

**THE PUBLIC STATUTES OF  
MASSACHUSETTS RELATING TO  
PUBLIC INSTRUCTION: WITH  
ANNOTATIONS AND  
EXPLANATIONS**

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The Public Statutes of Massachusetts Relating to Public Instruction: With annotations and explanations by Various

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Public Statutes of Massachusetts

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NOTE.

In the preparation of this edition of the Public Statutes relating to public instruction, free use has been made of the comments, annotations and explanations contained in the previous editions prepared by Hon. Geo. S. Boutwell and Hon. Joseph White, and such other explanation has been added as seemed desirable and useful.

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## SCHOOL LEGISLATION.

### HISTORICAL.

As early as 1635 the inhabitants of Boston gave expression to their ideas of the value and need of a public school for the teaching and nurturing of the children. In 1636 the General Court authorized an appropriation of £400 for the establishment of a school or college. The school was established at Cambridge, and has since become Harvard University.

The first educational ordinance of the colony was passed in 1642. "It required the selectmen of every town to have a vigilant eye over their brethren and neighbors, to see that none of them shall suffer so much barbarism in any of their families, as not to endeavor to teach, by themselves and others, their children and apprentices so much learning as may enable them perfectly to read the English tongue, and a knowledge of the capital laws."

A failure to comply with the ordinance was punished by a fine of twenty shillings.

The act of 1642 enjoined upon the municipal authorities the duty of making education universal, but not necessarily free. In 1647 another law was passed, making the support of public schools compulsory, and education universal and free. As this was the first law of the kind ever passed by any community of persons or by any State, Massachusetts may claim the honor of having originated the free public school. At this time it was ordered that every town of one hundred families, in addition to its elementary schools, should establish and maintain a grammar school, which should fit pupils for the University at Cambridge. In 1683 all towns of five hundred families were required to maintain two grammar schools

and two writing schools. These were the principal laws establishing and regulating the schools during the colonial period.

In the Constitution of Massachusetts, adopted in 1780, is the following : —

PROVISIONS RELATING TO SCHOOLS.

[Chap. 6, Sect. 2.]

Duty of legislatures and magistrates in all future periods.

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.

In 1789 a general act was passed, requiring every town to maintain one school for the term of six months, or two or more schools for terms of time that shall together be equivalent to six months, in which shall be taught orthography, reading, writing, English grammar, geography, and decent behavior.

At this time it was ordered that the towns be divided into districts, for the purpose of facilitating the attendance of the children upon the schools. The schools were still to be under the direct control of the towns.

It was further ordered that towns of two hundred families, instead of one hundred, as before, should constitute the minimum number for supporting a grammar school, and that teachers should have a certificate of good moral as well as intellectual character. In 1800 an act of the legislature authorized the selectmen of the towns to call district meetings at which the legal voters therein should raise money for building school-houses, and for supplying them with all necessary furniture.



In 1817 school districts were made corporations, and were empowered to hold property for the use of the schools. In 1826 every town containing five hundred families was required to maintain a town or high school, which should differ from the old grammar school by omitting from its curriculum of studies the Latin and Greek languages. If the town contained four thousand inhabitants, it was required to maintain a higher grade of high school, in which the classic languages were to be taught.

The school law of 1826 was the first to require towns to elect a town school committee. By a law passed in 1827, school districts were authorized to take care of their school-houses, and to contract with their school teachers.

The Massachusetts School Fund was established in 1834.

On the 14th of January, 1837, in the Massachusetts House of Representatives, it was ordered that the Committee on Education be requested to consider the expediency of providing by law for the better education of teachers of public schools. On the 14th of April of the same year, a bill relating to common schools was taken up, and the House resolved itself into a committee of the whole for the consideration thereof, and Mr. Winthrop of Boston, from the Committee on Education, reported that the said bill, with sundry amendments recommended by the committee, ought to pass, and the bill was ordered to a third reading. The report was as follows:—

“The Committee on Education, to whom was referred so much of His Excellency the Governor’s address as relates to education, and to whom was also referred, ‘The memorial of the Directors of the American Institute of Instruction, and the petition of a convention of delegates from each of the towns in Plymouth County, and who were directed by order of the House, Jan. 14, 1837, to consider the expediency of providing by law for the better education of teachers of the public schools of the Commonwealth, have carefully considered these subjects, and report thereon the accompanying bill.

“*Be it enacted, etc.*

“His Excellency the Governor, with the advice and consent of the Council, is hereby authorized to appoint eight persons, who, together with the Governor and Lieutenant-Governor, shall constitute and be denominated the Board of Education.”

One of the first acts of the Board was the establishment of schools for the special education of teachers. In 1839 two

normal schools were opened, — one at Lexington, afterward removed to West Newton, thence to Framingham; the other at Barre, afterward removed to Westfield. In 1840 one was opened at Bridgewater; in 1843, one at Salem; and in 1874, another at Worcester. A Normal Art School was established in Boston in 1873. Teachers' institutes were first established in Massachusetts in 1845.

PUBLIC STATUTES.—TITLE X.

OF PUBLIC INSTRUCTION AND REGULATIONS RESPECTING CHILDREN.

CHAPTER 41.—Of the Board of Education.

CHAPTER 42.—Of Teachers' Institutes and Associations.

CHAPTER 43.—Of the School Funds.

CHAPTER 44.—Of the Public Schools.

CHAPTER 45.—Of School Districts.

CHAPTER 46.—Of School Registers and Returns.

CHAPTER 47.—Of the Attendance of Children in the Schools.

CHAPTER 48.—Of the Employment of Children, and Regulations respecting them.

CHAPTER 41.

OF THE BOARD OF EDUCATION.

SECTION

1. Board of education, how organized; term of office; vacancies.
2. may take grants, devices, etc., in trust for educational purposes; to pay all moneys to treasurer. Duty of treasurer.
3. shall prescribe form of school registers, and of blanks for returns; transmit abstracts of returns, and report, to legislature.
4. may appoint secretary, who shall make abstracts, collect and diffuse information, etc.
5. Secretary shall suggest improvements, visit different places, collect books, receive reports, etc.
6. shall give notice and attend meetings of teachers, etc., and collect information, etc.
7. shall send blank forms and reports to clerks of towns and cities.

SECTION

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.
12. Board to have management of normal schools, and charge of expenditures of appropriations.
13. Statistics required of officers of schools and others respecting pupils instruction, etc.
14. blanks for, to be prepared.
15. Institutions for instruction of deaf, dumb, and blind to report to the board.
16. With the approval of the board, deaf mutes, etc., may be instructed at the public expense.
17. Board to supervise their education, and report concerning the same, etc.

SECTION 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, and one to retire 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.

Board of education, how organized; term of office; vacancies. G. S. 34, § 1.

The following list of the members of the Board, named in the order of their appointment or connection with it, is complete to the present time: —

*Original Members.*

James G. Carter  
Emerson Davis.  
Edmund Dwight.  
Horace Mann.

Edward A. Newton.  
Robert Rantoul, Jr.  
Thomas Robbins.  
Jared Sparks.

*Appointed Since.*

George Putnam.  
Charles Hudson.  
George N. Briggs.  
William G. Bates.  
John W. James.  
Elisha Bartlett.  
Heman Humphrey.  
Stephen C. Phillips.  
Barnas Sears.  
Edwin H. Chapin.  
Henry B. Hooker.  
Stephen P. Webb.  
Thomas Kinnicutt.  
Joseph W. Ingraham.  
John A. Bolles.  
George B. Emerson.  
Charles K. True.  
Mark Hopkins.  
Edward Otheman.  
Isaac Davis.  
Alexander H. Vinton.  
George S. Boutwell.  
Henry Wheatland.  
Hosea Ballou.  
Ariel Parish.  
Cornelius C. Felton.  
Alonzo H. Quint.  
William A. Stearns.

Russell Tomlinson.  
Erastus O. Haven.  
David H. Mason.  
John P. Marshall.  
Emory Washburn.  
Abner J. Phipps.  
James Freeman Clarke.  
William Rice.  
John D. Philbrick.  
Samuel T. Seelye.  
George T. Wilde.  
Gardiner G. Hubbard.  
Alonzo A. Miner.  
Henry Chapin.  
Constantine C. Esty.  
Edward B. Gillett.  
Phillips Brooks.  
Christopher C. Hussey.  
Charles B. Rice.  
Elijah B. Stoddard.  
Horatio G. Knight.  
Miss Abby W. May.  
Charles Francis Adams, Jr.  
Milton B. Whitney.  
Thomas Wentworth Higginson.  
Admiral P. Stone.  
Francis A. Walker.