of equity, at least, to see that the money is returned, at any rate, such portion of it as is under their control.

The cause of education is dear to the hearts of our citizens, as is apparent by the fact, that for the past year more than \$43,000 was expended, being more than one-

fourth part of the whole expenses of the City Government during the year, and as the population of the city increases, the annual appropriation for schools must be enlarged, which will, no doubt, be as liberally provided for in the future, as they have been willing in the past, to meet the wants of the School Committee, well knowing they are a body of men selected for their intelligence, their talent, and their peculiar adaptedness to fill the sacred and responsible station of "the care and superintendence of the public schools,"—being elected to office by the suffrages of their fellow citizens—responsible to their constituents, and amenable to the laws of the Commonwealth, especially provided for their guidance. From this intelligent body of men, Mr. Comins received the compliment of having his name given to one of the public schools under their charge, and acknowledged his appreciation of the compliment by a donation, especially made for the benefit of the school thus bearing his name; if, then, the City Council take away, or substitute any other name than that through which they can only receive the benefit of this donation, it must be apparent, there is but one course of action for the City Council to pursue, and it should be, such as the claims of right and justice would dictate.

In order to ascertain what control the City Council have over this donation, we have only to ask;—can the donation, or any portion of it, be returned to the donor without the action of the City Council?

The note of five hundred dollars given by the Sunday School Union Society, now in possession of the City Treasurer, can be obtained, at any time, on presentation of his receipt, now held by the chairman of the School Committee, and can be returned to the donor without the action of the City Council.

In regard to the one hundred and thirty dollars, it is very evident that the School Committee have no power

to return this amount, and the only power that can be called to exercise this act, is the joint action of the City Council; and "the conclusion is inevitable," that at least the amount of one hundred and thirty dollars, being "a portion of a donation from the Hon. Linus B. Comins," is in possession of the City Government, and cannot be returned except by the joint action of the City Council.

EBEN'R W. BUMSTEAD.



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Any book detained more than a week beyond the time limited, will be sent for at the expense of the delinquent.

No book is to be lent out of the household of the borrower.

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Every book must, under penalty of one dollar, be returned to the Library at such time in August as shall be publicly announced.

The card must be presented whenever a book is returned. For renewing a book the card must be presented, together with the book, or with the shelf-numbers of the book.

