

UC-NRLF



\$B 20 606

LB

2529

M43

1875

GENERAL STATUTES

OF THE

Commonwealth of Massachusetts

RELATING TO THE

PUBLIC SCHOOLS,

WITH THE

ALTERATIONS AND AMENDMENTS

To 1876.

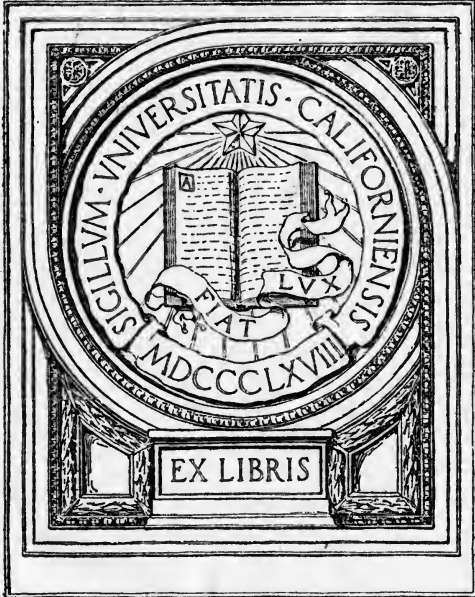
BOSTON:

WRIGHT & POTTER, STATE PRINTERS.

79 MILK STREET (CORNER OF FEDERAL).

1875.

GIFT OF



EX LIBRIS



Digitized by the Internet Archive
in 2007 with funding from
Microsoft Corporation

THE
GENERAL STATUTES

OF THE

Commonwealth of Massachusetts

RELATING TO THE

PUBLIC SCHOOLS,

WITH THE

ALTERATIONS AND AMENDMENTS

To 1876.

BOSTON:

WRIGHT & POTTER, STATE PRINTERS,
79 MILK STREET (CORNER OF FEDERAL).

1875.

16 Oct 18

LB2:529

M43

1875-

LIBRARY OF THE
CONGRESS

N O T E .

Soon after the publication of the General Statutes, Mr. Boutwell published as a part of the Twenty-fourth Report of the Secretary of the Board, the school laws as then just revised, with a valuable commentary. This report gave valuable aid to the teachers and to all persons having the supervision of the schools. The edition becoming exhausted, a pamphlet edition of the school laws was published in 1867, embracing all the amendments made up to the time of publication, without note or comment, except that references to the early amendments, to the Acts and Resolves previous to the General Statutes, and to the decisions of the supreme court, were noted in the margin.

Although a large edition was printed, it is now exhausted; moreover, numerous and important changes in the laws have been made in the interim, making it difficult to ascertain the state of the laws in many important particulars, so that there is an urgent demand for another revised edition. To meet this demand is the main business of this Report.

In preparing this edition I have endeavored to incorporate the amendments with the text of the several chapters, wherever this could be done without a change of the language of the amendment; when this was not practicable, the amendment is printed as a whole immediately following the section or sections to which it applies. In either case the new matter is enclosed in brackets, thus [], with marginal references to chapter quoted and the date thereof.

Following each chapter will be found brief comments upon the more important sections, taken in considerable part from the twenty-fourth report, also enclosed in brackets.

In addition to these are the decisions of the supreme judicial court, in such cases as have arisen for adjudication. This is a new, and, I cannot but think, a valuable feature.

The comments and decisions are printed at the close of each chapter, and the several sections to which they refer are indicated by their number thus—(Sect. 4.)

LAWS RELATING TO PUBLIC SCHOOLS.

ANCIENT LAWS.

“Forasmuch as the good Education of Children is of Singular behoofe and benefit to any Commonwealth, and whereas many Parents and Masters are too indulgent and negligent of their duty in that kind ;

“It is Ordered, that the chosen men for managing the prudentials of every Town, in the several Precincts and quarters where they dwell, shall have a vigilant eye over their neighbors, to see, First that none of them shall suffer so much Barbarism in any of their families, as not to endeavor to teach, by themselves or others, their Children and Apprentices, so much learning as may enable them to read perfectly the English tongue, and a knowledge of the Capital Laws, upon penalty of twenty shillings for each neglect therein.”

“It being one chiefe project of thatould deluder, Sathan, to keepe men from the knowledge of the Scriptures, as in former times by keeping them in an unknowne tongue, so in these latter times by perswading from the use of tongues, that so at least the true sence and meaning of the originall might be clouded by false glosses of saint seeming deceivers, that learning may not be buried in the grave of our fathers in the church and commonwealth, the Lord assisting our endeavors

“It is therefore ordered, that every township in this jurisdiction, after the Lord hath increased them to the number of 50 householders, shall then forthwith appoint one within their towne to teach all children as shall resort to him to write and read, whose wages shall be paid either by the parents or masters of such children, or by the inhabitants in generall, by way of supply, as the major part of those that order the prudentials of the towne shall appoint ; provided those that send their children be not oppressed by paying much more than they can have them taught in other townes ;—And it is further ordered that where any towne shall increase to the number of 100 families or householders they shall set up a grammar schoole, the master thereof being able to instruct youth so farr as they may be fited for the university ; provided that if any towne neglect the performance hereof above one yeare, every such towne shall pay 5^s to the next schoole till they shall perform this order.”

Mass. Col. Records, vol. 2, p. 203, Nov. 11, 1647.

CONSTITUTION OF MASSACHUSETTS.

Provisions Relating to Schools.

[Chap. 5, Sect. 2.]

“Wisdom, and knowledge, as well as virtue, diffused generally among the body of the people, being necessary for the preservation of their rights and liberties; and as these depend on spreading the opportunities and advantages of education in the various parts of the country, and among the different orders of the people, it shall be the duty of legislatures and magistrates, in all future periods of this Commonwealth, to cherish the interests of literature and the sciences, and all seminaries of them; especially the university at Cambridge, public schools and grammar schools in the towns; to encourage private societies and public institutions, rewards and immunities, for the promotion of agriculture, arts, sciences, commerce, trades, manufactures, and a natural history of the country; to countenance and inculcate the principles of humanity and general benevolence, public and private charity, industry and frugality, honesty and punctuality in their dealings; sincerity, good humor, and all social affections, and generous sentiments among the people.”

Duty of legislatures and magistrates in all future periods.

[Amendments, Art. 18.]

“ART. XVIII. All moneys raised by taxation in the towns and cities for the support of public schools, and all moneys which may be appropriated by the State for the support of common schools, shall be applied to, and expended in, no other schools than those which are conducted according to law, under the order and superintendence of the authorities of the town or city in which the money is to be expended; and such moneys shall never be appropriated to any religious sect for the maintenance exclusively of its own school.”

School money not to be applied for sectarian schools.

The foregoing amendment has received a judicial construction by the supreme court, so important in its bearings upon questions constantly arising, that I give, in addition to the reporter's abstract of the opinion of the court, the principal facts of the case presented for adjudication. (See *Jenkins and others v. Inhabitants of Andover and others*, 103 Mass. Rep., p. 94.)

The facts are in brief as follows:—Benjamin H. Punchard, an inhabitant of Andover, made the following bequest in his last will: “The residue of my property, not exceeding fifty thousand dollars, I give and bequeath to the town of Andover,

for the purpose of founding a free school, forty thousand dollars for a permanent fund for the support of said school, and ten thousand dollars for the necessary buildings, etc. . . . Said school shall be under the direction of eight trustees, of whom the rector of Christ Church to be one, also the ministers of the South Parish and West Parish to be members also, the remaining five to be chosen by the inhabitants of Andover in town meeting, to serve for three years, two of whom to be taken from Christ Church Parish, two from the South Parish Society, and one from the West Parish Society; said school to be free for all youths resident in Andover, under the restrictions of the trustees as to age and qualifications; no sectarian influence to be used in the school, the Bible to be in daily use, and the Lord's prayer, in which the pupils shall join audibly with the teacher in the morning at the opening; the said trustees also to determine and decide whether the school shall be for males only, or for the benefit of both sexes; said school to be located in the South Parish of Andover, and to be free to all the parishes equally." The will was proved in 1850. The persons designated as trustees were incorporated in 1851, and the school established. The town was released from its obligations to maintain a High School, the purpose being that the Punchard Free School should be to the people a High School such as the statutes required.

The school-house was burned, and by vote in town meeting, the inhabitants procured the enactment of the following:—

[Chap. 396, Laws, 1869.]

"SECT. 1. The town of Andover is hereby authorized to raise by taxation and to appropriate a sum not exceeding twenty-five thousand dollars, to aid the trustees of the Punchard Free School in erecting and furnishing a suitable edifice to be used and occupied in place of a high school for said town; also, to raise and appropriate annually, a sum not exceeding two thousand dollars, in any one year to aid in defraying the annual expenses of said Punchard Free School.

"SECT. 2. Said town shall hereafter have and exercise a perpetual right to choose a majority of the board of trustees of said school, and said school shall be under the order and superintendence of said trustees, and they shall perform all the duties and exercise all the powers in relation to said Punchard Free School, now performed and exercised by the general school committee in relation to the public schools of said town.

“SECT. 3. Said Punchard Free School shall at all reasonable times be open to the inspection and examination of the general school committee of said town, that they may ascertain its condition and management, and they shall include a report thereof in their annual report to the town. They shall also have the right to recommend for admission to said school such pupils of the public schools as they may deem qualified therefor.”

Under the authority granted by this Act, at a town meeting July 6, 1869, the following votes were passed:—

“*Voted*, That it is expedient that the town aid in rebuilding the Punchard Free School.

“*Voted*, That the town aid the trustees of the Punchard Free School in rebuilding their school-house recently destroyed by fire, to an amount not exceeding the sum of twenty-five thousand dollars, said aid to be furnished said trustees under the direction of a committee of five to be appointed by the selectmen, who shall see that the rights of the town in the property of said house be sufficiently secured.

“*Voted*, That the money hereby appropriated be raised by loan, and paid in instalments by taxation of not more than five thousand dollars and the interest in any one year, unless the town shall otherwise order.”

In an action brought by certain parties against the inhabitants of Andover and others for an injunction to restrain from doing or attempting to do anything under or by virtue of the above votes, it was decided by the supreme court that—

“A town has no authority independently of statute law; nor, under the eighteenth article of amendment of the Constitution of the Commonwealth, can take authority by statute, to raise by taxation and appropriate money to support a school, as a public school, which is founded by a charitable bequest that vests the order and superintendence of it in trustees, who, though a majority of them are to be chosen by the inhabitants of the town, yet are limited to be members of certain religious societies.

“The statute of 1869, chapter 396 is unconstitutional and invalid, so far as it purports to authorize the town of Andover to raise by taxation and appropriate money to aid the trustees of the Punchard Free School to build a school-house ‘to be used and occupied in place of a high school for said town,’ and to aid in defraying the annual expenses of said school.”

The injunction was made perpetual.

LAWS RELATING TO PUBLIC SCHOOLS.

Of Public Instruction and Regulations Respecting Children.

CHAPTER 34.—Of the Board of Education.

CHAPTER 35.—Of Teachers' Institutes and Associations.

CHAPTER 36.—Of the School Funds.

CHAPTER 37.—Of State Scholarships.

CHAPTER 38.—Of the Public Schools.

CHAPTER 39.—Of School Districts.

CHAPTER 40.—Of School Registers and Returns.

CHAPTER 41.—Of the Attendance of Children in the Schools.

CHAPTER 42.—Of the Employment of Children and Regulations respecting them.

CHAPTER 34.—*Of the Board of Education.*

SECTION

1. Board of education, how organized; term of office; vacancies.
2. May take grants, devises, etc., in trust for educational purposes; to pay all moneys to treasurer.
3. Shall prescribe form of school registers, and of blanks for returns; transmit abstract of returns, and report to legislature.
4. May appoint secretary, who shall make abstracts, collect and diffuse information, etc.
5. Secretary shall suggest improvements,

SECTION

- visit different places, collect books, receive reports, &c.
6. Secretary shall give notice and attend meetings, and collect information, etc.
7. Shall send blank forms and reports to clerks of towns and cities,
8. Compensation of secretary, and expenses of office.
9. Board may appoint agents to make inquiry, etc.
10. Expenses of board, how paid.
11. Assistant state librarian may act as clerk.

SECT. 1. The board of education shall consist of the governor and lieutenant-governor, and eight persons appointed by the governor with the advice and consent of the council, each to hold office eight years from the time of his appointment, one retiring each year in the order of appointment; and the governor, with the advice and consent of the council, shall fill all vacancies in the board which may occur from death, resignation, or otherwise.

Board of education, how organized; term of members; vacancies.

SECT. 2. The board may take and hold to it and its successors, in trust for the Commonwealth, any grant or devise of lands, and any donation or bequest of money or other personal property, made to it for educational purposes; and shall forthwith pay over to the treasurer of the Commonwealth, for safe keeping and investment, all money and other personal property so received. The treasurer shall from time to time invest all such money in the name of the Commonwealth, and shall pay to the board, on the warrant of the governor, the income or principal thereof, as it shall from time to time require; but no disposition shall be made of any devise, donation, or bequest, inconsistent with the conditions or terms thereof. For the faithful

May take grants, etc., in trust for educational purposes, etc. Duty of treasurer.

management of all property so received by the treasurer he shall be responsible upon his bond to the Commonwealth, as for other funds received by him in his official capacity.

SECT. 3. The board shall prescribe the form of registers to be kept in the schools, and the form of the blanks and inquiries for the returns to be made by school committees; shall annually on or before the third Wednesday of January lay before the legislature an annual report containing a printed abstract of said returns, and a detailed report of all the doings of the board, with such observations upon the condition and efficiency of the system of popular education, and such suggestions as to the most practical means of improving and extending it, as the experience and reflection of the board dictate.

Shall prescribe form of school registers, and blanks for returns, etc.

SECT. 4. The board may appoint its own secretary, who, under its direction, shall make the abstract of school returns required by section three; collect information respecting the condition and efficiency of the public schools and other means of popular education; and diffuse as widely as possible throughout the Commonwealth information of the best system of studies and method of instruction for the young, that the best education which public schools can be made to impart may be secured to all children who depend upon them for instruction.

May appoint secretary, who shall make abstracts, etc.

SECT. 5. The secretary shall suggest to the board and to the legislature, improvements in the present system of public schools; visit, as often as his other duties will permit, different parts of the Commonwealth for the purpose of arousing and guiding public sentiment in relation to the practical interests of education; collect in his office such school-books, apparatus, maps and charts, as can be obtained without expense to the Commonwealth; receive and arrange in his office the reports and returns of the school committees; and receive, preserve, or distribute, the state documents in relation to the public school system.

Secretary shall suggest improvements, etc.

SECT. 6. He shall, under the direction of the board, give sufficient notice of, and attend such meetings of teachers of public schools, members of the school committees of the several towns, and friends of education generally in any county, as may voluntarily assemble at the time and place designated by the board; and shall at such meetings devote himself to the object of collecting information of the condition of the public schools of such county, of the fulfilment of the duties of their office by members of the school committees of all the towns and cities, and of the circumstances of the several school districts in regard to teachers, pupils, books, apparatus, and methods of education, to enable him to furnish all information desired for the report of the board required in section three.

Shall give notice and attend meetings, etc.

SECRET. 7. He shall send the blank forms of inquiry, the school registers, the annual reports of the board, and his own annual report, to the clerks of the several towns and cities as soon as may be after they are ready for distribution.

Secretary shall send forms and reports to town clerks, etc.

SECRET. 8. [He shall receive an annual salary of three thousand dollars, and also the sum of four hundred dollars in full compensation for travelling expenses to be paid out of the moiety of the school fund applicable to educational purposes] and all postages and other necessary expenses arising in his office, shall be paid out of the treasury in the same manner as those of the different departments of the government.

Compensation of secretary, and expenses of office. 1867, 276.

SECRET. 9. The board may appoint one or more suitable agents to visit the several towns and cities for the purpose of inquiring into the condition of the schools, conferring with teachers and committees, lecturing upon subjects connected with education, and in general of giving and receiving information upon subjects connected with education, in the same manner as the secretary might do if he were present.

Board may appoint agents to make inquiry, etc.

SECRET. 10. The incidental expenses of the board, and the expenses of the members thereof incurred in the discharge of their official duties, shall be paid out of the treasury, their accounts being first audited and allowed.

Expenses of board, how paid.

SECRET. 11. The assistant librarian of the state library shall act when necessary as clerk of the board.

Clerk.

(SECT. 1.)

["As the Board of Education is constituted," says Secretary Boutwell in the Twenty-fourth Annual Report, "it is at once conservative and progressive. The governor and lieutenant-governor are annually elected, and they are the immediate representatives of popular sentiment. The eight permanent members are appointed by the governor, with the consent of the council, and they are usually selected for their ability, integrity and interest in the subject of education. They also represent the popular sentiment, but in such a manner that changes in public opinion must be well considered before a change of policy can be secured. On the one hand, the Board of Education can never become indifferent to the public judgment, nor, on the other hand, is it liable to be suddenly affected by a movement which is temporary in its character. As in no other State or country have the facilities for public education been so

good during the last quarter of a century as in Massachusetts, so in no other State or country has there existed a department of the government, charged with the duty of superintending public schools, that combined in so high a degree the statesman-like qualities of power, conservation and progress.”]

[The following is a complete list of the members of the Board from its organization to the present time. The persons are named in the order of their appointment, or connection with the Board, and they represent the various religious denominations, learned professions, and political parties :—]

Names of Members of the Board since its Establishment in 1837.

James G. Carter.	Edwin H. Chapin.	Russell Tomlinson.
Emerson Davis.	Henry B. Hooker.	Erastus O. Haven.
Edmund Dwight.	Stephen P. Webb.	David H. Mason.
Horace Mann.	Thomas Kinnicutt.	John P. Marshall.
Edward A. Newton.	Joseph W. Ingraham.	Emory Washburn.
Robert Rantoul, Jr.	John A. Bolles.	Abner J. Phipps.
Thomas Robbins.	George B. Emerson.	James Freeman Clarke.
Jared Sparks.	Charles K. True.	William Rice.
Originally appointed in 1837.	Mark Hopkins.	John D. Philbrick.
	Edward Otheman.	Samuel T. Seelye.
George Putnam.	Isaac Davis.	George D. Wilde.
Charles Hudson.	Alexander H. Vinton.	Gardiner G. Hubbard.
George N. Briggs.	George S. Boutwell.	Alonzo A. Miner.
William G. Bates.	Henry Wheatland.	Henry Chapin.
John W. James.	Hosea Ballou.	Constantine C. Esty.
Elisha Bartlett.	Ariel Parish.	Edward B. Gillett.
Heman Humphrey.	Cornelius C. Felton.	Phillips Brooks.
Stephen C. Phillips.	Alonzo H. Quint.	Christopher C. Hussey.
Barnas Sears.	William A. Stearns.	

EX OFFICIIS.

<i>Governors.</i>	Alexander H. Bullock	William C. Plunkett.
Edward Everett.	William Claffin	Simon Brown.
Marcus Morton.	William B. Washburn.	Henry W. Benchley.
John Davis.	William Gaston.	Eliphalet Trask.
George N. Briggs.	<i>Lieutenant-Governors.</i>	John Z. Goodrich.
George S. Boutwell.	George Hull.	John Nesmith.
John H. Clifford.	Henry H. Childs.	Joel Hayden.
Emory Washburn.	John Reed.	William Claffin.
Henry J. Gardner.	Henry W. Cushman.	Joseph Tucker
Nathaniel P. Banks.	Elisha Huntington.	Thomas Talbot.
John A. Andrew.		Horatio G. Knight.

(SECT. 3.)

[The Board of Education have annually submitted to the legislature a report of their doings and of the condition of the schools in the State. It has contained extracts from the reports of the committees of the several cities and towns, and an abstract of the annual returns. These returns have given the valuation and population of each town, the appropriations for schools, the wages of teachers, the attendance of children; and, in fine, every needed fact for the information of the legislature and the public. By the aid of these abstracts it is easy for any person to form an accurate opinion concerning the schools of the Commonwealth. Graduated tables are also prepared, which show the relative standing of the several municipalities, and these tables have been used with wonderful power to bring up the indifferent towns to the proper performance of their duty. The school returns first required by law in 1826 (chap. 143, § 8), and especially the establishment of the school fund in 1834, had wrought a favorable change, but the reformation did not really commence until the establishment of the Board of Education. There was not a ready acquiescence in the last measure, and it was not adopted without serious opposition. But the establishment of the school fund and the organization of the Board of Education have led to a complete revolution in the educational condition of the State. It is not easy to realize the nature and extent of the changes that have taken place. Previous to 1834, many towns entirely neglected to institute systematic superintendence of the schools; and it is not known that a school committee's report had been read in open town meeting before the year 1830. Concord claims the honor of leading in this custom.]

(SECT. 4.)

[Under the authority to appoint a Secretary, the Board of Education elected Horace Mann, who continued in office twelve years, and prepared the first twelve annual reports. His successor, Barnas Sears, held office seven years, and prepared the annual reports from the thirteenth to the nineteenth, inclusive. The twentieth, twenty-first, twenty-second and twenty-third reports were prepared by George S. Boutwell, the third Secre-

tary of the Board.] The subsequent volumes have been prepared by the present Secretary.

(SECT. 9.)

[The authority conferred by the ninth section was first given to the Board of Education in 1851, and twice renewed, in 1853 and 1857. The commissioners and the legislature charged with the revision of the General Statutes, saw fit to give to these transitory enactments the form of permanent law.

The nature of the duties assigned to the agents, and the manner of their performance, were fully set forth by Dr. Sears, in the Fourteenth, Sixteenth and Eighteenth Annual Reports of the Secretary of the Board of Education, and by Mr. Boutwell in the Twentieth Annual Report.

The reasons for the continuance of the agency all remain in force, and the experience of the entire period demonstrates the utility of the work performed. The plan of labor has from time to time been changed. Of late years it has been the custom for the agents to spend a day in each town visited. The forenoon, when practicable, is devoted to an examination of schools; in the afternoon the agent holds a meeting, upon the plan of a teachers' institute, for the purpose of conference with teachers and committees, and the presentation and illustration of methods of instruction; and in the evening, the agent delivers a lecture upon the general subject of education.

Its importance is due to the fact that our system of education is a popular one, and that our schools will, in the main, represent the popular ideas. Hence it is important to elevate the public sentiment to that degree that every improved method of teaching will be readily received. While our Normal Schools, Teachers' Institutes, teachers' associations, and the educational press are furnishing accomplished and progressive teachers, and presenting better ideas of the work, it is of the first importance to prepare the public mind to welcome and appreciate the labors of those who are able to do best.]

CHAPTER 35.—*Of Teachers' Institutes and Associations.*

SECTION

1. Board of education to arrange for meeting of teachers' institutes.
2. Expenses of, how paid.

SECTION

3. Board to regulate length of session and expense.

SECT. 1. When the board of education is satisfied that fifty teachers of public schools desire to unite in forming a teachers' institute, it shall, by a committee of its body, or by its secretary, or, in case of his inability, by such person as it may delegate, appoint and give notice of a time and place for such meeting, and make suitable arrangements therefor.

Teachers' institutes, meetings of.

SECT. 2. To defray the necessary expenses and charges, and procure teachers and lecturers for such institutes, the governor may draw his warrant upon the treasurer for a sum not exceeding [four] thousand dollars per annum, to be taken from that portion of the income of the school fund not apportioned for distribution to the several cities and towns for the support of public schools.

Expenses of, how paid. 1846, 99, §§ 2, 3. 1854, 300, §§ 3, 4. Resolves, 1850, 65. 1870, 298, § 1.

SECT. 3. The board may determine the length of time during which a teachers' institute shall remain in session, and what portion, not exceeding three hundred and fifty dollars, of the sum provided for in the preceding section shall be appropriated to meet the expenses of any such institute; and the board, its secretary, or any person by it duly appointed, may draw upon the treasurer therefor.

Length of, and expense.

[Chap. 58, 1864, substituted for Sections 4 and 5.]

[SECT. 1.] When a county association of teachers and others, holds an annual meeting of not less than two days, for the express purpose of promoting the interests of public schools, it shall receive twenty-five dollars from the Commonwealth.

When meetings are held, county associations to receive \$25 a year.

SECT. 2. Upon the certificate, under oath, of the president and secretary of such association to the governor, that a meeting has been held in accordance with the provisions of the preceding section, he shall draw his warrant in favor of such association, for the sum aforesaid.

To be paid on certificate, etc.

SECT. 3. The fourth and fifth sections of the thirty-fifth chapter of the General Statutes are hereby repealed.]

Repeal.

(SECTIONS 1, 2 and 3.)

[The Act to establish Teachers' Institutes was passed in 1846. (Stat. 1846, chap. 19.) But four institutes were held in 1845.

These were voluntary meetings, under the direction of Mr. Mann.

The Act of 1846 authorized the Board of Education to appoint an institute whenever assurance should be given that not less than seventy teachers of Common Schools desired to assemble, and to remain in session for a period not less than ten days.

The appropriation was twenty-five hundred dollars per annum, and two hundred dollars for each institute. Since 1846, appropriations have annually been made by our legislature for the support of Teachers' Institutes, varying in the amount appropriated, and in some of the restrictions and limitations of the original Act establishing them. The essential features of the existing Act are: There must be reason to expect an attendance of at least fifty teachers of Public Schools, to justify the appointment of a time and place for holding an institute; an amount not exceeding four thousand dollars may be used to defray the necessary expenses and charges, and procure teachers and lecturers for the institutes, and of this sum, a portion, not exceeding three hundred and fifty dollars, may be used for each institute.

It seems proper to call the attention of school committees to the importance of the institute to those teachers who are in their service. Difficulties have arisen occasionally, between teachers and committees in regard to time used by the former in attendance upon the sessions of the institute. The first obligation is no doubt upon the teachers who are to qualify themselves for the skilful performance of their labors; but it is also true that a city or town that is enjoying the services of competent teachers, who are employed by the year, can well afford to allow such persons to spend a week in the institute, without pecuniary loss to themselves.

In the face of considerable honest criticism, the institute has thus far sought to suggest the best means of teaching the elements of the principal branches studied in the Common Schools. In consequence of the improved qualifications of teachers generally, it may not be necessary to pursue this policy rigidly hereafter. It cannot, however, be entirely abandoned, and the public may ever abide in the belief that he who can teach the elements in a proper manner, may easily become a teacher in all science and literature.]

As a matter of interest, and for purposes of reference, the following alphabetical list of the 155 different towns, where 242 institutes have been held in our State since they were commenced, in 1845, with the year of each session, is here presented, from the Report of the General Agent for 1874:—

- Acton, 1861.
 Adams, 1848, 1855, 1858.
 Adams, North, 1869.
 Amherst, 1852.
 Amesbury Mills, 1863.
 Andover, 1846, 1866.
 Ashburnham, 1855.
 Athol, 1848, 1854, 1868.
 Attleboro', 1849, 1851, 1862, 1873.
 Ayer, 1871.
 Barnstable, 1851, 1857, 1872.
 Barnstable (Hyannis), 1849, 1856.
 Barre, 1854, 1872.
 Becket, 1865.
 Bedford, 1857.
 Belchertown, 1868.
 Bernardston, 1858, 1872.
 Beverly, 1870.
 Billerica, 1859, 1868.
 Blackstone, 1851, 1870.
 Boston, 1852.
 Brewster, 1850, 1855.
 Bridgewater, 1845, 1855, 1863.
 Brimfield, 1860.
 Brookfield, 1857.
 Cambridge, 1852.
 Charlemont, 1847, 1870.
 Charlestown, 1852.
 Chatham, 1845, 1860.
 Chelsea, 1855.
 Cheshire, 1874.
 Chester, 1872.
 Chicopee, 1852.
 Clinton, 1866.
 Cohasset, 1874.
 Concord, 1847.
 Conway, 1853, 1864.
 Cummington, 1862, 1873.
 Dana, North, 1870.
 Dartmouth, South, 1864.
 Dedham, 1859.
 Deerfield, 1852.
 Dennis, East, 1864.
 Dennis, South, 1867.
 Dudley, 1865.
 Easthampton, 1863.
 Easton, North, 1867.
 Edgartown, 1848, 1861.
 Fairhaven, 1858.
 Fall River, 1852, 1866.
 Falmouth, 1850, 1861, 1868.
 Fitchburg, 1845, 1850, 1862.
 Foxboro', 1857.
 Framingham, 1850, 1857.
 Franklin, 1854.
 Gardner, South, 1858.
 Gloucester, 1872.
 Grafton, 1846.
 Great Barrington, 1847, 1859.
 Greenfield, 1849, 1863.
 Groton, 1849, 1856.
 Hadley, 1850, 1864.
 Hadley, South, 1867.
 Hardwick, 1859.
 Harwich, 1846.
 Hatfield, 1865, 1873.
 Haverhill, 1853, 1858, 1869.
 Hingham, 1868.
 Hinsdale, 1869.
 Holliston, 1852.
 Holmes' Hole, 1869.
 Holyoke, 1862.
 Hopkinton, 1854.
 Hubbardston, 1849, 1860.
 Ipswich, 1874.
 Kingston, 1856.
 Lancaster, 1854.
 Lawrence, 1851, 1862.
 Lee, 1846, 1854, 1864.
 Leicester, 1863.
 Lenox, 1850.
 Leominster, 1852, 1857, 1874.
 Littleton, 1855.
 Longmeadow, 1863.
 Lowell, 1852, 1867.
 Lunenburg, 1853.
 Malden, 1853.
 Mansfield, 1854.
 Marlboro', 1856, 1867, 1871.
 Maynard, 1873.
 Medway, 1850, 1871.
 Medway, West, 1863.
 Middleboro', 1853.
 Milford, 1850, 1858, 1861.
 Millbury, 1853.
 Monson, 1850, 1870.
 Montague, 1855, 1870.
 Nantucket, 1853, 1874.

Natick, 1853, 1864, 1870.	Shelburne Falls, 1861, 1868.
Needham, 1867.	Shrewsbury, 1855.
New Bedford, 1853.	Southbridge, 1851, 1872.
Newburyport, 1854.	Stoughton, 1851, 1866.
New Marlboro', 1866.	Sunderland, 1848.
Newton, 1851, 1864.	Swampscott, 1865.
New Salem, 1846, 1873.	Taunton, 1846, 1865.
Northampton, 1857, 1869.	Templeton, 1853, 1874.
Northborough, 1851, 1860.	Townsend, 1859.
North Bridgewater, 1868.	Truro, 1857.
North Brookfield, 1852, 1859.	Uxbridge, 1862.
Northfield, 1874.	Waltham, 1860.
Norton, 1857.	Ware, 1851, 1856, 1864, 1873.
Orange, 1866.	Webster, 1859.
Orleans, 1853, 1861.	Wakefield, 1872.
Oxford, 1853.	Wellfleet, 1859, 1871.
Pepperell, 1850, 1866.	Westboro', 1858.
Petersham, 1851.	Westfield, 1855.
Pittsfield, 1845, 1851, 1854, 1857, 1871.	Westford, 1863.
Plymouth, 1850.	West Newbury, 1871.
Provincetown, 1858, 1869.	West Stockbridge, 1873.
Quincy, 1847.	Weymouth, 1861.
Randolph, 1854, 1865.	Wilbraham, 1861.
Roxbury, 1852, 1854.	Williamsburg, 1856.
Royalston, 1851.	Williamstown, 1862, 1872.
Rutland, 1855.	Winchendon, 1856, 1867.
Salem, 1854.	Woburn, 1852.
Salisbury (Mills), 1873.	Worcester, 1852, 1854.
Sandisfield, 1874.	Wrentham, 1852.
Sandwich, 1849, 1871.	Yarmouth, 1855, 1862, 1865.
Sheffield, 1852, 1861.	

The annual meetings of the county associations of teachers are not under the control of the state authorities, though the Secretary, Agents and members of the Board of Education are often present. The appropriation has led to the formation of societies that are interested in the improvement of the Public Schools, and there is no doubt that the Commonwealth derives an adequate return for the outlay.

CHAPTER 36.—*Of the School Funds.*

MASSACHUSETTS SCHOOL FUND.

SECTION

1. School fund, how invested. Income only to be used.
2. Half the income to be distributed for support of common schools. Appropriations for other educational purposes to be paid from other half. Surplus to be added to principal.

SECTION

3. Apportioned for schools by secretary and treasurer. When towns are not entitled to share.
4. Income received by towns to be applied for support of schools therein.
5. Appropriations for Indians. Account to be rendered. (Repealed.)

INDIAN SCHOOL FUND.

SECTION

6. Indian school fund, how applied, etc. (Repealed.)

TODD NORMAL SCHOOL FUND.

SECTION

7. Todd fund, how applied.

Massachusetts School Fund.

SECT. 1. The present school fund of this Commonwealth, together with such additions as may be made thereto, shall constitute a permanent fund, to be invested by the treasurer, with the approbation of the governor and council, and called the "Massachusetts School Fund"; the principal of which shall not be diminished, and the income of which, including the interest on notes and bonds taken for sales of Maine lands and belonging to said fund, shall be appropriated as hereinafter provided.

School fund, how invested. Income only to be used. R. S. 11, §§ 13, 14.

[Amendment.]

[The secretary of the board of education and the treasurer and receiver-general shall be commissioners whose duty shall be to invest and manage the Massachusetts school fund, and report annually to the legislature the condition and income thereof. All new investments of said fund, or any part of the same, shall be made with the approval of the governor and council.]

1866, 53, § 1.

[Amendments to Sections 2 and 3.]

[SECT. 1. One-half of the annual income of the Massachusetts school fund shall be apportioned and distributed for the support of public schools without a specific appropriation, and in the manner following, to wit: Each town complying with all laws in force relating to the distribution of said income, and whose valuation of real and personal estate, as shown by the last returns thereof, does not exceed one million dollars, shall annually receive two hundred dollars; each town complying as aforesaid, whose valuation is more than one million, and does not exceed three million dollars, shall receive one hundred and fifty dollars; and each town complying as aforesaid, whose valuation is more than three millions, and does not exceed five million dollars, shall receive one hundred dollars. The remainder of said moiety, after the division above provided, shall be distributed to all the towns and cities of the Commonwealth whose valuation does not exceed ten million dollars, in proportion to the number of persons belonging to each, between five and fifteen years of age.]

Income, how distributed.

1874, 348.

SECT. 2. All money appropriated for other educational purposes, unless otherwise provided in the act appropriating the same, shall be paid from the other half of said income. If the income in any year exceeds such appropriations, the surplus shall be added to the principal of said fund.]

[SECT. 1. The third section of the thirty-sixth chapter of the General Statutes is hereby amended, so that the income of the Massachusetts school fund, appropriated to the support of public schools, which shall have accrued on the thirty-first day of December in each year, shall be apportioned by the secretary and treasurer in the manner provided in said section, and paid over by the treasurer to the treasurers of the several cities and towns, on the twenty-fifth day of January thereafter, instead of the times named in said section; and so much of said section as is inconsistent with the provisions of this act is hereby repealed.]

Income of school fund payable to cities and towns, January 25. By whom, and when. 1867, 98, § 1.

[Chap. 142, 1865.]

[SECT. 1. No apportionment and distribution of the annual income of the school fund, as provided by the second and third sections of chapter thirty-six of the General Statutes, shall be made to any town or city which has not complied with the requisitions of the *first* and *second* sections of chapter *thirty-eight*, and the *fifth* and *sixth* sections of chapter *forty* of the General Statutes, and of any amendments to either of said sections; or which has not raised by taxation for the support of schools, during the school year embraced in the last annual returns, including only wages and board of teachers, fuel for the schools, and care of fires and school-rooms, a sum not less than three dollars for each person between the ages of five and fifteen years, belonging to said town or city on the first day of May of said school year.]

Conditions on which income of school fund is apportioned to cities and towns. Not less than \$3 so to be raised. 1865, 142, § 1.

SECT. 4. The income of the school fund received by the several cities and towns shall be applied by the school committees thereof to the support of the public schools therein; but said committees may, if they see fit, appropriate therefrom any sum, not exceeding twenty-five per cent. of the same, to the purchase of books of reference, maps and apparatus for the use of said schools.

Income received by towns, how applied.

[Sections 5 and 6 repealed.]

1870, 350.

The Normal School Fund.

SECT. 7. The income of the Todd fund shall be paid by the treasurer of the Commonwealth on the warrant of the governor to the board of education, to be by them applied to specific objects in connection with the normal schools not provided for by legislative appropriation.

Todd fund, how applied.

(SECT. 4.)

[Under the fourth section of this chapter the money distributed by the State is held by the treasurers of the respective towns, subject to the order of the school committee of each. Three-fourths of the income must be applied by the committees to the support of schools, and the whole may be. The income received from the State is not subject to a vote of the town.]

Under this section, it becomes the duty of each town treasurer to open an account with the school committee, and to hold the fund received from the State, subject to their order.]

(SECT. 7.)

[The Todd fund now amounts to \$12,100, and the income is devoted to teaching music and the payment of lecturers in the several departments of natural science. It is well known that Mr. Todd did not intend to relieve the State of its duty to provide for the general support of the schools, and hence the Board have so used the income as to enlarge the opportunities of the pupils, and furnish instruction in those departments for which provision has not been made by the Commonwealth.]

1866, 210.

[Chapter 37, of State Scholarships, repealed.]

CHAPTER 38.—*Of the Public Schools.*

PUBLIC SCHOOLS.

SECTION

1. Each town to have school six months in a year. Branches to be taught.
2. High school in towns of five hundred families. Branches taught. Duration of school. Towns of four thousand inhabitants. Number of families, how ascertained.
3. High school districts in adjacent towns, how established.
4. Committee, how chosen. Powers.
5. —to determine location of school-house.
6. Expenses apportioned.
7. Schools may be maintained for those over fifteen years of age.
8. —under superintendence of school committee.
9. Female assistants.
10. Duty of instructors in colleges, etc.
11. —of ministers and town officers.
12. Towns to raise money for schools.
13. Funds of corporations for supporting schools, not affected, etc.
14. Forfeiture for neglect to raise money, etc.

SECTION

15. Three-fourths of, to be appropriated to schools.
16. School committee, how chosen. Number; term of service.
17. Vacancies, how filled.
18. When whole committee decline; new committee, how elected.
19. Term of service of person filling vacancy.
20. On election of new board, certain duties of old to continue.
21. Committee, how increased or diminished.
22. —records of; secretary.
23. Committee to contract with teachers, unless, etc.
24. Instructor to receive and file certificate. When and how paid.
25. —may be dismissed. Compensation to cease.
26. Examinations and visits by committee.
27. Bible to be read in schools. Sectarian books excluded.
28. Committee to direct what books to be used. Change of books, how made, etc.
29. —to procure books, apparatus, etc.

SECTION

- 30. —for certain scholars at expense of town.
- 31. Expense of books so supplied to be taxed to parents, etc.
- 32. If parents unable to pay, tax may be omitted.
- 33. Duty of committee where school is for benefit of whole town.
- 34. Compensation of committee.
- 35. Superintendent of schools, appointment, duties and compensation.

SCHOOL-HOUSES.

SECTION

- 36. Towns not districted, to maintain school-houses, etc.
- 37. Location of school-houses.
- 38. Land may be taken for school-house lots, etc.
- 39. Owner of land may have jury. Proceedings. Damages and costs.
- 40. Committee of town not districted to have charge of school-houses.
- 41. Provisions of chapter to apply to cities, except, etc.

SECT. 1. In every town there shall be kept, for at least six months in each year, at the expense of said town, by a teacher or teachers of competent ability and good morals, a sufficient number of schools for the instruction of all the children who may legally attend public school therein, in orthography, reading, writing, English grammar, geography, arithmetic, (*drawing*,) the history of the United States, and good behavior. Algebra, vocal music, (*agriculture*,) physiology and hygiene shall be taught by lectures or otherwise, in all the public schools in which the school committee deem it expedient.

Each town to have school six months in a year. Branches taught. R. S. 23, § 1. 1859, 263. 1862, 7, § 1. 1870, 245.

[Any city or town may, and every city and town having more than ten thousand inhabitants shall, annually, make provision for giving free instruction in industrial or mechanical drawing to persons over fifteen years of age, either in day or evening schools, under the direction of the school committee.]

Drawing classes in cities. 1870, 248.

SECT. 2. Every town may, and every town containing five hundred families or householders shall, besides the schools prescribed in the preceding section, maintain a school to be kept by a master of competent ability and good morals, who, in addition to the branches of learning before mentioned, shall give instruction in general history, book-keeping, surveying, geometry, natural philosophy, chemistry, botany, the civil polity of this Commonwealth and of the United States, and the Latin language. Such last-mentioned school shall be kept for the benefit of all the inhabitants of the town, ten months at least, exclusive of vacations, in each year, and at such convenient place, or alternately at such places in the town, as the legal voters at their annual meeting determine. And in every town containing four thousand inhabitants, the teacher or teachers of the schools required by this section, shall, in addition to the branches of instruction before required, be competent to give instruction in the Greek and French languages, astronomy, geology, rhetoric, logic, intellectual and moral science, and political economy.

High schools in towns of 500 families. Branches taught.

Duration of school. Towns of 4,000 inhabitants. 16 Mass. 141. 11 Cush. 178. 98 Mass. 589.

[Amendments.]

[Any town which shall maintain the school required to be maintained by the second section of chapter thirty-eight of the General Statutes, not less than thirty-six weeks, exclusive of vacations in each year, shall not be liable to the forfeiture provided in section first, chapter one hundred and forty-two of the laws of the year eighteen hundred and sixty-five, for non-compliance with the requisitions of the aforesaid second section.] (See chap. 36, sect. 3, 2d amendment.)

High school 36 weeks.
1866, 208, § 2.

[In order to ascertain that any town is subject to the requirement of *section second, chapter thirty-eight* of the General Statutes, the number of families or householders thereof shall be determined by the latest public census which shall have been taken, by the authority either of this Commonwealth or of the United States.]

No. of families, how ascertained.
1868, 226, § 1.

SECT. 3. Two adjacent towns, having each less than five hundred families or householders, may form one high school district, for establishing such a school as is contemplated in the preceding section, when a majority of the legal voters of each town, in meeting called for that purpose, so determine.

High school district in adjacent towns, how established.
103 Mass. 99.

SECT. 4. The school committees of the two towns so united shall elect one person from each of their respective boards, and the two so elected shall form the committee for the management and control of such school, with all the powers conferred upon school committees and prudential committees.

Committee, how chosen.
Powers.

SECT. 5. The committee thus formed shall determine the location of the school-house authorized to be built by the towns forming the district, or if the towns do not determine to erect a house, shall authorize the location of such school alternately in the two towns.

—to determine location of school-house.

SECT. 6. In the erection of a school-house for the permanent location of such school, in the support and maintenance of the school, and in all incidental expenses attending the same, the proportions to be paid by each town, unless otherwise agreed upon, shall be according to its proportion of the county tax.

Expenses apportioned.

[Two or more towns may unite in establishing union schools for the accommodation of such contiguous portions of each as shall be mutually agreed upon, when a majority of the legal voters in each town, in meetings called for that purpose, so determine.

Union schools in towns without districts.
1863, 278.

In providing for the management and control of said school; in determining the location of said school-houses, or of the schools; in apportioning the expenses of erecting such school-houses, and of the

support and maintenance of said school, with all expenditures incident to the same, all proceedings shall be governed by the provisions of the fourth, fifth and sixth sections of the thirty-eighth chapter of the General Statutes.]

SECT. 7. Any town may establish and maintain, in addition to the schools required by law to be maintained therein, schools for the education of persons over (*twelve*) years of age ; may determine the term or terms of time in each year, and the hours of the day or evening during which said school shall be kept ; and appropriate such sums of money as may be necessary for the support thereof.

Schools may be maintained for those over 12 years of age. 1869, 305.

SECT. 8. When a school is so established, the school committee shall have the same superintendence over it as they have over other schools ; and shall determine what branches of learning may be taught therein.

—under superintendence of committee.

[The city council of any city, and any town, may establish and maintain one or more industrial schools, and raise and appropriate the money necessary to render them efficient. Such schools shall be under the superintendence of the board of school committee of the city or town wherein they are established, and such board shall employ the teachers, prescribe the arts, trades and occupations to be taught in such schools, and shall have the general control and management thereof: *provided*, that in no case shall the expense of any such school exceed the appropriation specifically made therefor ; and *provided*, that nothing in this act contained shall authorize the school committee of any city or town to compel any scholar to study any trade, art or occupation, without the consent of the parent or guardian of such scholar, and that attendance upon any such school shall not take the place of the attendance upon public schools required by law.]

Industrial schools. 1872, 86.

SECT. 9. In every public school, having an average of fifty scholars, the school district or town to which such school belongs shall employ one or more female assistants, unless such district or town, at a meeting called for the purpose, votes to dispense with such assistant.

Female assistants.

SECT. 10. It shall be the duty of the president, professors and tutors of the university at Cambridge and of the several colleges, of all preceptors and teachers of academies, and of all other instructors of youth, to exert their best endeavors to impress on the minds of children and youth committed to their care and instruction, the principles of piety and justice, and a sacred regard to truth ; love of their country, humanity and universal benevolence ; sobriety, industry, and frugality ; chastity, moderation and temperance ; and those other virtues which are the

Duty of instructors in colleges, etc. Constitution, ch. 5, § 2. 12 Allen, 127.

ornament of human society and the basis upon which a republican constitution is founded; and it shall be the duty of such instructors to endeavor to lead their pupils, as their ages and capacities will admit, into a clear understanding of the tendency of the above-mentioned virtues, to preserve and perfect a republican constitution, and secure the blessings of liberty, as well as to promote their future happiness, and also to point out to them the evil tendency of the opposite vices.

SECT. 11. It shall be the duty of the resident ministers of the gospel, the selectmen, and the school committees, to exert their influence, and use their best endeavors, that the youth of their towns shall regularly attend the schools established for their instruction.

Duty of ministers and town officers.
101 Mass. 143.

SECT. 12. The several towns shall, at their annual meetings, or at a regular meeting called for the purpose, raise such sums of money for the support of schools as they judge necessary; which sums shall be assessed and collected in like manner as other town taxes.

Towns to raise money for schools.
10 Met. 513.

SECT. 13. Nothing contained in this chapter shall affect the right of any corporation, established in a town, to manage any estate or funds given or obtained for the purpose of supporting schools therein, or in any wise affect such estate or funds.

School funds of corporations not affected, etc.

SECT. 14. A town which refuses or neglects to raise money for the support of schools, as required by this chapter, shall forfeit a sum equal to twice the highest sum ever before voted for the support of schools therein. A town which refuses or neglects to choose a school committee to superintend said schools (or to choose prudential committees in the several districts, when it is the duty of the town to choose such prudential committee), shall forfeit a sum not less than five hundred nor more than one thousand dollars, to be paid into the treasury of the county.

Forfeiture for neglect to raise money, etc.

SECT. 15. Three-fourths of any forfeiture paid into the treasury of the county under the preceding section, shall be paid by the treasurer to the school committee, if any, otherwise to the selectmen of the town from which it is recovered, who shall apportion and appropriate the same to the support of the schools of such town, in the same manner as if it had been regularly raised by the town for that purpose.

—three-fourths of, appropriated to schools.

SECT. 16. Every town shall, at the annual meeting, choose, by written ballots, a board of school committee, which shall have the general charge and superintendence of all the public schools in town. Said board shall consist of any number of persons divisible by three, which said town has decided to elect, one-third thereof to be elected

School committee, how chosen, etc.
23 Pick. 225.
5 Cush. 207.
10 Allen, 149.
12 Allen, 127.
101 Mass. 143.
105 Mass. 475.

annually, and continue in office three years. If a town fails or neglects to choose such committee, an election at a subsequent meeting shall be valid.

[No person shall be deemed to be ineligible to serve upon a school committee by reason of sex.]

Women eligible.
1874, 389.

SECT. 17. If any person elected a member of the school committee, after being duly notified of his election in the manner in which town officers are required to be notified, refuses or neglects to accept said office, or if any member of the board declines further service, or, from change of residence or otherwise, becomes unable to attend to the duties of the board, the remaining members shall, in writing, give notice of the fact to the selectmen of the town, or to the mayor and aldermen of the city, and the two boards shall thereupon, after giving public notice of at least one week, proceed to fill such vacancy; and a majority of the ballots of persons entitled to vote shall be necessary to an election.

Vacancies,
how filled.

SECT. 18. If all the persons elected as members of the school committee, after such notice of their election, refuse or neglect to accept the office, or having accepted, afterwards decline further service, or become unable to attend to the duties of the board, the selectmen or the mayor and aldermen shall, after giving like public notice, proceed by ballot to elect a new board, and the votes of a majority of the entire board of selectmen, or of the mayor and aldermen, shall be necessary to an election.

When whole committee decline; new committee, how elected.

SECT. 19. The term of service of every member elected in pursuance of the provisions of the two preceding sections, shall end with the municipal or official year in which he is chosen, and if the vacancy which he was elected to fill was for a longer period, it shall, at the first annual election after the occurrence of the vacancy, be filled in the manner prescribed for original elections of the school committee.

Term of service of person filling vacancy.

[The term of office of members of the school committee *in cities*, where no different provision has been heretofore specifically made, shall commence at the same time, from year to year, as is now provided in regard to members of the several city councils, anything in the twentieth section of the thirtieth chapter of the General Statutes to the contrary notwithstanding.]

Term of office in cities.
1865, 134.

SECT. 20. All members of the school committee shall continue in office for the purpose of superintending the winter terms of the several schools, and of making and transmitting the certificate, returns, and reports of the committee, notwithstanding the election of any successor at the

On election of new board, certain duties of old to continue.

annual meeting; but for all other duties, the term of office shall commence immediately after election.

SECT. 21. Any town may, at the annual meeting, vote to increase or diminish the number of its school committee. Such increase shall be made by adding one or more to each class, to hold office according to the tenure of the class to which they are severally chosen. Such diminution shall be made by choosing, annually, such number as will in three years effect it, and a vote to diminish shall remain in force until the diminution under it is accomplished.

Committee,
how increased
or diminished.

SECT. 22. The school committee shall appoint a secretary, and keep a permanent record book, in which all its votes, orders and proceedings shall by him be recorded.

Records of;
secretary.

SECT. 23. The school committee, unless the town at its annual meeting determines that the duty may be performed by the prudential committee, shall select and contract with the teachers of the public schools; shall require full and satisfactory evidence of the good moral character of all instructors who may be employed; and shall ascertain, by personal examination, their qualifications for teaching and capacity for the government of schools.

To contract
with teachers,
unless, etc.
9 Allen, 94.
98 Mass. 587.

SECT. 24. Every instructor of a town or district school shall, before he opens such school, obtain from the school committee a certificate in duplicate of his qualifications, one of which shall be deposited with the selectmen before any payment is made to such instructor on account of his services; and upon so filing such certificate, the teacher of any public school shall be entitled to receive, on demand, his wages due at the expiration of any quarter, or term longer or shorter than a quarter, or upon the close of any single term of service, subject to the condition specified in section thirteen of chapter forty.

Teachers to re-
ceive and file
certificate.
When and
how paid.

SECT. 25. The school committee may dismiss from employment any teacher whenever they think proper, and such teacher shall receive no compensation for services rendered after such dismissal.

May be dis-
missed, etc.
9 Allen, 94.

[Substituted for Section 26.]

[Section twenty-six of chapter thirty-eight of the General Statutes, is amended to read as follows: The school committee, or some one or more of them, for the purpose of organizing and making a careful examination of the schools, and of ascertaining that the scholars are properly supplied with books, shall visit all the public schools in the town on some day during the first week after the opening of such schools, and also on some day

Examinations
and visits by
committee.
1873, 292, § 2.

during the two weeks preceding the close of the same ; and shall also for the same purposes visit, without giving previous notice thereof to the instructors, all the public schools in the town once in a month, and they shall, at such examinations, inquire into the regulation and discipline of the schools, and the habits and proficiency of the scholars.]

[Substituted for Section 27.]

[SECT. 1. The school committee shall require the daily reading of some portion of the Bible, without written note or oral comment, in the public schools, but they shall require no scholar to read from any particular version, whose parent or guardian shall declare that he has conscientious scruples against allowing him to read therefrom, nor shall they ever direct any school books calculated to favor the tenets of any particular sect of Christians, to be purchased or used in any of the public schools.]

Bible to be read in schools without note or comment. Version not to be compulsory. Sectarian books excluded. 1862, 57. 12 Allen, 127.

SECT. 28. The school committee shall direct what books shall be used in the public schools, and no change shall be made in said books except by the unanimous consent of the whole board, unless the committee consists of more than nine, and questions relating to school books are intrusted to a sub-committee. In that case, the consent of two-thirds of the whole number of said sub-committee, with the concurrent vote of three-fourths of the whole board, shall be requisite for such change. If any change is made, each pupil then belonging to the public schools, and requiring the substituted book, shall be furnished with the same, by the school committee, at the expense of said town.

School books, change of, how made, etc.

[Amendments to Section 28.]

[In any city in which the school committee consists of more than eighteen persons, a change may be made in the school books used in the public schools in such city, by a majority of the whole committee, at a legal meeting of said committee ; notice of such intended change shall be given at a previous meeting thereof.]

School books. Change, how made. 1863, 126.

[In any town or city in this Commonwealth, in which the school committee consists of less than twelve, a change may be made in the school books in the public schools in such town or city, by a vote of two-thirds of the whole committee, at a meeting of said committee, notice of such intended change having been given at a previous meeting of said committee.]

1867, 155.

[School committees, in addition to the duties set forth in section twenty-eight of chapter thirty-eight of the General Statutes, shall prescribe, as far as is practicable, a course of studies and exercises to be pursued in the public schools.]

Course of study to be prescribed. 1873, 292.

SECT. 29. The school committee shall procure, at the expense of the city or town, a sufficient supply of text-books for the public schools, and give notice where they may be obtained. Said books shall be furnished to the pupils at such prices as merely to re-imburse the expense of the same. The school committee may also procure, at the expense of the city or town, such apparatus, books of reference, and other means of illustration as they deem necessary for the schools under their supervision, in accordance with appropriations therefor previously made.

Committee to procure text-books, apparatus, etc.
13 Pick. 229.

SECT. 30. If any scholar is not furnished by his parent, master or guardian, with the requisite books, he shall be supplied therewith by the school committee at the expense of the town.

For certain scholars at expense of town.

SECT. 31. The school committee shall give notice in writing to the assessors of the town of the names of the scholars supplied with books under the provisions of the preceding section, of the books so furnished, the prices thereof, and the names of the parents, masters or guardians, who ought to have supplied the same. The assessors shall add the price of the books to the next annual tax of such parents, masters or guardians; and the amount so added shall be levied, collected and paid into the town treasury, in the same manner as the town taxes.

Expense of books so supplied to be taxed to parents, etc.

SECT. 32. If the assessors are of opinion that any parent, master or guardian, is unable to pay the whole expense of the books so supplied on his account, they shall omit to add the price of such books, or shall add only a part thereof, to his annual tax, according to their opinion of his ability to pay.

If parents unable to pay, tax may be omitted.

[Amendment to Section 32.]

[**SECT. 1.** Any city by an ordinance of the city council, and any town by legal vote, may authorize the school committee to purchase text-books for use in the public schools, said text-books to be the property of the city or town, and to be loaned to pupils under such regulations as the school committee may provide.]

Text-books furnished by cities and towns and loaned to pupils.
1873, 106.

SECT. 33. In any town containing five hundred families in which a school is kept for the benefit of all the inhabitants as before provided, the school committee shall perform the like duties in relation to such school, the house where it is kept, and the supply of all things necessary therefor, as the prudential committee may perform in a school district.

Duty of committee where school is for benefit of whole town.

SECT. 34. The members of the school committee shall be paid in cities one dollar, and in towns (*two dollars*) and a half, each, a day, for the time they are actually employed in discharging the duties of their office, together with such additional compensation as the town or city may allow.

Compensation of committee.
1873, 157.

SECT. 35. Any town by legal vote, and any city by an ordinance of the city council, may require the school committee annually to appoint a superintendent of public schools, who, under the direction and control of said committee, shall have the care and supervision of the schools, with such salary as the city government or town may determine; and in every city in which such ordinance is in force, and in every town in which such superintendent is appointed, the school committee shall receive no compensation, unless otherwise provided by such city government or town.

Superintendent of schools, appointment, duties, etc. 1873, 108.

[Amendments to Section 35.]

[The school committee of any city or town, required to appoint a superintendent of public schools, shall have authority to determine the salary of such superintendent, anything in section thirty-five of chapter thirty-eight of the General Statutes to the contrary notwithstanding.]

School committee to determine salary. 1870, 117.

[SECT. 1. Any two or more towns may, by a vote of each, form a district for the purpose of employing a superintendent of public schools therein, who shall perform in each town the duties prescribed by law.

Towns may unite to elect superintendent, etc. 1870, 183.

SECT. 2. Such superintendent shall be annually appointed by a joint committee composed of the chairman and secretary of the school committee of each of the towns in said district, who shall determine the relative amount of service to be performed by him in each town, fix his salary, and apportion the amount thereof to be paid by the several towns, and certify the same to the treasurer of each town. Said joint committee shall, for the purposes named in this section, be held to be the agents of each town composing the district aforesaid.]

[The school committee of any city may appoint and fix the compensation of a superintendent of public schools, a majority vote of the whole board being necessary for that purpose; and in every city where a superintendent is appointed, the school committee shall receive no compensation.]

City committee may choose superintendent. 1874, 272.

[The compensation of superintendents of public schools provided for in the thirty-fifth section of the thirty-eighth chapter of the General Statutes, passed December twenty-eighth, eighteen hundred and fifty-nine, shall in no case be less than one dollar and fifty cents for each day of actual service.]

Compensation of. 1860, 101.

SECT. 36. Every town not divided into school districts shall provide and maintain a sufficient number of school-houses, properly furnished and conveniently located, for the accommodation of all the children therein entitled to attend the public schools; and the school committee, unless the town

Towns not districted to maintain school-houses, etc.

otherwise direct, shall keep them in good order, procuring a suitable place for the schools, where there is no school-house, and providing fuel and all other things necessary for the comfort of the scholars therein; at the expense of the town.

[A town which for one year refuses or neglects to comply with the requisitions of this section, shall forfeit a sum not less than five hundred nor more than one thousand dollars, under the same provisions as those made in sections fourteen and fifteen of this chapter.]

Penalty.
1871, 145.

SECT. 37. Any town, at a meeting legally called for the purpose, may determine the location of its school-houses, and adopt all necessary measures to purchase or procure the land for the accommodation thereof.

Location of
school-houses.
R. S. 23, §§ 28,
32.
1859, 252, § 4.

[Substituted for Section 38.]

[When land has been designated by a city council, town, school district, or those acting under its authority or determined upon by the mayor and aldermen of a city, or by the selectmen of a town as a suitable place for the erection of a school-house and necessary buildings, or for enlarging a school-house, or school-house lot, the mayor and aldermen, or the selectmen, may proceed to select, at their discretion, and to lay out a school-house lot or an enlargement thereof, and to appraise the damages to the owner of such land in the manner provided for laying out town ways and appraising damages sustained thereby; and upon such selection and laying out of such lot, or any enlargement thereof being accepted and adopted by the city council, or the town, the land shall be taken, held and used for the purpose aforesaid. But no lot so taken or enlarged shall exceed in the whole eighty square rods, exclusive of the land occupied by the school buildings.

Land may be
taken for
school-house
lots.
1874, 342.
2 Gray, 414.
10 Gray, 40.
4 Allen, 508.
102 Mass. 512.

SECT. 2. Section thirty-eight of chapter thirty-eight of the General Statutes and chapter twenty-six of the acts of the year eighteen hundred and sixty-nine are hereby repealed, but such repeal shall not affect any act done, or apply to any proceedings had or commenced before this act shall take effect.]

SECT. 39. When the owner feels aggrieved by the laying out or enlargement of such lot, or by the award of damages, he may, upon application therefor in writing to the county commissioners within one year thereafter, have the matter of his complaint tried by a jury, and the jury may change the location of such lot or enlargement, and assess damages therefor. The proceedings shall in all respects be conducted in the manner provided in cases of damages by laying out highways. If the

Owner of land,
may have jury.
Proceedings.
Damages and
costs.
2 Gray, 414.

damages are increased, or the location changed, by the jury, the damages and all charges shall be paid by the town; otherwise the charges arising on such application shall be paid by such applicant. The land so taken shall be held and used for no other purpose than that contemplated by this chapter, and shall revert to the owner, his heirs or assigns, upon the discontinuance there, for one year, of such school as is required by law to be kept by the town.

SECT. 40. The school committee of a town in which the school district system has been abolished, or does not exist, shall have the general charge and superintendence of the school-houses in said town, so far as relates to the use to which the same may be appropriated.

Committee of town not districted, to have charge of school-houses.

SECT. 41. Except as may be otherwise provided in their respective charters, or acts in amendment thereof, the provisions of this chapter, so far as applicable, shall apply to cities. And the mayor and aldermen in the several cities are authorized to execute the powers given in section thirty-eight of this chapter to the selectmen and town.

Provisions of chapter to apply to cities, except, etc.

(SECT. 2.)

The power of towns to vote and grant money for the support of town schools, is not restricted to the amount that is necessary to support the schools which the first five and the sixtieth sections of chap. 23 of the Rev. Stats. [*i. e.* the first section of this chapter] require them to support, under a penalty for refusal or neglect so to do; but they have power to vote and grant money for the support of other town schools, for instruction in branches of knowledge which the Revised Statutes do not require to be taught in such schools. A town, which had raised money for the support of all the schools required by law, and had supported them, also raised money to support, and did support, a female high school, for the purpose of teaching book-keeping, algebra, geometry, history, rhetoric, mental, moral and natural philosophy, botany, the Latin and French languages, and other higher branches of knowledge than were taught in the grammar schools of the town. *Held*, that this was a town school within the meaning of the Revised Statutes, and that the money for its support was legally raised by tax. *10 Met. Reps. 508.*

(SECTIONS 7 and 8.)

If one who has been authorized by the school committee of a city to take charge of an evening school, employs a person to render needful assistance in preserving order outside of the door while the school is in session, the city is liable to pay a reasonable compensation to such person, although the committee have never acted as a body upon this particular matter; and, in such case, evidence is incompetent to show that in former years the school was under the sole control of the committee, or that the committee had rejected the claim for compensation. *10 Allen, 149.*

It appears by the latest returns that 89 schools provided for in these sections, were kept in 32 cities and towns, with an aggregate attendance of 10,199 pupils, and 444 teachers, and at an expense of \$52,238.33. Large numbers of these pupils have had no other advantages for education, and very many of them are adults.

(SECTIONS 10 and 11.)

[This beautiful provision of our state constitution has been of inestimable advantage to the State. In earlier times the university at Cambridge was the nursery of learning, virtue and religion, and in every age she has had presidents, professors and tutors, who have regarded the injunction of the people expressed in their organic law. And it may with truth be said that our instructors of youth have both taught and practised the noble virtues enumerated by the fathers of the State. Abiding under the law, the clergy are everywhere the zealous friends of education.

In nearly every town, clergymen are members of the committees, and participate in the management of the schools; but whether so intrusted or not, they are always willing to devote their time and talents for the welfare of the schools.]

(SECT. 12.)

[The duty imposed upon towns by this section, has wrought continually for the advancement of our public school system. As a necessary consequence, each town has been called every

year to consider its position and wants in connection with the schools. Taxation usually leads to a careful supervision of expenditures, and hence there has been but little extravagance or wastefulness in the towns.]

The whole amount thus raised for the school year, 1873-4, was \$4,253,211.17, making an average of \$14.74 for each child between the ages of five and fifteen years.

(SECT. 14.)

As to the liability of a town, the supreme court say:—"The word year, as used in this statute, must be taken to be a calendar year. . . : A town, therefore, containing the required number of families or householders, would be liable to the prescribed penalty for each calendar year during which it neglected to raise money for the support of a school, such as is specified in the statute, and this penalty not being a fixed one, but being made to depend on the highest sum ever before raised by the town for the support of schools, might change each year, if the town should increase its annual appropriation for the support of schools." *11 Cush. 178.*

(SECT. 16.)

[The school law of 1826, chapter 170, section 1, first required towns to elect a school committee. Previous to that time the election was optional.

By the statutes of 1827, chapter 143, section 5, every town was required to elect three, five or seven persons, and towns containing four thousand inhabitants were empowered to choose an additional number, not exceeding five. By the Revised Statutes (chap. 23, §§ 10 and 12) the duty was again recognized, and authority given to the larger towns to choose six additional members instead of five.

The Act of 1857, chapter 270, changed the number of members of the board and the term of office. The number was fixed at three or a multiple of three, and each member, after the first election, was to hold office three years, whereas previously the term was limited to one year. The evils of the old system had long been felt. It occasionally happened that a town would elect a board of new men upon an issue already past, or

on account of a measure whose complete effects had not been fully realized. Hence much experience was lost to the schools. The existing system gives a town an opportunity, by the election of one-third of the board each year, to express approbation or disapprobation of the school policy, while it cannot deprive the schools themselves of the experience of a majority of the members of the committee. The new system is at once democratic and conservative.]

This section declares that the board of school committee "shall have the general charge and superintendence of all the public schools in town."

Following are various decisions of the supreme court defining the power thus given:—

Chief Justice Shaw uses the following language:—"There being no specific direction how schools shall be organized; how many schools shall be kept; what shall be the qualifications for admission to the schools; the age at which children may enter; the age to which they may continue;—these must all be regulated by the committee under their power of general superintendence."

"The power of general superintendence vests a plenary authority in the committee to arrange, classify and distribute pupils in such a manner as they think best adapted to their general proficiency and welfare. If they should judge it expedient to have a grade of schools for children from seven to ten, and another for those from ten to fourteen, it would seem to be within their authority to establish such schools. So to separate male and female pupils into different schools."

"In the absence of special legislation on this subject, the law has vested the power in the committee to regulate this system of distribution and classification; and when this power is *reasonably* exercised, without being abused or perverted by colorable pretences, the decision of the committee must be deemed conclusive." 5 *Cush.* 207.

"The general school committee of a city or town have power, under the laws of this Commonwealth, in order to maintain the purity and discipline of the public schools, to exclude therefrom

a child whom they deem to be of a licentious and immoral character, although such character is not manifested by any acts of licentiousness or immorality within the school." 8 *Cush.* 160.

"The school committee has authority, not subject to revision if exercised in good faith, to exclude a pupil from a public school for misconduct which injures its discipline and management; and the expulsion of such a pupil from the school by a part of the committee, unanimously ratified afterwards by the full committee, is not an irregularity in the exercise of the authority, which gives the pupil a right of action against the town." 105 *Mass.* 475.

(SECTIONS 17 and 18.)

[To constitute a valid election, in case of vacancy, the person elected must have received a number of votes equal to a majority of all the persons entitled to vote. That is, if there were in a town five selectmen and five remaining members of the school committee, there would be ten persons entitled to vote; and six votes would be necessary to an election, even though only eight, or seven, or six votes should be cast. The same rule also applies when, under the authority given in the eighteenth section, the mayor and aldermen of a city, or the selectmen of a town, proceed to elect an entire board of school committee.

An article "to choose all necessary town officers," is notice only of these elections that are provided for by the standing laws. Hence it follows that vacancies occurring after the warrant for the annual election is issued, and before the election itself is held, cannot be filled at that meeting. In such case the vacancy must be filled by the conventions provided for in the seventeenth and eighteenth sections of this chapter.

The following case was recently submitted to the department. The annual meeting of a town was held on the fifth of March. Before the election of members of the school committee the meeting adjourned to the first Monday of April. About the twentieth of March a member of the school committee, whose term would have expired in 1861, resigned. On the twenty-seventh of March the remaining members of the committee and the selectmen, after giving due notice, elected a

person to fill the vacancy. At the meeting in April, it being an adjournment of the March meeting, and acting under an article in the warrant "to choose all necessary town officers," the town elected a different person to fill the vacancy. The attorney-general gave an opinion that the election by the town was not valid, and that the person elected in convention was entitled to the seat.]

(SECTIONS 23 and 24.)

"Under Gen. Stat. chap. 38, sects. 23, 24, the authority and duty of the school committee of a town are not confined to ascertaining by examination the literary qualifications of teachers selected by the prudential committee, and their capacity for the government of schools; but they are the sole judges of their qualifications in all respects to teach and govern the school for which they are selected.

"If the school committee of a town have refused to give a certificate of qualification to a person selected by the prudential committee of a school district as a teacher of its school for the winter, and the prudential committee have given notice to the school committee that they shall not employ another person, and two months of the usual time of having a winter school in the district have elapsed, the school committee may properly employ a teacher and take possession of the school-house for the purpose of establishing a school." *9 Allen, 94.*

In *Bachelder v. City of Salem*, the Supreme Court say:—"The school committee have the *whole power* to examine teachers, and no one can be legally a teacher in any public school, until he has received from the school committee a written certificate of his qualification."

"By this statute the committee has the power, absolutely and unconditionally, to agree upon the salaries of the teachers. There is no power given to any other men, or body of men, to contract with the teachers, and this power is given by the statute, and not by the town or city."

"The legislature have imposed on the committee the duty of seeing to it that the public schools are in a condition and of a character best calculated to advance the improvement and promote the good of the pupils. The character of the schools will depend on the character of the teachers, and the character

of the teachers will depend on the compensation. The power to fix the compensation is chiefly intrusted to the committee, for the full, appropriate, and most useful discharge of their duties. This power the legislature, for the most satisfactory and conclusive reasons, have expressly given to them."

"To say that the city is not bound to pay according to the contract of the committee, would be in effect to say, that the committee had no power to contract."

The reporter's note is as follows:—"The power conferred on school committees . . . to 'select and contract with the teachers for the town and district schools' includes the power to fix the compensation to be paid them, and to bind the town to pay the same." *4 Cush. 599.*

"The power of the school committee to fix the compensation of the teachers of the schools of a city, and bind the city to pay the same, cannot be controlled by the city council except by voting to close the schools after they have been kept open the time required by law."

"The power given to the school committee to contract with teachers necessarily implies and includes the power to determine their salaries. And in so doing they are not restricted to the amount appropriated for the purpose by the city council. The price to be paid is as much a part of the contract as the individual who is to teach, or the school which is to be taught. The selection of a teacher depends very much upon the amount of compensation which can be offered to him. If the city council could establish the salary, it could thereby greatly narrow the range of choice, or even indirectly prevent the possibility of obtaining any suitable instructors. The city council have no control over the school committee in this respect, except by voting to close a school after it has been kept the length of time required by law.

"The school committee are an independent body, intrusted by law with large and important powers and duties; and, although every discretionary power is liable to abuse, against which no perfect safeguards can be provided, yet we are aware of no substantial reason for supposing that the power of fixing teachers' salaries is more liable to abuse by the school committee than by the city council. At all events, the interpretation of

the law to which we now adhere, was adopted many years ago (*vide* *Batchelder vs. Salem*, 4 Cush. 603), and the legislature has not seen fit to change its provisions." 98 *Mass.* 587.

(SECT. 27, amended.)

["The school committee of a town may lawfully pass an order that the schools thereof shall be opened each morning with reading from the Bible and prayer, and that during the prayer each scholar shall bow the head, unless his parents request that he shall be excused from doing so; and may lawfully exclude from the school a scholar who refuses to comply with such order, and whose parents refuse to request that he shall be excused from doing so."] 12 *Allen*, 127.

(SECT. 29.)

Under this section—"The school committee may either get the books on the credit of the town, or may buy them themselves and thereby make themselves creditors of the town. The requisition that the school committee shall give notice of the place where such books may be obtained, is substantially complied with, if the books are placed in the hands of the schoolmasters, with notice to the schools that they may be obtained of the masters." 13 *Pick.* 229.

(Amendment to SECT. 32.)

The exercise of the power given by this article makes the public schools wholly FREE. So long as the poor are burdened with the expense of text-books, the schools are far from being free schools to their children. Wherever the plan has been adopted, the results have been satisfactory, especially in making a large saving of expense to the whole town, as well as a very grateful relief to those who are ill able to meet the expense of purchasing books for their children.

(SECT. 38.)

"Selectmen, who, on the failure of a school district to agree where to place their school-house, have determined the location thereof, pursuant to Rev. Stat. chap. 23, § 30, and Stat. 1848, chap. 237, § 1, cannot proceed to lay out the land and assess

damages to the owner, without seven days' notice to him in writing; nor, *it seems*, until he has refused to sell the land or demanded an unreasonable price.

"*It seems* that the owner of land taken for a school-house lot under Stat. 1848, chap. 237, 'in the same way and manner as is provided for laying out town ways,' has no such right to remove trees or fences as the owner of land taken for a town way has by Stat. 1848, chap. 98."

"*It seems* that the receipt, by the owner of land taken for a school-house lot, of the damages awarded him by the selectmen pursuant to Stat. 1848, chap. 287, § 1, estops him to object to the irregularity of their proceedings in taking the lot." *2 Gray, 414.*

"*Held*, that it is not a sufficient designation of land by the town to authorize the selectmen to select out of it a school-house lot, under Stat. 1848, chap. 237.

"*It seems* that a notice that the selectmen, in accordance with a vote of the town, will, on a certain day lay out and assess damages for the taking of a lot of land, but not stating that it is for a school-house, is insufficient."

At a meeting called "to see if the town will authorize the selectmen to select at their discretion a school-house lot," it was voted, "that the selectmen be and they are hereby authorized to select at their discretion a school-house lot and lay out the same from the land of H. heretofore selected by the town." *Held*, that this is not a sufficient designation of land by the town to authorize the selectmen to select out of it a school-house lot.

"A town which, against the owner's will, illegally takes a lot of land for a school-house lot and erects a school-house thereon, cannot be allowed anything for improvements, under the Rev. Stats. chap. 101, §§ 19, 20." *10 Gray, 40.*

"The tender of the appraised value of land selected and laid out as a school-house lot, if the owner lives out of the Commonwealth, may be made to the person left by him in possession of the land, and, who, for some purposes, is his agent." *4 Allen, 508.*

"The owner of land taken for a school-house may waive the notice and tender required by the Gen. Stat. chap. 38, §

38, and, on the trial of a writ of entry brought by him to recover the land, the question whether he has done so is for the jury.

"It is no defence to a writ of entry against a town, that the tenants have taken the demanded premises for a school-house by virtue of proceedings, under the Gen. Stat. chap. 38, commenced since the bringing of the action." *102 Mass. 512.*

CHAPTER 39—Of School Districts.

SCHOOL DISTRICTS.

SECTION

1. Districts, how formed, when re-organized.
2. To be corporations for certain purposes.
3. May be abolished, etc.
4. Towns to vote on abolitions of.
5. Secretary to notify towns, etc., to insert in warrant concerning.
6. Corporate powers of, to continue for certain purposes.
7. Prudential committee in each district. Duties.
8. May be chosen by the districts.
9. To consist of three persons in certain cases.
10. Vacancies in, how filled.
11. Prudential committee, duties of, to be performed by town committee, when, etc.
12. If district does not establish school, town committee may, etc.
13. District meetings, selectmen, etc., may issue warrants for.
14. Manner of warning.
15. Districts may prescribe mode of calling.
16. Clerk to be chosen, and sworn, keep records, etc.
17. Liable only for want of integrity. District, when liable.
18. Districts may raise money for school-houses; may fix site.
19. Towns may provide school-houses at the common expense.
20. Selectmen to determine site, in case, etc.
21. Penalty on school district for not providing school-house.
22. Personal and real estate, where taxed.
23. Manufacturing corporations, where taxed.
24. Non-residents, where taxed.
25. Same subject.

SECTION

26. School taxes assessed like town taxes.
27. Assessors to issue warrants to collectors.
28. Money raised to be at disposal of committees.
29. If district refuses to raise money, town may order it.
30. If district neglects to organize, school committee may provide, etc.
31. Collectors to proceed as in collecting town taxes.
32. Treasurer to have like powers, etc.
33. Compensation of assessors, etc.
34. Abatement of taxes.

UNION DISTRICTS.

35. Union districts, how formed, etc.
36. First meeting. Subsequent meetings. Location of house.
37. Clerk, how chosen, etc.
38. Assessments, how made.
39. Prudential committees, how constituted. Powers and duties, etc.
40. Usual schools maintained.
41. School committees, powers and duties of.

CONTIGUOUS SCHOOL DISTRICTS IN ADJOINING TOWNS.

42. Contiguous districts in adjoining towns may unite.
43. Union not formed without consent of districts, etc.
44. United districts may be separated.
45. Meetings of, how called.
46. Prudential committee to be chosen, etc.
47. Money raised, to be in proportion, etc.
48. How assessed.
49. School committees of adjoining towns to officiate in turns.

SECT. 1. Towns may provide for the support of schools without forming school districts; or may, at a meeting called for the purpose, divide into such districts and determine the limits thereof; but shall not, oftener than once in ten years from the second day of May, eighteen hundred

Districts.
23 Pick. 70.
4 Cush. 250.
10 Cush. 418.
4 Gray, 250.
7 Gray, 411.

and forty-nine, be districted anew so as to change the taxation of lands from one district to another having a different school-house.

[The provision of section one of chapter thirty-nine of the General Statutes, authorizing towns to divide into school districts, shall not be applicable to any town which has [abolished] or shall hereafter abolish the school districts therein by virtue of the provisions of the *third* and *fourth* sections of said chapter.]

SECT. 2. A school district shall be a body corporate so far as to prosecute and defend in all actions relating to the property or affairs of the district, and may take and hold, in fee simple or otherwise, any estate real or personal given to or purchased by the district for the support of a school or schools therein.

§ 1 not to apply in town abolishing districts under §§ 3, 4. 1867, 54.

To be corporations, etc. 13 Mass. 193. 6 Met. 197, 546. 10 Met. 464.

SECT. 3. A town may, at any time, abolish the school districts therein, and shall thereupon forthwith take possession of all the school-houses, land, apparatus and other property owned and used for school purposes, which such 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 thereafter, a tax shall be levied upon the whole town, equal to the amount of said appraisal; and there shall be remitted to the tax-payers of each district the said appraised value of its property thus taken. 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.

May be abolished, etc. 1850, 286, § 1. 1852, 199. See § 19. 13 Allen, 163. 97 Mass. 425.

SECT. 4. Every town divided into school districts shall, at the annual meeting in the year eighteen hundred and sixty-three, and every third year thereafter, vote upon the question of abolishing such districts.

Towns to vote on abolition of.

SECT. 5. The secretary of the Commonwealth, on the recurrence of a year when the vote thus required is to be had, shall seasonably notify thereof the selectmen of the several towns, and require them, in towns retaining the school district system, to insert an article in the warrant for the annual meeting, for the purpose specified in the preceding section; and the selectmen of any town who neglect to insert such article in the warrant, when so required, shall forfeit twenty dollars.

Secretary to notify towns, etc., to insert in warrant concerning.

SECT. 6. Upon the abolition or discontinuance of any district, its corporate powers and liabilities shall continue and remain so far as may be necessary for the enforcement of its rights and duties; and the property which it possessed at the time shall be subject to all legal process against it.

Corporate powers of, to continue for certain purposes. 13 Allen, 163.

SECT. 7. Every town divided into school districts shall, at its annual meeting, choose one person, resident in each school district, to be a committee for that district, and to be called the prudential committee, who shall keep the school-house in good order at the expense of the district; and if there is no school-house, shall provide a suitable place for the school of the district at the expense thereof; shall provide fuel and all things necessary for the comfort of the scholars therein; give information and assistance to the school committee of the town to aid them in the discharge of the duties required of them; and, when the town so determines, shall select and contract with an instructor for each school in the district.

Prudential committee in each district.
Duties.
11 Pick. 260.
4 Cush. 599.
8 Cush. 191.
12 Gray, 61.
100 Mass. 132.

SECT. 8. If a town so determines, the prudential committee may be chosen by the legal voters of the several school districts to which they respectively belong, in such manner as the district directs.

Prudential committee, how chosen.
21 Pick. 75.

SECT. 9. When a town determines that the prudential committees shall select and contract with the school teachers for their districts, three persons in each district may be chosen to act as such committee.

To consist of three persons.
4 Gray, 250.

SECT. 10. When the office of prudential committee becomes vacant in any district, by reason of the death, resignation, or removal of the person or persons elected, such district may fill the vacancy at a legal meeting called for the purpose.

Vacancies in, how filled.

SECT. 11. When no prudential committee is chosen for a school district, the school committee shall perform all the duties of the prudential committee.

Town committee to act as, when, etc.

SECT. 12. If a school district neglects or refuses to establish a school and employ a teacher for the same, the school committee may establish such school and employ a teacher therefor, as the prudential committee might have done.

If district does not establish schools, town committee may.
9 Allen, 96.

SECT. 13. The selectmen of the several towns divided into school districts as aforesaid, or the prudential committee of every such district, upon application made to either of them respectively, in writing, by three or more residents who pay taxes in the district, shall issue their warrant, directed to one of the persons making the application, requiring him to warn the inhabitants of such district, qualified to vote in town affairs, to meet at the time and place in the district expressed in the warrant.

District meetings, selectmen, etc., may issue warrants for.
8 Cush. 592.

SECT. 14. The warning shall be given seven days at least before the time appointed for the meeting, by personal notice to every inhabitant of the district qualified to vote in town affairs, or by leaving at his last and usual place of abode a written notification, expressing the time, place and purpose of the meeting, unless the district prescribes another mode of warning its meetings.

Manner of warning.
4 Greenl. 46.
14 Mass. 315.
12 Pick. 206.
1 Allen 232.

SECT. 15. A school district, at any regular meeting having an article in the warrant for that purpose, may prescribe the mode of warning all future meetings of the district; and may also direct by whom and in what manner such meetings may be called. Notwithstanding such prescribed mode, meetings may nevertheless be called in accordance with the provisions of the two preceding sections.

Districts may prescribe mode of calling.
1850. 213.
10 Pick. 543.
2 Cush. 419.
8 Cush. 592.

SECT. 16. The inhabitants of each school district, qualified to vote in town affairs, shall choose a clerk, who shall be sworn by the moderator, in open meeting, or by a justice of the peace; make a fair record of all votes passed at meetings of the district; certify the same when required, and hold his office until a successor is chosen and qualified.

Clerk to be chosen, and sworn and keep records, &c.
21 Pick. 75.
12 Met. 105.

SECT. 17. The clerk shall be answerable only for want of integrity on his own part, and if he certifies truly to the assessors of the town the votes of the district for raising, by a tax, any sum of money, the district shall be liable in case of any illegality in the proceedings in relation to raising such money.

Liable only for want of integrity.
District, when liable.
10 Pick. 543.
11 Pick. 456.
97 Mass. 424.

SECT. 18. The legal voters of any district, at a meeting called for that purpose, may raise money for erecting or repairing school-houses in their district; for purchasing or hiring any buildings to be used as school-houses, and land for the use and accommodation thereof; and for purchasing libraries and necessary school apparatus, fuel, furniture, and other necessary articles for the use of schools; they may also determine in what part of their district such school-houses shall stand, and choose any committee to carry into effect the provisions aforesaid.

Districts may raise money for school-houses.
Districts may fix site.
21 Pick. 75.
10 Cush. 418.
7 Allen 205.

SECT. 19. The legal voters of every town may, if they think it expedient, carry into effect the provisions of the preceding section at the common expense of the town, so far as relates to providing school-houses for the several school districts of the town; and the town in such case may, at any legal meeting, raise money and adopt all other proper measures for this purpose, and, if already districted, may

Towns may provide school-houses at the common expense.

take possession of the school-houses and property of the several districts in the manner provided in section three of this chapter.

SECT. 20. If a school district cannot determine by a vote of two-thirds of the legal voters present and voting thereon, where to place their school-house, the selectmen, upon application made to them by the committee appointed to build or procure the school-house, or by five or more of the legal voters of the district, shall determine where such school-house shall be placed.

Selectmen to determine site in case, etc.
2 Gray, 414.

SECT. 21. A school district, obliged by law to procure a suitable school-house, shall, for neglecting one year so to do, be liable to a fine not exceeding two hundred dollars, to be recovered by indictment, on complaint of any legal voter in said district, to be appropriated to the support of schools therein.

Penalty on school district for not providing school-house.

SECT. 22. In raising and assessing money in the several school districts, every inhabitant of the district shall be taxed in the district in which he lives, for all his personal estate, and for all the real estate which he holds in the town, being under his own actual improvement; and all other of his real estate in the same town shall be taxed in the district in which it lies.

Personal and real estate, where taxed.
5 Mass. 330.
12 Met. 181.
9 Gray, 433.

[Nothing contained in chapter two hundred and eight of the acts of the year eighteen hundred and sixty-four, or in chapter two hundred and eighty-three of the acts of the year eighteen hundred and sixty-five, shall be construed to exempt the owners of shares in the capital stock of any corporation from liability to taxation for school district and parish purposes.

Act of 1864, 1865, taxing of shares in corporations, not to exempt owners.
1866, 106.

SECT. 23. In the assessment of taxes pursuant to the preceding section, all real estate and machinery belonging to manufacturing corporations or establishments shall be taxed in the school districts where the same are situated; and in assessing the shares in such corporation, or the personal estate of the owners of such establishments, for the like purposes, the value of such machinery and real estate shall first be deducted from the value of such shares or personal estate.

Manufacturing corporations, where taxed.

SECT. 24. All the lands within a town, owned by the same person not living therein, shall be taxed in the same district.

Non-residents, where taxed.

SECT. 25. When the estate of a non-resident owner is taxed, it may be taxed in such district as the assessors of the town determine; and the assessors, before they assess a tax for any district, shall determine in which district the estate

Same subject.
7 Allen, 205.
97 Mass. 427.
100 Mass. 134.

of any such non-resident shall be taxed, and certify in writing their determination to the clerk of the town, who shall record the same; and such estate, while owned by the same person resident without the limits of the town, shall be taxed in such district accordingly until the town is districted anew.

SECT. 26. The assessors of the town shall assess, in the same manner as town taxes are assessed, on the polls and estates of the inhabitants of each school district, and on all estates liable to be taxed therein as aforesaid, all money voted to be raised by the legal voters of such district for the purposes aforesaid; and such assessment shall be made within thirty days after the clerk of the district has certified to said assessors the sum voted by the district to be raised.

School taxes assessed like town taxes.
3 Mass. 230.
3 Cush. 567.
14 Pick. 362.
12 Met. 173.

SECT. 27. The assessors shall make a warrant, substantially in the form heretofore used, except that a seal shall not be required thereto, directed to one of the collectors of the town, requiring him to collect the tax so assessed, and to pay the same to the treasurer of the town within a time to be limited in the warrant; and a certificate of the assessment shall be made by the assessors and delivered to the treasurer.

Assessors to issue warrants to collectors.
5 Pick. 496.
12 Pick. 214.

SECT. 28. The money so collected and paid shall be at the disposal of the committee appointed by the district, to be by them applied to the building or repairing of school-houses, or to the purchase of buildings to be used as such, or of land for their sites, as before provided, and according to the votes or directions of the legal voters of the district.

Money raised to be at disposal of committees.
11 Gray, 487.

SECT. 29. If at a meeting of the legal voters of a school district called for the purpose of raising money, a majority of the voters present are opposed thereto, any five inhabitants of the district, who pay taxes, may make application in writing to the selectmen of the town, requesting them to insert in their warrant for the next town meeting an article requiring the opinion of the town relative to the expediency of raising such money as was proposed in the warrant for the district meeting; and if the majority of the voters think the raising of any of the sums of money proposed in the warrant is necessary and expedient, they may vote such sum as they think necessary for said purposes, and the same shall be assessed on the polls and estates of the inhabitants of such district, and be collected and paid over in the manner before provided. They may also empower the selectmen of the town, or the school committee, or may choose a committee, to carry into effect the purposes for which such money is voted, if such district neglects or refuses to choose a committee for that purpose.

If district refuses to raise money, town may order it.

SECT. 30. If a district neglects to organize by the choice of officers, the money necessary for the erection, repair, or enlargement of a school-house therein, may be expended by order of the school committee, and, upon their certificate, shall be assessed upon the polls and estates of the inhabitants of the district, collected like other district taxes, and paid into the treasury of the city or town.

If district neglects to organize, school committee may provide, etc.

SECT. 31. In collecting district taxes the collectors shall have the same powers and proceed in the same manner provided by law in collecting town taxes.

Collectors, how to collect taxes.

SECT. 32. The treasurer of a town, to whom a certificate of the assessment of a district tax is transmitted, shall have the like authority to enforce the collection and payment of the money so assessed and certified, as he has in the case of money raised by the town, for the use of the town.

Treasurer, powers of, etc.

SECT. 33. The assessors, treasurer, and collector, shall have the same compensation, respectively, for assessing, collecting and paying out money, assessed for the use of a school district, as is allowed by the town for like services in respect to town taxes.

Compensation of assessors, etc.

SECT. 34. The assessors shall have the same power to abate the tax, or any part thereof, assessed on an inhabitant of a school district, as they have to abate town taxes.

Abatement of taxes.

UNION DISTRICTS.

SECT. 35. Two or more contiguous school districts in a town may, by a vote of two-thirds of the legal voters of each district, present and voting at legal meetings of their respective districts called for the purpose, associate and form a union district, *for the purpose of maintaining a union school for the benefit of the older children of such associated districts*; such district shall have the powers, privileges and liabilities of school districts, with such name as the district determines at its first meeting.

Union districts, how formed, etc.

SECT. 36. The districts proposing such association shall, at the time of voting to form the union, respectively agree upon the time, place and manner of calling the first meeting of the union district, which may from time to time determine the mode of calling and warning its meetings, the time and place of its annual meetings, and the place where its school-house shall stand. The location of the school-house, if not determined by the district, shall be referred to the selectmen, as provided for other districts.

First meeting. Subsequent meetings. Location of house.

SECT. 37. Each union district, at its first meeting, shall choose by

ballot a clerk, who shall be sworn in the manner, and perform the duties, prescribed for clerks of other school districts, and hold the office until a successor is chosen and qualified.

Clerk, how chosen, etc.

SECT. 38. In raising and assessing money in such districts, every inhabitant shall be taxed in the manner in which inhabitants of other school districts are taxed, and the real estate of non-resident owners taxable in either of the districts composing the union district shall be taxed in such districts.

Assessments, how made.

SECT. 39. The prudential committees of the respective districts, forming the union district, shall together constitute the prudential committee of such district; have the powers and discharge the duties, in relation to the school and school-house of the district, prescribed to prudential committees in relation to the schools and school-houses in their respective districts; and determine what proportion of the money raised and appropriated by the town for each of the districts composing the union district shall be appropriated and expended in paying the instructors of the union school; subject in all matters to any legal votes of the union district.

Prudential committees, how constituted. Powers and duties, etc.

SECT. 40. The public schools required by law shall continue to be maintained in each of the districts thus associated, as if no union district had been formed.

Usual schools maintained.

SECT. 41. The school committee shall have the powers and duties in relation to such union school which they have in relation to other district schools.

School committees, powers and duties of.

[Amendment.]

[Any two or more contiguous school districts in any town in this Commonwealth, may be united and form one school district: *provided*, that at a legal town meeting held for that purpose, a majority of the voters present and voting thereon shall be in favor of such union.

Contiguous districts may unite. 161, 132.

SECT. 2. Such school district when formed, shall have all the powers, privileges, and be subject to the liabilities, of school districts under the law of this Commonwealth.]

Privileges and restrictions.

CONTIGUOUS SCHOOL DISTRICTS IN ADJOINING TOWNS.

SECT. 42. If two or more contiguous school districts in adjoining towns are too small to maintain schools advantageously in each, such districts may unite and form one district, with the powers, privileges, and liabilities allowed or prescribed in regard to school districts.

Contiguous districts in adjoining towns may unite.

SECT. 43. No districts shall be so united, unless the legal voters of each, at legal meetings called for the purpose, agree thereto; nor, unless the respective towns, at legal town meetings called for the purpose, assent to the same; and when such vote is passed by a school district, the clerk thereof shall forthwith send a certified copy to the clerk of his town.

Union not formed without consent of districts, etc.

SECT. 44. When the voters in such united district, at a legal meeting called for the purpose, deem it expedient to separate and again form two or more districts, they may do so, first obtaining the consent of the respective towns.

United districts may be separated.

SECT. 45. The first meeting of such united district shall be called in the manner agreed upon by the respective districts at the time of forming the union; and such district may, from time to time thereafter, prescribe the mode of calling and warning its meetings as other school districts may do.

Meetings of, how called.

SECT. 46. Such district, at the first meeting and annually thereafter, shall choose a prudential committee, who shall receive and expend the money raised and appropriated in each town for the united district, and possess the powers and discharge the duties allowed or prescribed to the prudential committees of other districts.

Prudential committee to be chosen, etc.

SECT. 47. The legal voters of a united district shall, at the time of voting to raise such money, determine the amount to be paid by the inhabitants in each town, which shall be in proportion to their respective polls and estates; and the clerk of the district shall certify such vote to the assessors of each of said towns.

Money raised to be in proportion, etc.

SECT. 48. All money duly voted to be raised by any such united district shall be assessed by the assessors of the respective towns upon the polls and estates of the inhabitants of the district, and collected, as taxes are assessed and collected in other school districts.

Money, how assessed.

SECT. 49. The respective school committees of the towns from which such united district is formed shall discharge the duties of school committee for the district in alternate years, commencing with the most ancient town.

School committees of adjoining towns to officiate in turns.

[Amendments.—Chap. 255, 1865.]

[SECT. 1.] United school districts, in adjoining towns, may be separated by vote of such towns, whenever said towns shall have determined by mutual agreement, upon the appraised value, and mode of disposition of the property of such district, and the proportion of said appraised value to which each part of said district shall be entitled.

May act when terms have been agreed upon.

SECT. 2. Upon such separation, the property of the united district shall become vested in accordance with said previous agreement; and the town or school district which shall take possession thereof, shall be held to pay to the other town for the benefit of the school district therein, such sum or sums of money, and at such times, as shall be determined by said previous agreement.

Property to be vested and payment made as per agreement.

SECT. 3. In case either town shall have abolished the other school districts therein, the proportion of the value of the property of such united district, to which the separate district in such town would be entitled on such separation, shall be adjusted, as far as may be practicable, in accordance with the provisions of section three of chapter thirty-nine of the General Statutes.

Town abolishing other districts, arrangement under G. S.

SECT. 4. Either town may cause any school district therein, which forms part of any such united district, to be separated therefrom, without the agreement provided for in section one: *provided*, that all the interest of such district in the school-houses and other property owned and used by such united district for school purposes, shall be relinquished, and shall, upon such separation, become vested in the remaining portions of such united district; and *provided, further*, that the interest of such district in such school-houses and property, shall not be relinquished without the consent of such districts.]

Division may be made by either town.

The foregoing chapter relates exclusively to what is known in our school history as the "School District System," and has no force except in some fifty small towns in which that system still exists. The Acts of 1869, 1870 and 1873, in relation to the abolition of said system and its partial restoration in the towns above referred to, are also printed herewith.

CHAPTER 110.—AN ACT to abolish the School District System.

Be it enacted, &c., as follows:

SECT. 1. The school district system in this Commonwealth is hereby abolished.

SECT. 2. Each town in which the district system now exists shall forthwith take possession of all the school-houses, land, apparatus and other property owned and used by the several school districts therein, which said districts might lawfully convey, and shall appraise the same, levy a tax therefor and remit said tax in the manner provided by section third, chapter thirty-nine of the General Statutes: *provided*, that the appraisal of the school property in any district or the amount to be remitted, shall not exceed the sum that has been

actually raised by taxation in such district for such property ; and *provided, further*, that any money or property, held in trust by virtue of any gift, devise or bequest, for the benefit of any school district now existing, shall hereafter continue to be held and used in the same manner, and for the same purpose, according to the terms thereof.

SECT. 3. The corporate powers and liabilities of any school district abolished by this act, shall continue and remain for the purposes expressed in section six, chapter thirty-nine of the General Statutes.

SECT. 4. All acts and parts of acts, inconsistent with this act, are hereby repealed.

SECT. 5. This act shall take effect upon its passage. [*Approved March 24, 1869.*]

CHAPTER 423.—AN ACT in addition to an Act to abolish the School District System.

Be it enacted, &c., as follows:

SECT. 1. Union districts and contiguous school districts in adjoining towns are hereby abolished.

SECT. 2. Each town in which any school-house belonging to such union or contiguous district is located shall forthwith take possession of the same, with the land, apparatus, and other property owned and used by such district.

SECT. 3. The boards of selectmen of the several towns out of which any such union or contiguous districts are formed, shall forthwith appraise the said property, and shall determine what proportion thereof is owned by the inhabitants of said several towns residing in said district. If the said several boards of selectmen shall not agree in their said appraisal, or apportionment, the same shall be determined by the county commissioners for the county in which either one of said towns is located to whom application is first made, and the decision of said county commissioners shall be final.

SECT. 4. Whenever any town shall take possession of said property a tax shall at the next annual assessment thereafter be levied upon the whole town, equal to the amount of said appraisal ; and there shall be remitted to the tax-payers of such district, in said town, the proportion of the appraised value belonging to them ; and the proportion belonging to the inhabitants of any town in which said property is not located shall be paid to the treasurer of such town, and the same shall be remitted to the tax-payers of said town belonging to said district.

SECT. 5. Section two of chapter one hundred and ten of the acts of the present year is hereby amended by striking therefrom the

words "provided that the appraisal of the school property in any district, or the amount to be remitted, shall not exceed the sum that has been actually raised by taxation in such district for such property."

SECT. 6. Towns in which school districts have been abolished under the provisions of this act, and the act to which this act is in addition, or during the present year, under the provisions of section three of chapter thirty-nine of the General Statutes, shall respectively assume and pay all the debts and liabilities of such districts, and the amount of such debts and liabilities shall be deducted from the amount to be remitted by such town.

SECT. 7. The provisions of section five of this act shall not apply to any town that has already taken possession of its school district property and appraised the same, under the provisions of chapter one hundred and ten of the acts of the present year, unless such town shall vote to re-appraise such property at a meeting duly held for that purpose.

SECT. 8. This act shall take effect upon its passage. [*Approved June 21, 1869.*]

CHAPTER 196.—AN ACT to authorize Towns to reestablish the School District System.

Be it enacted, &c., as follows:

SECT. 1. Any town in which the school district system was abolished by chapter one hundred and ten, or by chapter four hundred and twenty-three, of the acts of the year eighteen hundred and sixty-nine, may at a meeting called for the purpose, within two years from the passage of this act, by a vote of two-thirds of the legal voters, present and voting thereon, reestablish such school districts.

SECT. 2. School districts reestablished under the provisions of the first section of this act, shall possess corporate rights and powers, and be subject to liabilities the same as before they were abolished.

SECT. 3. When any town votes to reestablish its school districts under the provisions of this act, all school district property appraised and taken under the provisions of chapter one hundred and ten, or chapter four hundred and twenty-three of the acts of the year eighteen hundred and sixty-nine, which is still in the possession of the town and used for public school purposes, may forthwith be re-appraised under the direction of the town and restored to said districts. And at the next annual assessment thereafter, a tax shall be levied, and paid into the treasury of the towns, upon each district, equal to the amount of the appraised value of its property thus restored, or the public school property may be divided among the several districts, and adjusted in any other manner agreed upon by the town at a legal

meeting: *provided*, nothing in this act shall be construed to require an appraisal of school property in towns where the school district property has not been taken, appraised, and the value thereof remitted to the several districts as provided by law.

SECT. 4. This act shall take effect upon its passage. [*Approved April 22, 1870.*]

By virtue of the last Act, chap. 196, 1870, between fifty and sixty towns voted to "reëstablish the school districts therein."

In three instances controversies have arisen which have been adjudged by the supreme judicial court. Two of them relate to the *form* and *effect* of the vote on the restoration of the districts; and the other to the manner of recording such vote.

The opinions given in said cases are as follows:—

"A vote of a town, passed after the Stat. of 1870, chap. 196, that the school district system be reëstablished, and that the appraisement of the property of the school districts, made in 1869, be the appraisement thereof of 1870, is a reëstablishment of the school districts of the town as they were before they were abolished by the Stat. of 1869, chap. 110; and a school district which had united, under the Gen. Stat. chap. 39, sect. 42, with a contiguous district in an adjoining town, which had not voted to reëstablish the district system, is revived with the others as a school district of the town, as it was before the union." *108 Mass. 106.*

"At a meeting called to consider whether a town would reëstablish the school district system and choose the officers required in that event, it voted to reëstablish the system, and appointed a *prudential committee man for each former district.* *Held*, that this was a sufficient reëstablishment under the Stat. of 1870, chap. 96, of the former school districts, which have been abolished by the Stat. of 1869, chap. 110."

In delivering the above opinion, Ames, J., says: "This case is perhaps stronger than that (108 Mass. 106) above cited, for the reason that the article in the warrant gave notice to the inhabitants of Barnstable that they were to act on the subject of reëstablishing the school district system in the town under this statute, and to choose such officers as might be required in case the town should vote to return to the district system. *Under this article they might well proceed, as they did, to choose the prudential committee for each district.*" *109 Mass. 128.*

“If the records of a town fail to show that a vote to reëstablish the school district system therein was a two-thirds vote, parol evidence is not admissible to show that it was.” *110 Mass. 214.*

Other questions, perhaps more difficult to be resolved, are likely to arise, relating to the extent or the “corporate rights and powers” and the “liabilities” of the districts, as named in the second section of said Act; and also as to the rights, powers and duties of the *towns* in which the school districts have been restored.

The attention of the attorney-general having been called to this matter, he gave an opinion to the effect that the provisions of law relating to the rights and duties of towns in which the district system existed were repealed by section 5 of chapter 110, above recited, and that the Act, chap. 196 of 1870, did not revive said provisions; and therefore that towns in which the school districts had been restored, had no power to abolish the same. Influenced by this opinion, and in response to the petition of one of the towns in Essex County, the legislature passed the following Act.

CHAP. 95.—AN ACT to enable Towns to abolish the School District System.

Be it enacted, &c., as follows:

SECT. 1. Any town in which the school district system now exists may abolish the same, by vote, at a town meeting called for the purpose; and such town shall thereafter be subject to the provisions of chapters one hundred and ten and four hundred and twenty-three of the acts of eighteen hundred and sixty-nine.

SECT. 2. This act shall take effect upon its passage. [*Approved March 15, 1873.*]

Several towns have abolished their school districts by virtue of the power thus granted, as the most direct and effective method of relief from difficulty and embarrassment.

CHAPTER 40—*Of School Registers and Returns.*

SECTION

1. Town clerks to deliver registers, etc., to school committee.
2. If not received.
3. Duties of assessors as to persons between five and fifteen.
4. —of school committee; form of certificate.
5. Registers to be kept; returns.
6. Committees' report; to whom sent; where deposited; to be printed.
7. When report is not made.

SECTION

8. When informal, etc.
9. Penalty for neglect, or informal, etc., report.
10. Reports, etc., of board of education, how received, delivered, and for what purpose. In whom property of.
11. Who to sign reports.
12. Penalty on committee for neglect in returns, etc.
13. Registers, how kept. Teachers not to draw pay until return of register.

SECT. 1. The clerks of the several cities and towns, upon receiving from the secretary of the board of education the school registers and blank forms of inquiry for school returns, shall deliver them to the school committee of such cities and towns.

Town clerks to deliver registers, etc., to school committee.

SECT. 2. If a school committee fails to receive such blank forms of return on or before the last day of March, they shall forthwith notify the secretary of the board of education, who shall transmit such forms as soon as may be.

If not received.

[Substituted for Sections 3 and 4.]

SECT. 1. [The school committees shall annually, in the month of May, ascertain, or cause to be ascertained, the names and ages of all persons belonging to their respective towns and cities on the first day of May, between the ages of five and fifteen years, and make a record thereof.]

Duties of school committees as to persons between 5 and 15 years.
1874, 303.

SECT. 2. The school committee shall annually, on or before the last day of the following April, certify under oath, the numbers so ascertained and recorded, and also the sum raised by such city or town for the support of schools during the preceding school year, including only wages and board of teachers, fuel for the schools, and care of the fires and school-rooms, and they shall transmit such certificate to the secretary of the board of education. The form of such certificate shall be as follows, to wit:—

We, the school committee of _____, do certify that on the first day of May, in the year _____, there were belonging to said town the number of _____ persons between the ages of five and fifteen; and we further certify that said town raised the sum of _____ dollars, for the support of public schools for the preceding school year, including only the wages and board of teachers, fuel for the schools and care of fires and school-rooms; and that said town maintained, during said year, each of the schools required to be kept by the first section of the thirty-eighth chapter of the General Statutes for a period not less than six months; and we further certify that said town maintained during said year _____ school for the benefit of all the inhabitants of the town as required by section two of chapter thirty-eight of the General Statutes for _____ months and _____ days.

} *School Committee.*

[ss.]

On this _____ day of _____ personally appeared the above named school committee of _____ and made oath that the above certificate by them subscribed, is true. Before me, _____ *Justice of the Peace.*

In the returns made by the school committee to the secretary of the board of education, twenty days or forty half-days of actual session shall be counted as one month.

20 days or 40 half-days one month. 1865, 142.

SECT. 5. The school committee shall cause the school registers to be faithfully kept in all the public schools, and shall annually on or before the last day of April, return the blank forms of inquiry, duly filled up, to the secretary of the board of education; and shall also specify in said returns the purposes to which the money received by their town or city from the income of the school fund has been appropriated.

Registers and returns. See § 11. See ch. 38, § 20.

SECT. 6. The school committee shall annually make a detailed report of the condition of the several public schools, which report shall contain such statements and suggestions in relation to the schools as the committee deem necessary or proper to promote the interests thereof. The committee shall cause said report to be printed for the use of the inhabitants, in octavo, pamphlet form, of the size of the annual reports of the board of education, and transmit two copies thereof to the secretary of said board, on or before the last day of April, and deposit one copy in the office of the clerk of the city or town.

Committees' report; to whom sent; where deposited; to be printed. See ch. 38, § 20. 11 Gray, 340. 101 Mass. 142.

SECT. 7. When a school committee fails within the prescribed time to make either the returns or reports required of them by law, the secretary of the board of education shall forthwith notify such committee, or the clerk of the city or town, of such failure; and the committee or clerk shall immediately cause the same to be transmitted to the secretary.

When report is not made. See ch. 38, § 20.

SECT. 8. If a report or return is found to be informal or incorrect, the secretary shall forthwith return the same, with a statement of all deficiencies therein, to the committee for its further action.

When informal, etc. See ch. 38, § 20.

SECT. 9. The returns or reports of a city or town so returned by the secretary for correction, or which have not reached his office within the time prescribed by law, shall be received by him if returned during the month of May; but in all such cases ten per cent. shall be deducted from the income of the school fund which such city or town would have been otherwise entitled to. If such returns or reports fail to reach his office before the first day of June, then the whole of such city or town's share of the income shall be retained by the treasurer of the Commonwealth, and the amount so retained, as well as the ten per cent. when deducted, shall be added to the principal of the school fund. And such city or town shall in addition thereto forfeit not less than one hundred nor more than two hundred dollars: *provided, however*, if said returns and reports were duly mailed in season to reach such office within the

Penalty for neglect, or informal, etc., report.

time required by law, then the city or town from which said returns or reports are due shall be exempt from the forfeiture otherwise incurred.

SECT. 10. The clerk of each city and town shall deliver one copy of the reports of the board of education and its secretary to the secretary of the school committee of the city or town, to be by him preserved for the use of the committee, and transmitted to his successor in office; and two additional copies of said reports, for the use of said committee; and shall also deliver one copy of said reports to the clerk of each school district, to be by him deposited in the school district library, or, if there is no such library, carefully kept for the use of the prudential committee, teachers and inhabitants of the district, during his continuance in office, and then transmitted to his successor; and in case the city or town shall not be districted, said reports shall be delivered to the school committee, and so deposited by them as to be accessible to the several teachers and to the citizens; and such reports shall be deemed to be the property of the town or city, and not of any officer, teacher, or citizen, thereof.

SECT. 11. When the school committee of a city or town is not less than thirteen in number, the chairman and secretary thereof may, in behalf of the committee, sign the annual school returns and the certificate required by sections four and five.

SECT. 12. A city or town which has forfeited any part of its portion of the income of the school fund through the failure of the school committee to perform their duties in regard to the school report and school returns, may withhold the compensation of the committee.

SECT. 13. The several school teachers shall faithfully keep the registers furnished to them, and make due return thereof to the school committee, or such person as they may designate, and no teacher shall be entitled to receive payment for services until the register, properly filled up and completed, shall be so returned.

[Chap. 123, 1867.]

[SECT. 1.] It shall be the duty of the trustees, officers, or persons in charge of all institutions of learning, whether literary, scientific or professional, incorporated, supported or aided by this Commonwealth; of all reform schools and almshouses; of all private educational institutions; also, of all agents, guardians or treasurers to whom appropriations shall be made for the support of schools among the Indians of this Commonwealth, whether by

Reports, etc., of board of education, how received, and for what purpose. In whom property of.

Who to sign reports.

Penalty on committee for neglect in returns, etc.

Registers, how kept. Teachers not to draw pay until return of register. 2 Allen, 592.

Officers of institutions of learning, reform and charity, and of Indian schools, to report annually on June 1st, to board of education. 1867, 123.

general statute or special resolve, on or before the first day of June in each year, to make a report in writing to the board of education, at the office of the secretary, of such statistics of the several institutions or schools under their charge, relating to the number of pupils and instructors, courses of study, cost of tuition and the general condition of said institution or school, as said board shall prescribe.

SECT. 2. The board of education shall prepare blank forms of inquiry for such statistics as they shall deem expedient to require, and shall cause the same to be sent to each of said institutions or schools, on or before the tenth day of May in each year. In preparing said forms, reference shall be had to the requirements of the national bureau of education recently created by the general government.]

Board to supply forms on or before tenth May.

[Substitute for Sections 3 and 4.]

No more important duty is laid upon the school committee than that prescribed by the first section of this substitute. If properly discharged, two results will follow: First, the census will be far more full and accurate than heretofore; and second, the committee, who are charged with the duty of enforcing, through the aid of the truant officers, the laws relating to school attendance, will have in their own hands a complete knowledge of the persons and facts, necessary to the proper discharge of their duties.

I respectfully recommend that the census be taken by the truant officers, who are appointed by the school committee, whenever the committee cannot take it personally. Also, that it be taken by *districts*, and that papers be prepared for taking it which shall be so ruled as to give separate columns: First, for the parent's name; second, for the names of the children in the order of age; third, for the age of each; and, fourth, for any general remarks; to wit, whether attending school or not, what the pursuit of, etc.

These should be copied—"recorded"—in a book properly prepared, and the census for each district given, with the school register, to each teacher who has charge of a school. So doing, the means will be always at hand to ascertain who are attending the school and who are the absentees.

It should be noticed that the enumeration is required of all "*belonging to the town*," thereby excluding all *transient* residents, whether for purposes of work or attendance upon academies, etc.

(SECT. 6.)

"A town may appropriate money to indemnify its school committee for expenses incurred in defending an action for an alleged libel contained in a report made by them in good faith and in which judgment has been rendered in their favor."

"A warrant for a town meeting 'to hear the report of any committee heretofore chosen, and pass any vote in relation to the same,' is sufficient to enable the meeting to vote sums recommended by a committee appointed at a former meeting, the warrant for which fully set forth the business to be brought before it." *11 Gray, 340.*

"A school committee of a city caused to be printed an address by them to the people of the city regarding an occurrence in the public schools, and referred to such address in their subsequently printed annual report as a part thereof. *Held*, that they were authorized to charge the expense of printing the address upon the city, by the Gen. Stats. chap. 40, § 6, directing them to make annually a report of the condition of the schools and cause it to be printed for the use of the inhabitants." *101 Mass. 142.*

(SECT. 13.)

"A teacher of a district school cannot recover payment for his services until he has filled up and completed the register of the school kept by him, in compliance with the requirement of Stat. 1849, chap. 209; and the school committee of the town have no power to waive a performance of this duty by him." *2 Allen, 592.*

CHAPTER 41.—*Of the Attendance of Children in the Schools.*

SECTION

1. Children to be sent to school by parents, etc. Penalty for neglect. Excuses for neglect.
2. Truant officers and school committee to inquire and report.
3. All children may attend where they reside.
4. School committee to regulate admission, etc., to high school.
5. Children may attend in adjoining town, and committee pay for instruction.

SECTION

6. Wards may attend where guardian resides.
7. Children may attend in other towns than place of parents' residence, and parents pay, etc.
8. Children not to attend unless vaccinated.
9. Race, etc., not to exclude.
10. Teachers and school committee to state grounds of exclusion.
11. Damages for exclusion, how recovered.
12. Interrogatories to committee, etc.

[Substituted for Sections 1 and 2.]

[Every person having under his control a child between the ages of eight and fourteen years, shall annually cause such child to attend some public day school in the city or town in which he resides, at least twenty weeks; which time shall be divided into two terms each of ten consecutive weeks so far as the arrangement of school terms will allow; and for every neglect of such duty the party offending shall forfeit to the use of the public schools of such city or town a sum not exceeding twenty dollars; but if the party so neglecting, was not able, by reason of poverty, to send such child to school, or such child has attended a private day school, approved by the school committee of such city or town for a like period of time; or is regularly attending a public or private day school, known as a half-time school, also approved by them, or that such child has been otherwise furnished with the means of education for a like period of time, or has already acquired the branches of learning taught in the public schools; or if his physical or mental condition is such as to render such attendance inexpedient or impracticable, the penalty before mentioned shall not be incurred: *provided*, that no objection shall be made by the school committee to any such school on account of the religious teaching in said school.]

Children to be sent to school by parents, etc. 1873, 279. 1874, 233.

Penalty for neglect. Ex. cuses.

[SECT. 2. The truant officers and the school committee of the several cities and towns shall vigilantly inquire into all cases of neglect of the duty prescribed in the preceding section, and ascertain the reasons if any therefor; and such truant officers, or any of them, shall, when so directed by the school committee, prosecute, in the name of the city or town, any person liable to the penalty provided for in the preceding section.

Truant officers to inquire and prosecute.

Justices of police of district courts, trial justices, trial justices of juvenile offenders, and judges of probate shall have jurisdiction within their respective counties of the offences described in this act.]

Justices, etc., to have jurisdiction.

SECT. 3. All children within the Commonwealth may attend the public schools in the place in which they have their legal residence, subject to the regulations prescribed by law.

Children to attend where they reside.

SECT. 4. The school committee shall determine the number and qualifications of the scholars to be admitted into the school kept for the use of the whole town.

Admission to high school, how regulated.

SECT. 5. Children living remote from any public school in the town in which they reside, may be allowed to attend the public schools in an adjoining town, under such regulations, and on such terms, as the school committees of the said towns agree upon and prescribe; and the school committee of the town in which said children reside shall pay

Children may attend in adjoining town, and committee pay for instruction. 8 Cush. 66.

out of the appropriations of money raised in said town for the support of schools the sum agreed upon.

SECT. 1. [Any town in this Commonwealth may raise by taxation or otherwise, and appropriate money to be expended by the school committee in their discretion, in providing for the conveyance of children to and from the public schools.]
Towns may raise money to convey, etc. 1869, 132.

SECT. 6. Minors under guardianship, their father having deceased, may attend the public schools of the city or town in which their guardian is an inhabitant.
Wards, where may attend.

SECT. 7. With the consent of school committees first obtained, children [without limitation as to age, 1873, 292] may attend schools in cities and towns other than those in which their parents or guardians reside; but whenever a child resides in a city or town different from that of the residence of the parent or guardian, for the sole purpose of attending school there, the parent or guardian of such child shall be liable to pay to such city or town, for tuition, a sum equal to the average expense per scholar for such school for the period the child shall have so attended.
Children may attend in other towns than place of parents' residence, and parents pay, etc. 103 Mass. 104.

SECT. 8. The school committee shall not allow any child to be admitted to or connected with the public schools, who has not been duly vaccinated.
Children to be vaccinated.

SECT. 9. No person shall be excluded from a public school on account of the race, color, or religious opinions, of the applicant or scholar.
Color, etc., not to exclude. 12 Allen, 127.

SECT. 10. Every member of the school committee under whose directions a child is excluded from a public school, and every teacher of such school from which a child is excluded, shall, on application by the parent or guardian of such child, state in writing the grounds and reason of the exclusion.
Teachers, etc., to state grounds of exclusion.

SECT. 11. A child unlawfully excluded from any public school shall recover damages therefor in an action of tort, to be brought in the name of such child by his guardian or next friend against the city or town by which such school is supported.
Damages for exclusion. 8 Cush. 160. 7 Gray, 245. 12 Allen, 129. See ch. 33, § 16, and notes.

SECT. 12. The plaintiff in such action may, by filing interrogatories for discovery, examine any member of the school committee, or any other officer of the defendant city or town, as if he were a party to the suit.
Interrogatories to committee, etc.

[Substituted for Sections 1 and 2.]

[The present law contemplates that each child shall receive as much training as may be given between the ages of eight

and fourteen years, by his attendance upon a public school twenty weeks each year, each ten weeks of the twenty to be consecutive.

At most, this period is brief for the accomplishment of so important a work as the training of a human being for the responsibilities of life; and hence the imperative nature of the duty resting upon truant officers and committees in regard to the enforcement of the law. It is not to be assumed that the legal rights of children in the schools are limited to the period when they are between eight and fourteen years of age, or even to the period between five and fifteen; for it cannot be doubted that youth under twenty-one years of age are entitled to the benefits of the public schools, while committees may exercise a discretion in excluding those who are not physically and intellectually qualified, even though they are more than five years of age. It is not sufficient for committees and truant officers to wait for information to be given to them of neglect of duty by parents and guardians; but they should *discover and inquire* into all such cases, and pursue the delinquents according to the requirements of law. In no other way can we save portions of society from the "barbarism" which our ancestors would not suffer. It generally happens that those families which are most indifferent to the education of the children in the schools, have the fewest means of educating them under the domestic roof.]

(SECT. 5.)

"The town having raised money, pursuant to law, for the support of schools within the town, had no authority to vote that a portion of it should be refunded to an individual, to be expended in another town, or for any other purpose. It would disturb the harmony of the public school system, and is not warranted by law." *Shaw, C. J., in Withington v. The Inhabitants of Harvard, 8 Cush. 67.*

(SECT. 7.)

"Towns and cities are not authorized by law to open their schools to children whose parents or guardians reside in another State; and, if they do so, no promise, express or implied, of the parents or guardians, to pay for the tuition, can be enforced.

"The provisions of the Gen. Stat. chap. 41, § 7, that, with the consent of the school committee first obtained, children between certain ages may attend school in towns or cities other than those where their parents or guardians reside, apply only to children whose parents or guardians reside in Massachusetts." *Inhabitants of Haverhill v. John G. Gale*, 103 Mass. 104.

CHAPTER 42—Of the Employment of Children and Regulations Respecting Them.

SECTIONS OF SUBSTITUTED CHAPTER.

1. Children under ten not to be employed, nor under fifteen, unless, etc.
2. Children under fifteen not to be employed over sixty hours a week.
3. Penalty.
4. State constable to enforce, etc.

SECTIONS OF SUBSTITUTED CHAPTER.

1. Cities and towns to make by-laws respecting habitual truants.
2. School committees to appoint truant officers, and fix their compensation.
3. Penalty, etc.
4. Officers having jurisdiction.
- 5 and 6. County commissioners,—when to establish places of confinement, etc.
7. State primary school at Monson may be assigned.

[Chap. 285, 1867, substituted for Sections 1, 2 and 3 of this Chapter.]

[SECT. 1. No child under the age of ten years shall be employed in any manufacturing or mechanical establishment within

Child under 10 years shall not be employed, nor under 15, unless, etc.

this Commonwealth, and no child between the age of ten and fifteen years shall be so employed, unless he has attended some public or private day school under

teachers approved by the school committee of the place in which such school is kept, at least three months during the year next preceding

Proviso.

such employment: *provided*, said child shall have lived within the Commonwealth during the preceding six

months; nor shall such employment continue unless such child shall attend school at least three months in each and every

Shall so attend yearly day school, time in, how construed.

year; and *provided*, that tuition of three hours per day in a public or private day school approved by the school

committee of the place in which such school is kept, during a term of six months, shall be deemed the equivalent of three months' attendance

at a school kept in accordance with the customary hours of tuition; and no time less than sixty days of actual schooling shall be accounted

as three months, and no time less than one hundred and twenty half-days of actual schooling shall be deemed an equivalent of three

months.

SECT. 2. No child under the age of fifteen years shall be employed in any manufacturing or mechanical establishment more

Child under 15 not to work over 60 hours a week.

than sixty hours in one week:

SECT. 3. Any owner, agent, superintendent or overseer of any manufacturing or mechanical establishment, who shall

knowingly employ or permit to be employed any child in violation of the preceding sections, and any parent or guardian who allows or consents to such employment, shall, for such offence, forfeit the sum of fifty dollars.

Penalty.
9 Met. 562.

SECT. 4. It shall be the duty of the constable of the Commonwealth to specially detail one of his deputies, to see that the provisions of this act, and all other laws regulating the employment of children or minors in manufacturing or mechanical establishments, are complied with, and to prosecute offences against the same; and he shall report annually to the governor all proceedings under this act; and nothing in this section shall be so construed as to prohibit any person from prosecuting such offences.]

State constable to enforce and report to governor.

[Substituted for Sections 4, 5, 6, 7 and 8 of this Chapter.]

[SECT. 1. Each city and town shall make all needful provisions and arrangements concerning habitual truants and children between the ages of seven and fifteen years who may be found wandering about in the streets or public places of such city or town, having no lawful occupation or business, not attending school, and growing up in ignorance; and shall also make such by-laws as shall be most conducive to the welfare of such children, and to the good order of such city or town; and shall provide suitable places for the confinement, discipline and instruction of such children: *provided*, that said by-laws shall be approved by the superior court, or a justice thereof, or by the judge of probate of the county.

1873, 262.
By-laws respecting habitual truants, etc.

SECT. 2. The school committee of the several cities and towns shall appoint and fix the compensation of two or more suitable persons, to be designated as truant officers, who shall, under the direction of said committee, inquire into all cases arising under such by-laws, and shall alone be authorized, in case of violation thereof, to make complaint and carry into execution the judgment thereon, [and may serve all legal processes issued by the courts in pursuance of [this] act, but shall not be entitled to or receive any fees therefor.]

Truant officers, how appointed, powers, compensation.
10 Allen, 149.

1874, 233.

SECT. 3. Any minor convicted under such by-law of being an habitual truant, or of wandering about in the streets and public places of any city or town, having no lawful employment or business, not attending school and growing up in ignorance, shall be committed to any institution of instruction or suitable situation provided for the purpose under the authority of section one, of this act, or by law, for such time, not exceeding two years, as the justice or court having jurisdiction may determine. Any minor so committed may, upon proof of amendment, or for other sufficient cause shown upon a hearing of the case, be discharged by such justice or court.

Minor convicted may be committed.

SECT. 4. Justices of police or district courts, trial justices, trial justices of juvenile offenders, and judges of probate shall have jurisdiction within their respective counties, of the offences described in this act.

Justices, etc., having jurisdiction: See § 8 of this ch. for compensation of do.

SECT. 5. When three or more cities or towns in any county shall so require, the county commissioners shall establish at convenient places therein, other than the jail or house of correction, at the expense of the county, truant schools, for the confinement, discipline and instruction of minor children convicted under the provisions of this act, and shall make suitable provisions for the government and control of said schools, and for the appointment of proper teachers and officers thereof.

County commissioners, when to provide a place of confinement.

SECT. 6. Any city or town may assign any such truant school as the place of confinement, discipline and instruction for persons convicted under the provisions of this act; and shall pay such sum for the support of those committed thereto as the county commissioners shall determine, not exceeding the rate of two dollars per week for each person.

SECT. 7. Any city or town may, with the assent of the board of state charities, assign the state primary school at Monson as the place of confinement, discipline and instruction for persons convicted under the provisions of this act, instead of the truant schools heretofore mentioned; and shall pay for the support of such persons committed thereto, such sum as the inspectors of said school shall determine, not exceeding two dollars per week for each person. Any minor so committed, may, upon satisfactory proof of amendment, or for other sufficient cause, be discharged by the board of state charities.]

May be sent to state primary school at Monson.

[Section 3 of Chapter 285.]

“A corporation is not liable to the penalty imposed by Stat. 1840, chap. 60, § 3, on the owner, agent or superintendent of a manufacturing establishment, for employing children under the age of twelve years in laboring more than ten hours in a day in such establishment.” *9 Met. 562.*

The Care and Education of Neglected Children.

[Chap. 283, 1866.]

[**SECT. 1.** Each of the several cities and towns in this Commonwealth is hereby authorized and empowered to make all needful provisions and arrangements concerning children under sixteen years of age, who by reason of the neglect, crime, drunkenness or other vices of parents, or from orphanage, are suffered to be growing up without salutary parental

Towns may provide for children of drunken and vicious parents.

control and education, or in circumstances exposing them to lead idle and dissolute lives; and may also make all such by-laws and ordinances respecting such children, as shall be deemed most conducive to their welfare and the good order of such city or town: *provided*, that said by-laws and ordinances shall be approved by the superior court, or in vacation by a justice thereof, and shall not be repugnant to the laws of the Commonwealth.

1867, 2.

SECT. 2. The mayor and aldermen of cities and the selectmen of towns availing themselves of the provisions of this act shall severally appoint suitable persons to make complaints in case of violations of such ordinances or by-laws as may be adopted, who alone shall be authorized to make complaints under the authority of this act.

Persons to provide for execution of.

SECT. 3. When it shall be proved to any judge of the superior court, or judge or justice of a municipal or police court, or to any trial justice, that any child under sixteen years of age, by reason of orphanage or of the neglect, crime, drunkenness or other vice of parents, is growing up without education or salutary control, and in circumstances exposing said child to an idle and dissolute life, any judge or justice aforesaid, shall have the power to order said child to such institution of instruction or other place that may be assigned for the purpose, as provided in this act, by the authorities of the city or town in which such child may reside, for such term of time as said judge or justice may deem expedient, not extending beyond the age of twenty-one years for males, or eighteen years for females, to be there kept, educated and cared for according to law.

Judge or trial justice may send child to town institution.

SECT. 4. Whenever it shall be satisfactorily proved that the parents of any child committed under the provisions of this act, shall have reformed and are leading orderly and industrious lives, and are in a condition to exercise salutary parental control over their children, and to provide them with proper education and employment; or whenever said parents being dead, any person may offer to make suitable provision for the care, nurture and education of such child as will conduce to the public welfare, and will give satisfactory security for the performance of the same, then the directors, trustees, overseers or other board having charge of the institution to which such child may be committed, may discharge said child to the parents or to the party making provision for the care of the child as aforesaid.]

When children may be discharged.

Penalty for Disturbing Schools, etc.

[Gen. Stat., Chap. 165, Sect. 23.]

SECT. 23. Whoever wilfully interrupts or disturbs any school or other assembly of people met for a lawful purpose, shall be punished by imprisonment in the jail not exceeding thirty days, or by fine not exceeding fifty dollars.

Disturbance of
schools and
public meet-
ings.

This statute "includes meetings assembled for the discussion of the subject of temperance; and also, *it seems*, political gatherings, meetings for amusement, and all public meetings held for lawful purposes." *1 Gray, 476.*

[Chap. 279, Acts of 1874.]

No license shall be granted by the mayor and aldermen or selectmen of any city or town for any exhibition mentioned in section seventy-four of chapter eighty-eight of the General Statutes at which children under the age of fifteen years are employed as acrobats, contortionists or in any feats of gymnastics or equestrianism.

NORMAL SCHOOLS.

[Chap. 70, Resolves of 1838.]

WHEREAS, by letter from the Honorable Horace Mann, secretary of the board of education, addressed on the twelfth of March current, to the president of the senate and speaker of the house of representatives, it appears, that private munificence* has placed at his disposal the sum of ten thousand dollars to promote the cause of popular education in Massachusetts, on condition that the Commonwealth will contribute, from unappropriated funds, the same amount in aid of the same cause, the two sums to be drawn upon equally, from time to time, as needed, and to be disbursed under the direction of the board of education in qualifying teachers for the common schools; therefore

Resolved, That his excellency the governor is hereby authorized, by and with the advice and consent of the council, to draw his warrant upon the treasurer of the Commonwealth, in favor of the board of education, for the sum of ten thousand dollars, in such instalments, and at such times as said board may request: *provided*, that said board, in their request, shall certify that the secretary of said board has placed at their disposal an equal amount to that for which such application may be made by them; both sums to be expended under the direction of said board, in qualifying teachers for the common schools in Massachusetts.

* Of Hon. Edmund Dwight.

Resolved, That the board of education shall render an annual account of the manner in which said moneys have been by them expended.

[Chap. 49, Resolves of 1853.]

Resolved, That the board of education be, and they are hereby authorized to establish a state normal school at some suitable place in the county of Essex, and that the sum of six thousand dollars be, and the same is hereby appropriated from the proceeds of the public lands or the school fund, according to the provisions of the act of the year one thousand eight hundred and forty-six, chapter 219, to defray the expense of providing a site, of erecting or purchasing a suitable building, and furnishing the necessary appurtenances and apparatus for said school; and that the same be expended for that purpose under the direction of the board of education, upon whose requisition the governor is hereby authorized to draw his warrants upon the treasury to the amount aforesaid.

Resolved, That the board of education be, and they are hereby authorized to purchase and receive grants of land in the name of the Commonwealth, and in suitable quantity, for the site of said building and the accommodation of said school; and that, before selecting said site, they be directed to receive propositions from towns or individuals in said county of Essex, in aid of the object of these resolves, and afterwards to make such selection as will in their opinion best subserve the interests and accommodate the wants of said school.

[Chap. 79, Resolves of 1871.]

Resolved, That the board of education are hereby authorized and required to establish a state normal school in the city of Worcester, and that the sum of sixty thousand dollars is hereby appropriated to defray the expenses of erecting a suitable building and furnishing the necessary appurtenances and apparatus for said school, and that the same be expended under the direction of the board of education, upon whose requisition the governor is hereby authorized to draw his warrant for the amount aforesaid to be paid from the school fund: *provided*, that the deficit of income of the school fund occasioned by such payment shall be deducted from the moiety of the income of said fund applicable to educational purposes, in such manner as not to affect the amount to be apportioned and distributed for the support of public schools.

Resolved, That the trustees of the Worcester Lunatic Hospital are hereby authorized and required to convey to the board of education and its successors, in trust for the Commonwealth, a tract of land situated in said city of Worcester of not more than five acres, to be located by the governor and council, east of a line drawn one hundred

and seventy feet east of the easterly line of Mulberry Street, and north of a line drawn five hundred feet south of the southerly line of Prospect Street, when extended east as proposed: and west of the westerly line of Wilmot Street, when extended southerly as proposed; the conveyance of said land to include a right of way thereto from East Central Street, the location whereof shall be determined and fixed by the governor and council, if, in their opinion, said right of way is necessary and desirable.

Resolved, That the city of Worcester is hereby authorized to lay out and extend Prospect Street, from its present easterly terminus to its intersection with the proposed line of the prolongation of Wilmot Street; also to extend Wilmot Street southerly to the proposed intersection with the extension of Prospect Street, and from that point southerly to East Central Street.

Resolved, That the value of said land shall be determined and fixed by the governor and council, and the amount shall be credited by the treasurer of the Commonwealth to the fund created by the provisions of section four of chapter two hundred and thirty-eight of the acts of the year eighteen hundred and seventy.

Resolved, That the city council of the city of Worcester may raise by taxation or otherwise, the sum of fifteen thousand dollars, and may pay the same to the board of education for the purposes named in these resolves: *provided*, that these resolves shall not take effect until the city of Worcester or the inhabitants thereof shall have paid to the board of education the sum of fifteen thousand dollars to aid in the erection and furnishing of the building for said school.

[Chapters 47 and 61, Resolves of 1873.]

Resolved, That there be allowed and paid out of the treasury the sum of seventy-five hundred dollars for the expenses of a state normal art-school, the same to be expended under the direction of the board of education.

Resolved, That the sergeant-at-arms with the consent and approval of the commissioners on the state house be authorized to assign the rooms on the third floor of the house number thirty-three Pemberton Square, to the board of education for the use of the State Normal Art-School.

In accordance with the foregoing Resolves, normal schools were established as follows:—

The first at Lexington, which was opened July, 1839; transferred to West Newton, September, 1844; and to Framingham in 1853. It receives as pupils only females.

The second was opened at Barre, September, 1839; was suspended in 1841; and recommenced at Westfield, September, 1844, and receives both sexes.

The third was opened at Bridgewater, September, 1840, and admits pupils of both sexes.

The fourth was established at Salem, and opened September, 1854, and is for females only.

The school at Worcester was opened September, 1874. It admits pupils of both sexes.

The Normal Art-School was opened October, 1873.

Course of Study in the Normal Schools.

The design of the Normal Schools is strictly professional; that is, to prepare, in the best possible manner, the pupils for the work of organizing, governing and instructing the public schools of the Commonwealth.

To this end there must be the most thorough knowledge: *first*, of the branches of learning required to be taught in the schools; and, *second*, of the best methods of teaching those branches.

Course of Study.

The *time* of the course extends through a period of *two years*; and is divided into terms of twenty weeks each, with daily sessions of not less than five hours, five days each week.

Branches of Study to be Pursued.

First Term.—1. Arithmetic, oral and written, begun. 2. Geometry begun. 3. Chemistry. 5. Grammar and Analysis of the English language.

Second Term.—1. Arithmetic completed; Algebra begun. 2. Geometry completed; Geography and History begun. 3. Physiology and Hygiene. 4. Grammar and Analysis completed. 5. Lessons once or twice a week in Botany and Zoölogy.

Third Term.—1. Algebra completed; Book-keeping. 2. Geography and History completed. 3. Natural Philosophy. 4. Rhetoric and English Literature. 5. Lessons once or twice a week in Mineralogy and Geology.

Fourth Term.—1. Astronomy. 2. Mental and Moral Science, including the principles and art of Reasoning. 3. Theory and Art of Teaching, including: (*a*) Principles and Methods of

Instruction; (b) School Organization and Government; (c) School Laws of Massachusetts. 4. The Civil Polity of Massachusetts and the United States.

In connection with the foregoing, constant and careful attention to be given throughout the course to drawing and delineations on the blackboard; music; spelling, with derivations and definitions; reading, including analysis of sounds and vocal gymnastics; and writing.

The Latin and French languages may be pursued as optional studies, but not to the neglect of the English course.

General exercises in composition, gymnastics, object lessons, etc., to be conducted in such manner and at such times as the principals shall deem best.

Lectures on the different branches pursued, and on related topics, to be given by gentlemen from abroad, as the Board or the Visitors shall direct, and also by the teachers and more advanced scholars.

The order of the studies in the course may be varied in special cases, with the approval of the Visitors.

Advanced Course.

A supplemental course of study, occupying two years, is provided for the graduates of the regular course who desire to prepare themselves for the higher departments of teaching, which includes the Latin, French and German languages, the higher mathematics, and the other branches required to be taught in the high schools of the State. Pupils who, on entering the school, have in view the completion of this higher course, may take a part of its studies in connection with a part of the branches in the regular course, and in this way, at the end of four years, be prepared to graduate from both courses simultaneously.

For terms of admission to the Normal Art-School, and the course of study for the first and second years, see the reports of the Visitors of the school, printed in the thirty-seventh and thirty-eighth annual reports of the Board of Education.

DEAF-MUTES.

The first steps taken by Massachusetts for the education of her deaf-mute children, were as follows:—

[Chap. 24, Resolves of 1817.]

Resolved, That the selectmen and assessors of towns and plantations ascertain the number of deaf and dumb persons in their respective towns and plantations, and report the same to the secretary of this Commonwealth, specifying their age, sex and "situation, and that of their near relations, in point of property."

The secretary to send a copy of this resolve to each town, and to print the same in all newspapers in which the laws are printed, six weeks successively, prior to the first Wednesday of the next session of the general court.

[Chap. 103, Resolves of 1818.]

Resolved, That Hon. John Phillips, President of the Senate; Hon. Timothy Bigelow, Speaker, and Hon. Richard Sullivan, be a committee, in the recess of the legislature, to consider the situation and circumstances of the deaf and dumb; to extend their inquiries so far as is practicable, as to the views of the neighboring states, in relation to this subject; to see what aid this Commonwealth can, in their opinion, consistently bestow in promoting an institute for improving the condition of these persons, and the most eligible means of carrying the same into effect;—to report at the first session of the next general court.

[Chap. 44, Resolves of 1819.]

Resolved, That his excellency the governor be authorized to give sixty days' notice, by publishing in such newspapers as he may think proper, that, upon the application of the parent or guardian of any deaf and dumb person belonging to this Commonwealth, *accompanied by a certificate from the selectmen of the town where such parent or guardian resides, of the inability of such parent or guardian to defray the expense of board and instruction of such deaf and dumb persons at the asylum at Hartford, in the state of Connecticut*; then, that the said expense, or part thereof, shall be defrayed by this Commonwealth, in the manner hereinafter mentioned.

By various Acts and Resolves, the policy thus initiated has been continued till the present time.

On the incorporation of the Clarke Institution for Deaf-Mutes at Northampton, the following Act was passed:—

SECT. 1. The governor, with the approval of the board of education, is hereby authorized to send such deaf-mutes or deaf children between five and ten years of age, as he may deem fit subjects for instruction at the expense of the Commonwealth, to the Clarke Institution for Deaf-Mutes at Northampton, or to such schools or classes as now are or may hereafter be established for the education of deaf-mutes in this Commonwealth.

Governor may send to Clarke Institution or other school in State, pupils from five to ten years of age. 1867, 311.

SECT. 2. The governor is hereby authorized to draw his warrant for such sums as may be necessary to provide for the instruction and support of the pupils named in the preceding section, not exceeding for each pupil, the amount which is now or may hereafter be paid by the Commonwealth, for the education and support of deaf-mutes at the American Asylum at Hartford.

May draw warrant for instruction and support.

SECT. 3. The education of all deaf-mutes who are now receiving or may hereafter receive instruction at the expense of the Commonwealth, shall be subject to the direction and supervision of the board of education; and said board shall set forth in their annual report the number of pupils so instructed, the cost of their instruction and support, the way in which the money appropriated by the Commonwealth has been expended, and such other information as said board may deem important to be laid before the legislature.

Board of education shall supervise instruction and report annually.

SECT. 4. The governor is hereby authorized to extend to ten years, the term of instruction now granted to deaf-mutes educated at the expense of the Commonwealth.

Governor may extend present term of pupils to ten years.

The governor, with the approval of the board of education, is hereby authorized to send such deaf-mutes or deaf children as he may deem fit subjects for instruction at the expense of the Commonwealth, to the American Asylum at Hartford, or to the Clarke Institution for Deaf-Mutes at Northampton [or any other school for deaf-mutes in this Commonwealth], as the parents or guardians may prefer.

1869, 333.

Governor may send to American Asylum at Hartford, or to Clarke Institution, and Boston School, as parents, etc., prefer.

No beneficiary of this Commonwealth in any institution or school for the education of deaf-mutes, shall be withdrawn therefrom, except with the consent of the proper authorities of such institution or school, or of the governor of this Commonwealth.

1871, 300.

Such duties with reference to institutions for the instruction of the deaf and dumb, and of the blind, as are now invested by law in the board of state charities, are hereby transferred to and vested in the board of education; and such institutions, when aided by a grant of money from the state treasury, shall make report to the said last-named board instead of to the former, as prescribed by chapter two hundred and forty-three of the acts of the year one thousand eight hundred and sixty-seven.

1875, 118.

Institutions for educating deaf-mutes and the blind, to report to board of education.

WORCESTER COUNTY FREE INSTITUTE.

[Chapters 57 and 72, Resolves 1869.]

Resolved, That there be allowed and paid out of the treasury of the Commonwealth the sum of fifty thousand dollars to the Worcester County Free Institute of Industrial Science. *And in consideration of this grant, said institute shall annually receive twenty pupils, and instruct them during the entire course free of tuition*; such pupils to be selected by the board of education from the different counties in this Commonwealth, except that none shall be taken from Worcester County.

Resolved, That the resolve in favor of the Worcester County Free Institute of Industrial Science, approved on the tenth day of May of the present year, shall not be construed to require said institution to retain and instruct, free of tuition, at any one time, more than twenty pupils to be selected by the board of education.

PUBLIC LIBRARIES.

[Gen. Stat., Chap. 33.]

Town and City Libraries.

SECT. 8. Each town and city may establish and maintain a public library therein, with or without branches, for the use of the inhabitants thereof, and provide suitable rooms therefor, under such regulations for its government as may from time to time be prescribed by the inhabitants of the town, or the city council.

Towns and cities may establish libraries.
1851, 305, § 1.

SECT. 9. Any town or city may appropriate money for suitable buildings or rooms, and for the foundation of such library a sum not exceeding one dollar for each of its ratable polls in the year next preceding that in which such appropriation is made; may also appropriate annually, for the maintenance and increase thereof, a sum not exceeding fifty cents for each of its ratable polls in the year next preceding that in which such appropriation is made, and may receive, hold and manage, any devise, bequest or donation for the establishment, increase or maintenance of a public library within the same.

—may appropriate money and receive devises, etc., for that purpose.
1851, 305, §§ 2, 3.
1859, 25.

Social Libraries.

SECT. 10. Seven or more proprietors of a library may form themselves into a corporation, under such corporate name as they may adopt, for the purpose of preserving, enlarging and using such library; with the powers, privileges, duties and liabilities of corporations organized according to

Proprietors of library may be a corporation, etc.
R. S. 41, §§ 1, 3, 6.

the provisions of chapter sixty-eight, so far as the same may be applicable, and may hold real and personal estate to an amount not exceeding five thousand dollars in addition to the value of their books.

SECT. 11. Upon application of five or more of such proprietors, a justice of the peace may issue his warrant to one of them, directing him to call a meeting of the proprietors, at the time and place and for the purposes expressed in the warrant. The meeting shall be called by posting up the substance of the warrant in some public place in the town where the library is kept, seven days at least before the time of the meeting; at which, if not less than seven of the proprietors meet, they may choose a president, a clerk who shall be sworn, a librarian, collector, treasurer and such other officers as they may deem necessary; and may determine upon the mode of calling future meetings.

SECT. 12. The treasurer shall give bond with sufficient sureties, to the satisfaction of the proprietors, for the faithful discharge of his duties.

SECT. 13. Such proprietors may, by assessments on the several shares, raise such money as they may judge necessary for the purposes of preserving, enlarging and using the library.

[Chap. 250, Acts of 1869.]

SECT. 1. Moneys received by the treasurer of any county, under the provisions of chapter one hundred and thirty of the acts of the year eighteen hundred and sixty-seven, and not expended in the payment of damages done by dogs in accordance with the provisions of said act, shall be paid back to the treasurers of the several cities and towns of said county, in the month of January of each year, in proportion to the amount paid by said city or town to said county treasurer; and the moneys so refunded shall be expended for the support of public libraries or schools, in addition to the amount annually appropriated by said city or town for those purposes. In the county of Suffolk, moneys received by any treasurer of a city or town, under the provisions of said act, and not expended in accordance with the provisions of the same, shall be appropriated by the school committee of said city or town for the support of the public schools therein established.

SECT. 2. The last clause of section twelve of chapter one hundred and thirty of the acts of the year eighteen hundred and sixty-seven, is hereby repealed.

[Chap. 26, Acts of 1871.]

SECT. 1. The city governments of the several cities and the selectmen of the several towns in this Commonwealth, in which may now or hereafter be public libraries, owned and maintained by said cities and

towns, are hereby authorized to place in the public libraries, for the use of the inhabitants, such books, reports and laws as have been or may be received from the Commonwealth.

[Chap. 42, Acts of 1872.]

SECT. 1. Whoever wilfully and maliciously or wantonly and without cause writes upon, injures, defaces, tears or destroys any book, plate, picture, engraving or statue, belonging to any law, town, city or other public library, shall be punished by a fine of not less than five dollars nor more than fifty dollars, or by imprisonment in the jail not exceeding six months for every such offence.

SECT. 2. Chapter sixty-nine of the acts of the year one thousand eight hundred and sixty-seven is hereby repealed.

[Chap. 306, Acts of 1873.]

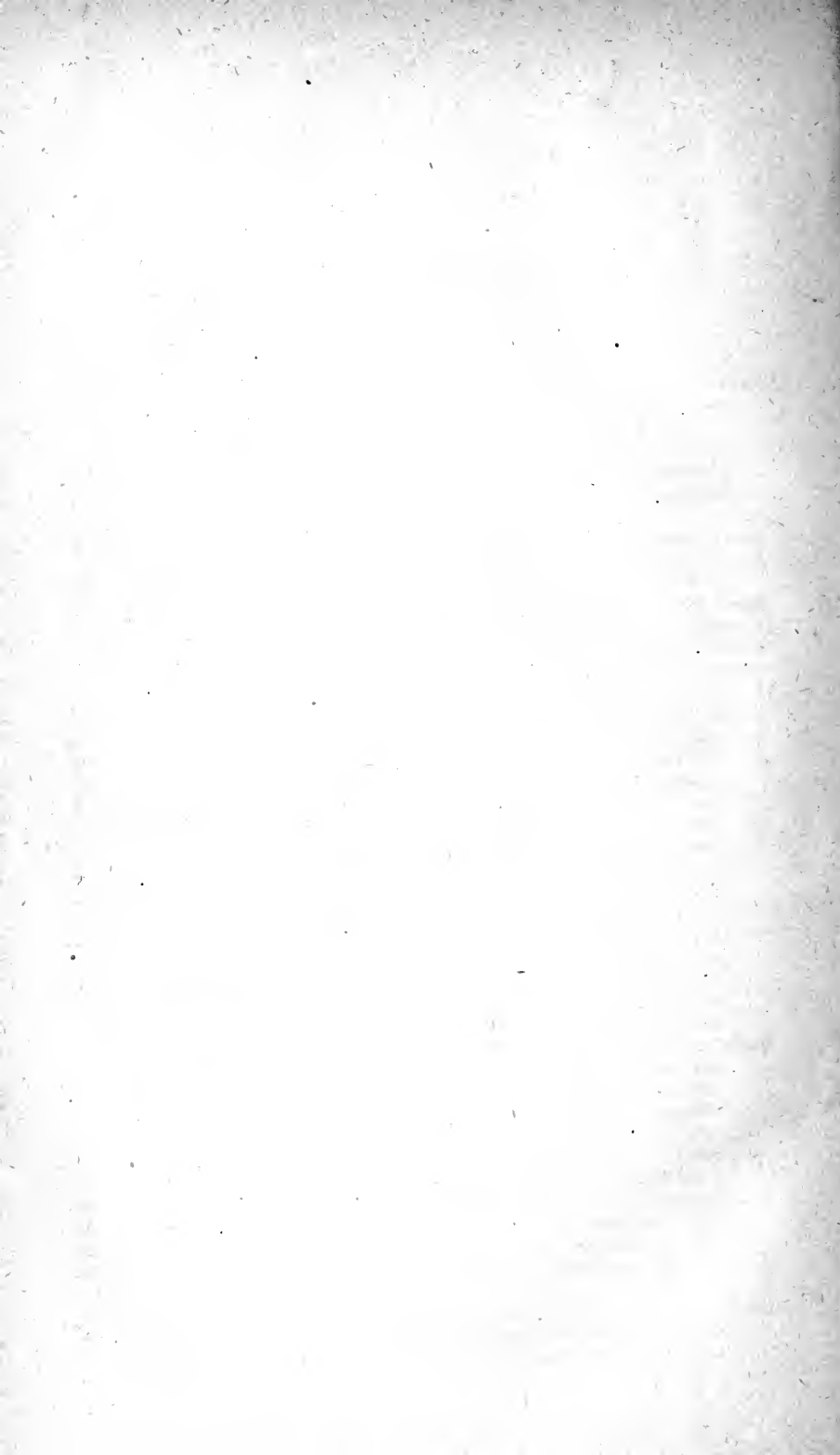
Any city or town may appropriate and pay such sum annually as it may see fit, toward defraying the expenses of maintaining any library within such city or town to which the inhabitants are allowed free access for the purpose of using the same on the premises.

According to the returns of 1872, there were eighty-two free public libraries in eighty-two cities and towns, containing 564,479 volumes, with an addition in 1871 of 50,130 volumes, and delivering during the year 1,345,179 volumes.

Of social libraries, there were, in 108 cities and towns, 213, containing 777,569 volumes.

Total number of volumes in libraries returned, 1,342,048, exclusive of private and Sabbath School libraries.

JOSEPH WHITE.



I N D E X .

ANCIENT LAWS :	Page
Colonial, 1642,	4
CONSTITUTION OF MASSACHUSETTS :	
provisions of, relating to schools,	5
decision of supreme court (sectarian schools—Art. 18, Amendment),	5
Abstract of school returns required,	9, 12
Adult schools, any town may establish them, etc.,	23
to be under the superintendence of school committee,	23
Agents of the board, may be appointed; their duties,	10, 13
Apparatus, books of reference, etc., authority to purchase,	28
Asylum for Deaf-mutes at Hartford,	71, 72
Attendance of children in the schools (see Children),
Bible to be read daily in public schools,	27
Board of Education, how constituted,	8
conservative and progressive,	10
list of members,	11
term of office of members of,	8
vacancies in, how filled,	8
may take grants, etc., in trust, for educational purposes,	8
to pay over to State treasurer all money thus received,	8
duty and responsibility of State treasurer,	9
to prescribe form of school registers and blanks for returns, etc.,	9, 10
to report annually to the legislature,	9, 12
incidental expenses of, to be paid by the State,	10
may appoint a secretary; his duties,	9
may appoint agents; their duties,	10, 13
assistant-librarian to be clerk of,	10
Books used in schools, not to be sectarian,	27
to be determined by committee,	27
changes in, how made,	27
if changes are made, to be supplied by the town,	28
to be supplied at cost,	28
how authority to purchase to be exercised,	28
if not furnished by parents, to be supplied by the town,	28
expense of, so supplied, to be taxed to parents,	28
if parents unable to pay, tax to be remitted,	28
duty of committee to furnish them,	28
furnished gratuitously by cities and towns and loaned to pupils,	28
Children to be sent to school, and penalty for neglect,	59
when such penalty not to be incurred,	59
duties of truant officers, etc., in relation to non-attendance of,	59

	Page
Children, employment of, in manufacturing establishments, and regulations respecting them,	62
under 10 not to be employed, nor under 15, unless, etc.; provisos,	62
under 15 not to work over 60 hours a week,	62
penalty for violating act, or consenting thereto,	63
corporations not liable,	64
State constable to enforce, and report to governor concerning,	63
by-laws respecting habitual truants, etc.,	63
truant officers, how appointed, powers, compensation,	63
minor convicted may be committed,	63
justices, etc., having jurisdiction, compensation,	64
county commissioners, when to provide a place of confinement,	64
may be sent to Primary School at Monson,	64
may attend school in the place of their legal residence,	59
when living remote from school, may attend in an adjoining town, etc.,	59
under guardianship, may attend where guardian resides,	60
may not attend whose parents or guardians reside in another State,	61
may attend in other towns, with consent of committee, etc.,	60, 62
not to be permitted to attend school until vaccinated,	60
not to be excluded on account of color, etc.,	60
grounds of exclusion to be stated in writing,	60
if unlawfully excluded, how damages obtained,	60
plaintiff may examine school committee,	60
may be conveyed to and from school at expense of the town,	60
when habitually truant, towns, etc., may make by-laws concerning, etc.,	63
may be committed to institutions, etc.,	63
employed in manufacturing establishments, attendance by,	62
penalty when employed in violation of law, etc.,	63
of drunken and vicious parents, provision for,	64
when orphan and neglected, proceedings in relation to,	64, 65
under 15 years of age not to be employed as acrobats, etc.,	66
Cities, provisions of chapter 38 to apply to,	31
Clarke Institution for Deaf-mutes,	71
Clergymen, duties of, to schools,	24
Clerk of school districts, to be chosen and sworn, and duties of,	43
to hold office till successor is chosen,	43
liable only for want of integrity,	43
Committees. (See School Committee and Prudential Committee.)	
Constitution of State, provisions of, for public schools (Chap. 5, sect. 2. Amendments, Art. 18),	5, 23
Contiguous districts in adjoining towns, may unite,	46, 47
terms of union and separation of,	47, 48
meetings of, how called; prudential committee of, how chosen,	48
raising money and assessment of taxes by,	48
school committee of,	48
County Associations (see Teachers' Associations),	14
Deaf-mutes, education of,	70, 71
institutions for educating them and the blind, to report to Board of Education,	72
Districts. (See School Districts.)	
Educational institutions, returns of,	56
Evening Schools may be kept,	23
school committee to have superintendence,	23
Female assistant, when average number of pupils exceeds fifty,	23

	Page
Graduated tables, importance of,	12
High Schools to be kept in towns of 500 families,	21
branches to be taught in,	21
must be kept for the benefit of the whole town,	21
to be kept not less than 36 weeks in each year,	22
qualifications of teachers of, in towns of 4,000 inhabitants,	21
number of families to be ascertained by latest public census,	22
may be established by two adjacent towns having less than 500 families,	22
committees, location, and apportionment of expenses of,	22
duty of school committee in relation to,	22
admission to, how regulated,	59
Industrial Schools,	21
Industrial Science, Free Institute of,	73
Libraries, Public, towns and cities may establish,	73
money may be appropriated and devised, etc., received by towns, etc., for,	73
appropriation of tax on dogs for,	74
authorized to take books, reports, etc., received from Commonwealth,	75
penalty for injuring books, etc., in,	75
Social, proprietors of, may be a corporation,	73
may hold real and personal estate,	74
meetings of, and choice of officers,	74
treasurer of, to give bond, and assessments for,	74
number of books in, 1872,	75
Manufacturing establishments, children of certain ages not to be employed in,	
unless, etc.,	62
penalty for violation, etc.,	63
duty of State constable concerning,	63
Neglected children (see Children),	64
Normal Schools, establishment of,	66-69
course of study in,	69, 70
Prudential committees, how to be chosen,	42
general duties of,	42
may contract with teachers when the town so determines,	42
may consist of three when authorized to contract with teachers,	42
if office of, vacant, how filled,	42
if not chosen, duties of, to be performed by school committee,	42
in union districts, how constituted, and powers and duties of,	46, 47
in districts formed by contiguous districts in adjoining towns, how chosen, and powers and duties of,	47, 48
Registers (see School Registers),	53
Report of Board of Education and its Secretary, required,	9
number to be printed. (See Gen. Stat., chap. 4, sect. 4.)	
how received, delivered, etc.,	56
preservation of,	56
Reports of School Committees. (See School Reports.)	
Returns. (See School Returns.)	
of educational institutions, etc., and Indian schools,	56, 57
Schools, Public, towns to maintain a sufficient number of, six months each year,	21
branches to be taught in,	21

	Page
Schools, Drawing classes in cities,	21
in which the higher branches are taught (see High Schools),	21
Public, for persons over 12 years, and Evening Schools,	23
High, in adjacent towns (see High Schools),	22
when an average of fifty scholars in, a female assistant to be employed,	23
duty to, of instructors of colleges, ministers, etc.,	23, 24
industrial,	23, 24
provisions of State constitution relating to (see Constitution of Massa-	
chusetts, chap. 5, sect. 2. Amendments, Art. 18),	5
towns to raise money for, to be assessed, etc., like other town taxes,	24
funds of corporations not affected by provisions for,	24
forfeiture by town for neglect to raise money for, or to choose school	
committee,	24
three-fourths of forfeiture to be appropriated for,	24
examinations of, and visits to, by committee,	26
Bible to be read in, daily,	27
sectarian books to be excluded from,	27
provisions respecting, in towns, to apply to cities, unless, etc.,	25, 29
wilful interruption or disturbance of, how punished (see Gen. Stat.,	
chap. 165, sect. 23),	66
children not to be excluded from, on account of color, etc.,	60
School Committee, when and how chosen, and term of office,	24
women eligible to,	25
vacancies in, how filled,	25
when the whole decline, how new committee elected,	25
term of service of member filling vacancy in,	25
term of office in cities,	25
to continue in office for certain purposes, after, etc.,	25
how number of, increased and diminished,	26
to appoint a secretary and keep records,	26
to prescribe course of study,	27
duties and powers of,—to contract with, examine, approve and dismiss	
teachers, visit and examine schools, require daily reading of the Bible,	
supply books, etc.,	26, 27, 54
duty of, when school is for the benefit of the whole town,	28
compensation of,	28
duty of, as to persons between 5 and 15 years,	54
to appoint superintendent of schools, etc.,	29
not to receive compensation when superintendent is appointed,	29
to have charge of school-houses in towns not districted, and provide	
fuel, etc.,	30
how constituted, and duties of, in High Schools established by adjacent	
towns,	22
to have superintendence, etc., of schools established for persons over 12	
years of age,	23
forfeiture by the town for not choosing,	24
to perform duties of prudential committee in districts where none chosen,	
may establish school and employ teacher in district which refuses or	
neglects to do so,	42
may provide school-houses in districts neglecting to organize, etc.,	46
powers and duties of, in union districts,	22
to notify Secretary of Board of Education if blanks not received,	54
to make returns annually,	54
to cause school registers to be kept,	55
to return the manner of using the money received from the State,	55
to make detailed report, in print, annually,	55

	Page
School Committee, to transmit two copies to Secretary of Board of Education,	55
may be indemnified for expense in defending against libel,	58
authorized to charge expense of printing, etc.,	58
to deposit a copy with town clerk,	55
secretary of, to preserve one copy of report of board, etc.,	56
chairman and secretary of, in certain cases, may sign certificate in the returns,	56
liable to forfeit compensation, if neglect to make returns,	56
to inquire into neglect of parents, etc.,	59
to have charge of high schools, with powers, etc., of prudential committees in districts,	22
to determine number and qualifications of scholars to be admitted to high schools,	59
to regulate attendance of scholars upon schools in adjoining towns,	59
not to allow children to attend school until vaccinated,	60
to appoint truant officers, and fix their compensation,	63
of contiguous districts, when united in adjoining towns, how constituted (see Contiguous Districts),	47, 48
School Districts, towns may be divided into, except, etc.,	40
limits of, not to be altered, so as to change taxation oftener than once in ten years,	41
to be corporations for certain purposes,	41
may be abolished by towns, etc.,	41
towns to vote on abolition of, every third year,	41
when abolished, not to be restored,	41
when abolished, corporate powers to continue for certain purposes,	41
may choose prudential committee, if town so determine,	42
may fill vacancies in office of prudential committee,	42
if, neglect or refuse to establish schools, etc.,	42
meetings in, how called and warned,	42, 43
to choose a clerk,	43
may raise money for school-houses, etc.,	43
may fix site of school-houses,	43
school-houses for, may be provided by the town,	43
if, cannot determine the site, the selectmen shall do it,	44
penalty of, for not providing school-house,	44
taxes in, how and on whom, etc., to be assessed and collected,	44
non-residents in, where taxed,	44
property of manufacturing corporations in, where taxed,	44
taxes in, to be assessed like town taxes,	45
money raised in, how to be applied,	45
refusing to raise money, the town may order it, and may empower the selectmen, etc.,	45
neglecting to organize, school committee may provide school-houses, etc., duties, compensation, etc., of assessors, etc., in matters relating to,	45
act to abolish school district system,	49, 50
act to reestablish school districts,	51
opinions concerning abolition of,	52
act to enable towns to abolish,	53
School Funds, how invested; income only to be used,	18
commissioners of,	18
income of, how distributed; how apportioned for schools, etc.,	18, 19
when towns are not entitled to share the income of,	19
income of, how to be applied by towns,	19
twenty-five per cent. of income of, may be used for purchase of books of reference, etc.,	19

	Page
School Funds, subject to order of school committee, and not to vote of the town,	20
for teachers' institutes,	14
School Fund, Todd Normal, income of, how to be applied,	20
School-houses, in towns not districted, to be maintained by towns,	29
penalty for refusing to maintain,	30
location of, to be determined by towns,	30
to be kept in good order by school committee, unless, etc.,	30
land not exceeding eighty square rods may be taken for, etc.,	30
in such case, proceedings, jury, damages, costs, etc.,	30
land for, to revert to owner, etc.,	31
use of, to be under charge of school committee in towns not districted,	31
money may be raised for,	43
site of, how determined,	43, 44
penalty for not providing,	44
money raised for the building and repairing of, to be at the disposal of committee, etc.,	45
may be provided by school committee, when districts neglect to organize,	46
taxes for, how assessed and collected,	44
School Registers, to be sent to town clerks by Secretary Board of Education,	9, 10
to be delivered by town clerk to school committee,	54
to be kept in all the public schools,	55
to be returned by teachers to school committee,	56
if not properly kept, etc., teacher not entitled to payment, etc.,	56
school committee have no right to waive keeping of,	56
School Reports, to be made annually, in detail, by school committees,	55
to be printed, size of, two copies transmitted, etc.,	55
penalty for neglect by committee to prepare, print, etc.,	55
duty of committees respecting,	55
if not received in time, secretary to notify of failure,	55
if informal or incorrect, to be returned,	55
penalty, when returned for correction, or not received,	55
School Returns, blank form of inquiries for, to be prescribed by the Board of Education,	9
blanks for, to be sent to town clerks,	10
if blanks not received, committees to notify,	54
to embrace number of children between 5 and 15, etc., to be certified under oath by school committee,	54
form of certificate for,	54
to be transmitted to secretary of board,	54
to specify manner of using money received from State School Fund,	55
if not transmitted in time, secretary to notify, etc.,	55
if informal, etc., to be returned for correction,	55
when so returned, town to forfeit ten per cent., etc.,	55
when not received before June, town to forfeit whole share, etc.,	55
if mailed in season, town exempted from forfeiture,	55
how may be signed in certain cases,	56
when not transmitted by neglect of committee, their compensation may be withheld,	56
Secretary of Board of Education, how appointed and duties of,	9
compensation of,	10
annual reports of,	12
Superintendent of Schools, appointment, duties, etc., of,	29
when appointed, committee to receive no pay,	29
compensation of,	29
school committee to determine salary of,	29
two or more towns may unite in choosing,	29

	Page
Taxes in school district, may be voted by district and certified to assessors, . . .	43
on personal estate and on all lands, if occupied by owner, in district where he lives,	44
on real estate of manufacturing corporations, in district where situated, . . .	44
on land of non-residents, in districts where assessors determine,	44
on land of non-resident, in the same district,	44
how assessed, abatement, collection of,	45
Teachers, selection and qualifications of,	26
to receive and file a certificate; when and how paid,	26
may be dismissed by school committee, etc.,	26
Teachers' Associations, when entitled to receive money from the State,	14
money to be paid on certificate, etc.,	14
not under control of board,	17
Teachers' Institutes, to be appointed on application of fifty teachers,	14
expenses of, how paid; length of sessions of, etc.,	14
importance and history of,	14, 15
list of towns where held,	16
duty of school committee concerning,	15
Todd Fund, amount of, etc.,	19, 20
Truant Children, towns and cities may make regulations and by-laws, with penalties concerning, to be approved by superior court,	63
convicts, under such by-laws, may be fined or committed, etc.,	63
may be sent to Primary School at Monson,	64
how discharged,	64
proceedings against, etc.,	64, 65
Truant officers to be appointed, duties and compensation of,	63
Union Districts, may be formed by contiguous districts,	46, 47
how organized; location of school-house of,	46
assessments in, how made; committee of, how constituted; powers and duties of,	47
schools to be maintained in districts composing,	47
separation of,	48
Wards, where may attend school,	60
Warrant, sufficiency of,	58
Worcester County, Free Institute of, act in favor of,	73

3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100



381330

L B2529
M43
1875

UNIVERSITY OF CALIFORNIA LIBRARY

