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ACTS AND RESOLVES

OF

MASSACHUSETTS.

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1788-89.

[PUBLISHED BY THE SECRETARY OF THE COMMONWEALTH, UNDER  
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L A W S  
OF THE  
C O M M O N W E A L T H  
OF  
M A S S A C H U S E T T S .

PASSED BY THE GENERAL COURT:

BEGUN AND HOLDEN AT *BOSTON*, IN THE COUNTY OF  
*SUFFOLK*, ON WEDNESDAY THE TWENTY-SEVENTH  
OF *MAY*, *ANNO DOMINI*, 1789.

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BOSTON:

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## 1789. — Chapter 19.

[May Session, ch. 19.]

AN ACT TO PROVIDE FOR THE INSTRUCTION OF YOUTH, AND FOR THE PROMOTION OF GOOD EDUCATION.

Preamble.

*Whereas the Constitution of this Commonwealth, hath declared it to be the duty of the General Court to provide for the education of youth; and whereas a general dissemination of knowledge and virtue is necessary to the prosperity of every State, and the very existence of a Commonwealth: —*

*Be it enacted by the Senate and House of Representatives in General Court assembled & by the authority of the same, that every town or district within this Commonwealth containing fifty families, or householders, shall be provided with a Schoolmaster, or Schoolmasters of good morals, to teach children, to read & write, & to instruct them in the english language, as well as in arithmetic, orthography, and decent behaviour, for such term of time as shall be equivalent to six months, for one school in each year. And every town or district containing one hundred families, or householders, shall be provided with such Schoolmaster or Schoolmasters, for such term of time as shall be equivalent to twelve months for one school in each year. And every town or district containing one hundred and fifty families or householders, shall be provided with such Schoolmaster or Schoolmasters, for such term of time as shall be equivalent to six months in each year; and shall in addition thereto be provided with a Schoolmaster or Schoolmasters as above described, to instruct children in the english language for such term of time as shall be equivalent to twelve months for one school in each year.*

Towns to provide schoolmasters.

Towns containing 200 families to provide grammarschoolmasters.

*And every town or district containing two hundred families or householders shall be provided with a grammar schoolmaster of good morals, well instructed in the latin, greek and english languages, and shall in addition thereto be provided with a schoolmaster or schoolmasters as above described, to instruct children in the english language, for such term of time as shall be equivalent to twelve months for each of said schools in each year. —*

*And whereas by means of the dispersed situation of the inhabitants of several towns & districts in this Commonwealth, the children & youth cannot be collected in any one place for their instruction, & it has thence become expedient*

*that the towns and districts in the circumstances aforesaid should be divided into separate districts for the purpose aforesaid.*

*Be it therefore enacted by the authority aforesaid, that the several towns and districts in this Commonwealth be and they are hereby authorized and empowered in town meetings, to be called for that purpose, to determine and define the limits of school districts, within their towns and districts respectively.*

Towns to define the limits of school districts.

*And to the end that grammar school masters may not be prevented in their endeavours to discharge their trust in the most usefull manner; —*

*Be it further enacted, that no youth shall be sent to such grammar schools unless they shall have learned in some other school, or in some other way to read the english language by spelling the same, or the selectmen of the town where such grammar school is, shall direct the grammar schoolmaster to receive and instruct such youth. —*

No youth to be sent to a grammar school until the Selectmen direct.

*Be it further enacted by the authority aforesaid, that it shall be and it is hereby made the duty of the President, Professors and Tutors of the University at Cambridge, Preceptors & teachers of academies & all other instructors of youth, to take diligent care and to exert their best endeavours, to impress on the minds of children and youth committed to their care and instruction, the principles of piety, justice and a sacred regard to truth, love to their country, humanity and universal benevolence, sobriety, industry and frugality, chastity, moderation and temperance, and those other virtues which are the ornament of human society, & the basis upon which the republican Constitution is structured; and it shall be the duty of such instructors to endeavour to lead those under their care (as their ages and capacities will admit) into a particular understanding of the tendency of the beforementioned virtues, to preserve and perfect a republican Constitution & to secure the blessings of liberty, as well as to promote their future happiness, & the tendency of the oposite vices to slavery & ruin.*

President, &c. of the University and others, to attend to the morals of youth under their care.

*And to the end that improper persons may not be employed in the important offices before mentioned;*

*Be it further enacted by the authority aforesaid, that no person shall be employed as a school master as aforesaid unless he shall have received an education at some College or University, & before entering on the said business shall*

Grammarschool masters to produce evidence of their knowledge in Greek and Latin language.

produce satisfactory evidence thereof, or unless the person to be employed as aforesaid, shall produce a certificate from a learned minister, well skilled in the greek & latin languages, settled in the town or place where the school is proposed to be kept, or two other such ministers in the vicinity thereof, that they have reason to believe that he is well qualified to discharge the duties devolved upon such school master by this Act, & in addition thereto, if for a grammar school, “that he is of competent skill in the greek and latin languages, for the said purpose.” And the candidate of either of the descriptions aforesaid, shall moreover produce a certificate from a settled minister, of the town district, parish or place to which such candidate belongs, or from the Selectmen of such town or district, or committee of such parish or place, “that to the best of his or their knowledge, he sustains a good moral character.”

— And to sustain a good moral character.

Providso.

*Provided nevertheless*, this last certificate respecting morals shall not be deemed necessary, where the candidate for such school belongs to the place where the same is proposed to be actually kept; it shall however be the duty of such selectmen or committee who may be authorized to hire such school master, specially to attend to his morals; and no settled minister shall be deemed, held, or accepted to be a school master, within the intent of this Act.

Towns neglecting to procure and support schoolmasters, subject to penalties.

*And be it further enacted by the authority aforesaid*, that if any town or district, having the number of *fifty* families or house holders, and less than *one hundred* shall neglect the procuring and supporting a school master or school masters to teach the english language as aforesaid, by the space of *six* months, in one year, such deficient town or district shall incur the penalty of *ten pounds*, and a penalty proportionable for a less time than *six* months in a year, upon conviction thereof, and upon having the number of *one hundred* families or householders and upwards shall neglect the procuring & supporting such schoolmaster or schoolmasters as is herein required to be kept by such town for the space of one year, every such deficient town or district shall incur the penalty of *twenty pounds* and a proportionable sum for a less time than a year upon conviction of such neglect. And every town or district having *one hundred & fifty* families, or householders, which shall neglect the procuring and supporting

such schoolmasters, and for such term of time as the Schools aforesaid are herein required to be kept by such town or district in any one year, shall incur the penalty of *thirty pounds* and a proportionable sum for a less time, upon conviction of such neglect. And every town or district having *two hundred* families, or house holders and upwards, that shall neglect the procuring and supporting such grammar schoolmaster as aforesaid, for the space of one year, shall incur the penalty of *thirty pounds*, and a proportionable sum for a less time than a year upon conviction of such neglect.

*And be it further enacted by the authority aforesaid*, that the penalties which may be incurred by virtue of this Act, shall be levied by warrant from the Supreme Judicial Court, or Court of General Sessions of the Peace for the County to which such deficient town or district belongs, upon the inhabitants of such deficient town or district, in the same manner as other sums for the use of the County, and shall be paid into the County treasury, and the same shall be appropriated for the support of such school or schools as are prescribed by this law, in such town or towns, district or districts in the same County, as shall have complied with this law, and whose circumstances most require such assistance, or in such plantation or plantations in the same County, as the said Court of sessions shall order and direct. — And it shall be the duty of the minister or ministers of the gospel & the selectmen (or such other persons as shall be specially chosen by each town or district for that purpose) of the several towns or districts, to use their influence and best endeavours, that the youth of their respective towns & districts, do regularly attend the schools appointed and supported as aforesaid, for their instruction, and once in every six months at least, and as much oftener as they shall determine it necessary, to visit & inspect the several schools in their respective towns and districts, and shall enquire into the regulation and discipline thereof, and the proficiency of the schollars therein, giving reasonable notice of the time of their visitation.

*Be it enacted by the authority aforesaid*, that all plantations which shall be taxed to the support of Government and all parishes and precincts, are hereby authorized & empowered at their annual meeting in *March* or *April*, to vote and raise such sums of money upon the polls and

Penalties to be levied by warrant.

To be appropriated as the Court of Sessions shall direct.

Ministers, &c. to see the schools regularly attended by the youth.

Towns, &c. to raise money for the support of schools.

rateable estates of their respective inhabitants for the support and maintenance of a school master to teach their children and youth, to read, write and cypher, as they shall judge expedient, to be assessed by their assessors in due proportion and to be collected in like manner, with the public taxes.

Preamble.

*And whereas schools for the education of children, in the most early stages of life may be kept in towns, districts or plantations, which schools are not before particularly described in this Act; and that the greatest attention may be given to the early establishing just principles in the tender minds of such children and carefully instructing them in the first principles of reading;*

No person to keep a school, until he or she obtain a certificate.

*Be it enacted*, that no person shall be allowed to be a master or mistress of such school, or to keep the same, unless he or she shall obtain a certificate from the selectmen of such town or district where the same may be kept, or the committee appointed by such town, district or plantation to visit their schools, as well as from a learned minister settled therein, if such there be, that he or she is a person of sober life and conversation, and well qualified to keep such school. And it shall be the duty of such master or mistress, carefully to instruct the children attending his or her school in reading (& writing if contracted for) and to instill into their minds a sense of piety and virtue, and to teach them decent behaviour. And if any person shall presume to keep such school, without a certificate as aforesaid, he or she shall forfeit and pay the sum of *twenty shillings*, one moiety thereof to the informer, and the other moiety to the use of the poor of the town, district or plantation where such school may be kept.

Forfeiture.

Requisite qualifications.

*Be it further enacted by the authority aforesaid*, that no person shall be permitted to keep within this Commonwealth, any school described in this Act, unless in consequence of an Act of naturalization, or otherwise, he shall be a citizen of this or some other of the United States, & if any person who is not a citizen of this or some one of the United States, shall presume to keep any such school within this State for the space of one month, he shall be subjected to pay a fine of *twenty pounds*, and a proportionable sum for a longer or shorter time; the one half of which fine shall be to the use of the person who shall sue for the same, and the other half thereof to the use of this Commonwealth.

*And be it further enacted by the authority aforesaid, that all fines and forfeitures for a breach of this Act, shall be recovered by bill plaint or information before any Court proper to try the same; and all grand jurors shall diligently enquire and presentment make of all breaches and neglects of this Law.*

Fines how recovered.

*And be it further enacted by the authority aforesaid, that this Act shall be in force and operate from and after the first day of October next.*

June 25, 1789.

### 1789. — Chapter 20.

[May Session, ch. 20.]

AN ACT IN ADDITION TO THE ACT REGULATING THE EXPORTATION OF FLAX SEED AND OTHER ARTICLES, PASSED ON THE NINTH DAY OF NOVEMBER, ANNO DOMINI ONE THOUSAND SEVEN HUNDRED AND EIGHTY FOUR.

*Be it enacted by the Senate and House of Representatives in General Court assembled & by the authority of the same, that the regulations respecting the shipping and exporting of flax seed, as provided in the said Act to which this is an addition, shall from and after the passing of this Act extend and be construed to extend, to the shipping and exporting of flax seed which shall be exported to any port or place within the Kingdom of Ireland, or that part of Great Britain commonly called Scotland, only; — and that all flax seed which shall be intended to be exported to any other port or place, may, after inspection and examination, in manner as is provided in that Act, or as is herein after provided, be shipped and exported in bulk or in casks of any other dimentions, than by that Act are required, any thing therein contained to the contrary notwithstanding; *provided always* that such casks shall have a mark of the surveyor, expressing the quantity contained therein, and be otherwise surveyed and marked as in the said Act is provided and required.*

Exportation of Flax seed, how regulated.

Proviso.

*And be it further enacted by the authority aforesaid, that in every case of the shipping of flax seed in bulk, the owner or shipper thereof shall procure and produce to the master, officer or mariner of the vessel appointed to receive the same, duplicate certificates under the hand and seal of some surveyor of flax seed, that the quantity of flax seed expressed in such certificates hath been surveyed and examined and been found to be well cleansed and in*

Owners or shippers of flax seed to produce a certificate of survey.

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