

PROCEEDINGS

OF THE

ANNUAL TOWN MEETING

IN CONCORD, MARCH, 1835.

TOGETHER WITH THE REPORT OF THE

SUPERINTENDING SCHOOL COMMITTEE

AND THAT PORTION OF THE LAW, ADOPTED BY T

TOWN, DEFINING THE POWERS AND DUTIES

OF FIREWARDS, AND OTHER PERSONS.

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CONCORD :

PRINTED BY COFFIN AND ROBY.

1835.

PROCEEDINGS

OF THE

ANNUAL TOWN MEETING, &c.

AT a legal town meeting, duly notified and holden at Concord, in the county of Merrimack, on the second Tuesday, (being the tenth day) of March, in the year of our Lord one thousand eight hundred and thirty-five, the inhabitants of said town of Concord, having a right to vote in any matter that might come before the town by a major vote and by ballot.

I Chose Francis N. Fisk moderator to preside in said meeting, who being present, took the oath by law prescribed.

And the following votes of the inhabitants of said town, present and qualified to vote for senators, were given in for Governor, for Counsellor and for Senator, and were received in presence of the Selectmen of said town in open town meeting by the moderator thereof, who, in said meeting, in presence of the said Selectmen and the Clerk of said town, sorted and counted said votes, and at the close of the poll, made a public declaration thereof with the name of every person voted for, and the number of votes for each person, as follows :—

For Governor.

For William Badger	530 votes.
For Joseph Healy	476 votes.
For J. M. Rix	1 vote.
For S. Quarles	1 vote.
For J. Healey	1 vote.

Counsellor.

For Ezekiel Morrill	528 votes.
For Daniel Conner	478 votes.
For D. Conner	1 vote.

Senator.

For James Clark	516 votes.
For James Cochran	470 votes.
For Thomas D. Merrill	22 votes.
For James Cofran	1 vote.
For J. Cochran	1 vote.

And the following votes of the inhabitants of said town, present and qualified to vote for Senators, were given in for a Register of Deeds and for a county Treasurer, and were received in presence of the Selectmen of said town in open town meeting by the moderator thereof, who, in said meeting, in presence of the said Selectmen and the clerk of said town, sorted and counted said votes, and at the close of the poll, made a public declaration thereof with the name of every person voted for, and the number of votes for each person, as follows :

For Register of Deeds.

John Whipple	had	518 votes.
William West	had	484 votes.
Ballard	had	1 vote.
Jo. Gales	had	1 vote.

For County Treasurer.

Jonathan Eastman	had	515 votes.
Richard Bradley	had	477 votes.
John Stevens	had	8 votes.
Joseph Low	had	1 vote.

And the following votes of the inhabitants of said town, present and qualified to vote for Senators to the state legislature, were given in by ballot for five persons to represent this state in the Congress of the United States for the term of two years from and after the third day of said month of March, and were received in presence of the Selectmen of said town in open meeting by the moderator thereof, who, in said meeting, in presence of the said Selectmen and the clerk of said town, sorted and counted said votes, and at the close of the poll, made a public declaration thereof with the name of every person voted for and the number of votes for each person, as follows :—

For Samuel Cushman	497 votes.
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For Benning M. Bean	516 votes.
For Franklin Pierce	516 votes.
For Joseph Weeks	514 votes.
For Robert Burns	515 votes.
For Samuel Hale	481 votes.
For Samuel W. Carr	480 votes.
For Anthony Colby	478 votes.
For James Wilson, Jr.	484 votes.
For Joseph Bell	481 votes.
For John Harvey	10 votes.
For Richard Russell	9 votes.
For Benjamin Evans	9 votes.
For Jehiel Day	9 votes.
For Stephen P. Webster	9 votes.
For James Wilson	2 votes.
For Jonathan Harvey	3 votes.
For George Kent	1 vote.
For Charles G. Atherton	1 vote.
For I. C. Bradley	1 vote.
For J. P. Stickney	1 vote.
For Cyrus Barton	1 vote.
For Horatio Hill	1 vote.
For Asa Freeman	1 vote.
For John Atwood	1 vote.
For John Harvey	1 vote.
For B. M. Bean	1 vote.
For F. Perse	1 vote.
For J. Wilson, Jr.	1 vote.
For R. Burns	1 vote.

And an alphabetical list of all the inhabitants of said town qualified to vote in the election of senators having been lodged with the clerk of said town and posted up at the inn of John Gass in said town fifteen days prior to said second Tuesday of March, and the name of each voter having been checked by the town clerk on said list during the balloting, and the number of voters, which said list contained, having been, as certified by the selectmen, eleven hundred, the votes of the inhabitants of said town qualified as aforesaid, for four Representatives to represent said town in the general court of this state, were received by the mod-

erator in presence of the selectmen, and were by the same moderator in presence of the selectmen and town clerk sorted and counted, as follows:

Charles H. Peaslee	had	512 votes.
Jeremiah Pecker	had	517 votes.
Abel Baker	had	510 votes.
Isaac Emery	had	510 votes.
Joseph P. Stickney	had	500 votes.
Cyrus Robinson	had	492 votes.
Dudley S. Palmer	had	466 votes.
David Allison	had	438 votes.
John Jarvis	had	23 votes.
M. G. Atwood	had	1 vote.
Richard Bradley	had	1 vote.
I. C. Bradley	had	1 vote.
Stephen Brown	had	1 vote.
George Kent	had	1 vote.
Samuel Coffin	had	1 vote.

And the said moderator in presence of the selectmen and town clerk, in open town meeting, at the close of the poll, made a public declaration of the state of the votes, with the name of every person voted for, and the number of votes each person had, as aforesaid. And Charles H. Peaslee, Jeremiah Pecker, Abel Baker and Isaac Emery having a majority of all the votes, were declared to be duly elected representatives of said town for the ensuing year.

The meeting then adjourned to meet to-morrow morning at 9 o'clock.

Wednesday, March 11, 1835. Met according to adjournment.

And the said inhabitants having a right to vote as aforesaid, by a major vote and by ballot:

2 Chose Samuel Coffin, town clerk, who being present took the oath of office by law prescribed.

3 Chose Robert Davis, Moses Shute and Jacob Hoit Selectmen, who being present took the oath of office by law prescribed.

The meeting then adjourned to meet to-morrow morning at 9 o'clock.

Thursday, March 12, 1835. Met according to adjournment.

The said inhabitants having a right to vote as aforesaid, Chose Abraham Bean, Emery Burgess, Jeremiah Fowler, Joseph Cofran, and Charles C. Hodgdon **CONSTABLES** who being present took the oath of office by law prescribed. Also chose Atkinson Webster, Charles Abbot, William M. Virgin, Samuel T. French, John Abbot Jr. Isaac Virgin, Isaac F. Williams, Abiel C. Carter, Thompson Tenney, John Putney, John Sawyer, Jeremiah Mills, Jacob Rogers Joseph Eastman Jr. Alexander Thompson, Isaac Eastman, John George, Daniel Davis Jr. Philip Sargent, Theodore Farnum, William M. Carter, Peter Elkins, David Farnum, jr. Samuel Hutchins, jr. and Charles Smart. **CONSTABLES.**

Chose William Colby and Stephen Colby **SEALERS OF WEIGHTS AND MEASURES.**

Chose James Hoit and John Abbot, jr. **POUND-KEEPERS.**

Chose Jacob Rogers, Cyrus Robinson, Isaac Eastman, John George, George W. Brown and Francis N. Fisk **WEIGHERS OF HAY**—who being present took the oath of office by law prescribed. Also chose George Porter, Olando Brown and Ebenezer Hall **WEIGHERS OF HAY.**

Chose Isaac Proctor, Thomas C. Capen, Ephraim Upham, Aaron Carter, William Fisk, Moses Davis, Ephraim F. Swett, Amos Hoit, Amos Sawyer, Nathaniel C. Elliot, Samuel B. Knowles, George W. Dow and Jacob Flanders **SURVEYORS OF HIGHWAYS**, who being present took the oath of office by law prescribed. Also chose Stephen Wheeler, Daniel Clark, Goin Thompson, James Buswell, Hiram Farnum, Andrew Seavey, Nathan Chandler 2nd William Pecker, Robert M. Adams, William Currier, Peter Lovejoy, Elbridge Perkins, Benjamin F. Dunkley, Joseph Eastman, James Fellows and Charles Hall **SURVEYORS OF HIGHWAYS.**

Chose Zebediah W. Gleason, Olando Brown, Samuel Coffin, Robert Davis, Aaron Carter and

Isaac F. Williams FIREWARDS, who being present took the oath of office by law prescribed. Also chose William Restieaux, William Gault, John Gass, Lewis Downing, Cyrus Robinson, John Putney, Theodore French, Stephen Brown, Philip Sargent and Ebenezer S. Towle FIREWARDS.

Chose William Dow, Jeremiah Pecker and Joseph Low FENCEVIEWERS.

Chose Jeremiah Durgin, John Putney, Leonard Bell, Alvah Hoit, Ezra Hoit, Samuel Curtis, Peter Eaton, William G. Whitney, Buswell Stevens and John Eastman, jr. CULLERS OF STAVES.

Chose Jeremiah Pecker, Jewett Bishop, Philip Sargent, John Eastman, jr. Aaron Carter, Chase Fowler, Atkinson Webster, Nathaniel C. Elliot, Samuel Ellsworth, Shadrach Seavey, Henry M. Moore and Eben F. Elliot SURVEYORS OF LUMBER, who being present took the oath of office by law prescribed. Also chose Ebenezer Eastman, Joseph Spiller, Lewis Downing, Peter Lovejoy, Philip Watson, James Lund, Henry M. Robinson, George Wilkins, Ebenezer E. Carter, Porter Blanchard, Daniel Davis, Henry Rolfe, Joseph C. Wallace, John Miller, Abel Baker, Thomas Abbot, Eliot A. Hill Benjamin Damon, John Putney, Joseph Eastman, Jr. David Farnum, Jr. Sewel Hoit, and James Worth, SURVEYORS OF LUMBER.

Chose Erastus Underwood, William Gault, Enos Blake, Theodore Farnum, Thomas Brown, Jacob Rogers, Alexander Thompson, John Putney, William M. Carter, Seth Eastman, Jewett Bishop, Joseph Eastman, Isaac Eastman, John George, Jacob Hoit, George Wilkins, Samuel E. Scales, David Allison, Asaph Evans, Samuel Dimond, Rodney Cutting, Hazen Virgin, Reuben Goodwin, Jr. Robert Hall, and Sullivan Glover, CORDERS OF WOOD.

Chose Ralph Metcalf, James Brickett, David Farnum, Robert Speed, John M. Johnson, Joseph Eastman, Dwelley W. Burgess, William Pecker, Asa Carpenter John Colby, Asa F. Bradley, Thomas Wheeler, Jos-

eph Carpenter, John M^c Daniel, Joel S. Morrill, and Nathaniel H. Osgood, HOGREEVES.

Chose Henry Sweetser, Jacob A. Potter, and David Davis, Jr. AUDITORS OF ACCOUNTS.

Chose James Buswell, Surveyor of Highways, to collect and work out the balance due and uncollected on list committed to William Hoit for 1834.

The superintending School committee made report which was accepted and ordered to be printed together with the report of the Auditors of accounts, and and that each family be furnished with a copy.

The Auditors of accounts made the following report which was accepted.

We the undersigned, being appointed to audit the accounts of the Selectmen and Treasurer of the town of Concord for the year past respectfully Report.

There was a balance due from S. G. Potter collector for 1829	17,89
Promissory Notes against the following persons, to wit :	
Note against John Jarvis and others principal and interest to this date,	22,95
Abner Farnum and others	15,11
Zebediah Gleason and others	24,79
Charles Hutchins	28,35
Brooks C. Flanders	16,50
	\$ 125,59

Which foregoing sum is accounted for as follows :

By balance of taxes due from S. G. Potter,	17,89
Note of John Jarvis and others and interest to this date,	22,95
Abner Farnum and others	15,11
Zebediah W. Gleason and others	24,79
Charles Hutchins	28,35
Brooks C. Flanders	16,50
	125,59

There was cash in the hands of the

Treasurer March 10th 1834	1057,05
Cash received from conditional ex- empts	4,00
proportion of literary fund	196,34
for licenses	6,00
County for Mary May- han	26,00
Order on county treasurer for do	26,00
Taxes assessed and committed to Collector for 1834	4497,00

\$ 5812,39

Which is accounted for as follows, to wit:

Cash paid the county treasurer	225,20
state treasurer	720,00
Receipts for non-resident high- way taxes	43,46
Cash paid orders for school house taxes	774,50
Cash paid for school orders including literary fund	1681,34
Cash paid for Roads, Bridges, compensation for land and sur- veyors.	527,85
for paupers	545,75
school committee	75,00
ringing and tolling bells	46,00
attorney's fees and bills of cost	27,57
militia	142,67
printing, stationary & blank books	61,24
repairing town hall and noti- fying Jurors	12,77
school on dark plain	21,00
guide boards and firewards' poles	19,50
bounty on Foxes, Crows &c.	37,75
Abatement of taxes	59,66
Commission of collector	117,84

Cash paid for outstanding claims	41,00
Selectmen, Town Clerk and auditors for services and expenses	289,04
Taxes outstanding in the hands of Abraham Bean, Collector for 1834	44,83
Cash paid for school house on dark plain	41,39
 Cash in the treasury including order on the county treasurer	 256,53
	<hr style="width: 100%;"/>
	5812,39

And the foregoing accounts are correctly cast and well vouched.

By the foregoing there remains in the treasury unappropriated the sum of 464,70

Consisting of the following items, to wit :

Notes of hand against sundry persons and interest to this date	107,70
Taxes due from S.G.Potter, collector for 1829	17,89
Order on the county treasurer	26,00
Cash in the treasury	230,53
Due from the state for bounties on Foxes, crows and Wild Cats	37,75
Taxes due from Abraham Bean, Collector for 1834	44,83
	<hr style="width: 100%;"/> 464,70

That the state of pauperism may be more clearly understood, the auditors would remark that the whole expense of supporting paupers, at the farm the past year, including the salary of the overseer, and interest on the cost of the farm, amounts to the following sums viz.

Amount of property on hand March, 1834	1453,00
Interest on cost of farm	240,00
Salary of overseer	250,00

Services of physician	14,00
Cash in the hands of the overseer, March 1834	20,61

\$ 1977,61

From the foregoing sum should be deducted,	
Amount of property on hand March 1835	1489,33
Cash received from the county for support of Mary Mayhan	52,00
Cash in the hands of the overseer and amount due on account, over and above paying for all necess- aries	35,42
Permanent repairs of cooking and box stoves.	42,00
	<u>1618,75</u>

Leaving a balance of 358,86
which is the whole expense of pauperism at the
farm for the past year.

The expense of supporting paupers not at the farm amounts to	41,75
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Which being added makes the
whole expense of paupers. 400,61

The number of paupers at the farm, the past year,
was on an average nearly seventeen, being about
the same number as that of the preceding year, and
makes the expense to the town of supporting the poor
at the farm the past year, a fraction over forty cents
per week for each person.

The expense of supporting the poor, at the farm,
for the year ending March 1834, was, as appears by
the auditors report, a fraction less than thirty one cents
per week for each person.

Which is respectfully submitted, by

<p>ISAAC F. WILLIAMS JONATHAN EASTMAN MOSES SHUTE</p>	}	Auditors.
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Voted, That the selectmen be directed to issue an extent against Samuel G. Potter for the balance of taxes reported by the auditors, to be due from him as collector for 1829.

Voted, That the selectmen be directed to collect the notes which were reported by the auditors to be due to the town.

Voted, To raise the sum of fifteen hundred dollars for the support of schools the current year.

Voted, To raise the sum of two thousand dollars to defray the necessary charges and expenses of the town the ensuing year.

Voted to raise the sum of four thousand dollars to make and repair highways, to be paid in labour at ten cents per hour; one thousand dollars of which is to be laid out under the direction of the Selectmen.

The committee having in charge the parsonage and school funds made the following reports which were accepted.

The committee having in charge the parsonage funds report the following as the only alterations which have taken place in the securities for that fund since their last report to the town, to wit :

They have collected the note signed by John Estabrook and others, amounting to the sum of 408.74 which has been invested in the following manner :

Paid for four shares in Mechanics	
Bank	400,00
Note of Robert Davis and Ezra Carter	8,74 408,74

The interest arising from the parsonage fund has all been paid and appropriated as directed by the town.

ROBERT DAVIS, } Committee.
JOSEPH LOW, }

March, 12 1835.

The committee on the School Fund report :

That the note signed by Samuel Clifford and others has been paid.

Principal	210,50
Interest on the same	20,14 230,64

Received in part for dividend on Stock in Concord Bank		46,11
Received interest in part on note of Josiah Furnal and others		25,00
		<hr/> 301,75

Which is accounted for as follows :—

Paid for three shares in Me- chanics Bank	300,00	
Paid interest on same	1,75	301,75

The residue of the funds remains the same as reported last year. The securities of which your committee believe to be good.

ROBERT DAVIS }
JOSEPH LOW } Committee.

March 12, 1835.

The same part of the police laws of Portsmouth as was adopted the past year was adopted for the current year.

Voted, to adopt all the laws of this state defining the powers and duties of firewards and other persons, in certain cases, except that part of the 10th sect. of the law passed Dec. 16th, 1828, which says, "and every such house or building which has eight fireplaces, shall be provided with four such buckets; and every such house or building which has more than eight fireplaces, shall be provided with six such buckets," provided that every such house or building which has eight or more fireplaces, shall be provided with three such buckets; and that the inhabitants of this town living more than half a mile, in any direction, from a line, beginning at the old north meeting house, and running southerly through the main street to Concord Bridge; and the inhabitants living more than half a mile in any direction from Olando Brown's house in the west village; and the inhabitants living more than three quarters of a mile in any direction from Stephen Ambrose's store in the east village, be exempt from the operation of the whole of the said 10th section.

And that the foregoing vote and such portions of

the law defining the powers and duties of firewards as are adopted by the town be published with the school committee's report.

Voted, To publish all the proceeding of the meeting.

Voted, To adopt the same by-laws to prevent horses, cattle and sheep from going at large as were adopted the past year.

Voted, That the collector be directed to proceed forthwith to enforce the collection of the taxes due from Theodore French and Joseph P. Stickney, and the town will sustain him.

Voted, That the selectmen be authorized to purchase two Fire Engines of a large size for the use of Main street, and locate those now on Main street, in which the town have an interest, one at the east and one at the west village.

The committee on school districts made the following report which was adopted.

Report of the Committee on School Districts.

We the subscribers having been appointed a committee to divide school districts, respectfully report, and recommend that a school district be formed from the 12th school district, on the dark plain, consisting of the inhabitants living on the turnpike from Philip Stevens' to Pembroke line, and from the turnpike to Loudon line, and from the turnpike to Pembroke line on the sheep road, so called, and that all the inhabitants and their taxable property within the above described limits shall constitute the twenty-fourth school district.

We also recommend the following alteration in the 9th, 10th, and 16th school districts, to wit:—That, John Mills and Jeremiah Mills and their taxable property be disannexed from the sixteenth and annexed to the ninth school district; and that the ninth district shall extend on the Branch turnpike to the great road, so called, and that all the inhabitants living on South street and north of Cross street, also the inhabitants on Hopkinton road between Stephen Lang's and the eighth school district be disannexed

from the ninth school, district and annexed to the tenth school district.

Which is submitted by

ROBERT DAVIS,
 LABAN PAGE,
 THOMAS D. POTTER, } *Selectmen.*

Voted, That twenty dollars of the literary fund be appropriated to the support of a school on the dark plain.

Voted, That the residue of the literary fund be appropriated in the same manner as last year.

Voted, That the selectmen be authorized to purchase land for a burying yard at the west village and fence the same.

Voted, That the hearse now kept at the burying yard by the north meeting-house, be removed to the west village.

Voted, That the selectmen be authorized to purchase a new hearse for the burying yard by the north meeting house.

The subject of dividing the eighth and eighteenth school districts was referred to the selectmen.

The 20th article was dismissed.

Voted, That the selectmen be authorised to appropriate such sums as they shall think necessary for the improvement of highways, for the support of the poor and for all other necessary and useful purposes.

Voted, That the selectmen be authorized to purchase, and build a hearse house for the same, for the south part of the town.

Voted, That the selectmen be authorized to purchase a hearse for the horse hill district.

Voted, That the interest on the parsonage fund be divided in the same manner as last year.

Voted, That the selectmen be authorised to appoint a collector or collectors, receive proposals and agree with him, or them on their compensation.

The meeting was then dissolved.

SAMUEL COFFIN, *Town Clerk.*

REPORT

OF THE

Superintending School Committee, of the town of Concord; presented at the Annual Meeting in March, 1835.



The Superintending School Committee having attended to the duties assigned them by the town, respectfully submit the following

REPORT:

There are now twenty-three school districts in town, in all of which schools have been taught the past winter, except in Districts No. 2 and 22; in the former of these a school is expected soon to commence. These schools have all been visited and examined twice, with the exception of No. 16 and 20, the former of which begun and the latter closed without notice being given to your Committee; they were, however, visited once each.

Summer schools were taught by females in all the districts, except No. 8, where the school house was under repairs, and were visited and examined, and found in general to be in a good condition. We are happy to state that several of the summer schools were supported wholly or in part by subscription, in order to save the public money for winter schools.

In order that their report may be concise, your committee beg leave to omit the particulars respecting the summer schools taught by females and to exhibit the principal facts which they have to communicate re-

specting the schools taught by males, in a tabular form, as follows :

The whole number of weeks kept by male teachers is 227; being an average of about 11 weeks for each and an increase of 36 weeks more than were kept the preceding year.

School.—The whole number of scholars is 1049—being an increase of 43 scholars over the last year. The studies which these have attended to as appeared on the second examination, are as follows :

In the spelling book,	89
Reading (lower classes)	256
“ (higher classes)	352
Writers,	425
Mental Arithmetic,	239
Written Arithmetic,	223
Grammar,	175
Geography,	228
History,	40
Philosophy,	25
Chemistry,	7
Astronomy,	7
Watts on the Mind,	5
Algebra and Geometry,	9

The schools which in the judgment of your committee appeared to the best advantage, and which are entitled to special commendation, are

- No. 3, kept by Mr. William H. Smart.
- No. 6, kept by Mr. Alonzo C. Chadwick.
- No. 7, kept by Mr. Nathan K. Abbot.
- No. 10, kept by Mr. Moses T. Clough.
- No. 11, kept by Mr. James Moulton, Jun.
- No. 12, kept by Mr. John Jarvis.
- No. 17, kept by Mr. Luther Fitch.
- No. 20, kept by Mr. Simeon Abbot.

In these schools there was good order and very visible improvement. The teachers appeared to take a deep interest in the work; the scholars were attentive and diligent. In general scholarship the committee think Nos. 6, and 3, entitled to the first place. No. 10, was distinguished for mild and effective government, as well as for good improvement, though the school has been very changing. In No. 12, there were several superior examples of reading, and much attention paid to writing. In No. 17, several of the higher branches of education had been successfully pursued, and specimens of good original composition were exhibited, as there were also in Nos. 6, and 14.

While your committee thus point out the schools which in their judgment are entitled to special commendation; they are happy in being able to say, that all the other schools have been profitable, and in most of them good proficiency has been made. In No. 9, the improvement was very visible in Arithmetic. In Nos. 13, and 14, considering the shortness of the terms, the scholars appeared well. A few instances of falsehood and profane swearing have been reported to your committee, but in general the morals have been good. No cases of insubordination have occurred; but the government and discipline of No. 18, was greatly deficient. In this connexion your committee would state that nine weeks of the winter school, No. 13, were taught by a female. But upon visiting and examining the school, at the request of nearly one half of the district, the

committee were unanimously of opinion that the school was unprofitable ; and therefore, as the law in such cases provides, dismissed her. It is due, however, to the instructress of this school to say, that she succeeded well in the summer school, taught in the same district, and that her failure in government in the winter term was owing in part to a division respecting her in the district, which led to an interference in the discipline of the school, and had an unfavorable influence on the scholars.

Before closing their Report, your committee beg leave to advert to one topic which they deem essential to the prosperity of our schools, viz :—*employing well qualified teachers*. The excellent law which regulates our primary schools, provides, “ That no person shall be employed as a school master in any of the schools [of this state] unless he shall be a citizen of the United States, and shall produce a certificate from the superintending school committee of the town where said school is to be kept, and also from some person of liberal education, literary pursuits and good moral character, that he is well qualified to instruct youth in the various sounds and powers of the letters in the English language, reading, writing, English grammar, arithmetic, geography, and such other branches of education as may be proper to be taught in an English school ; and also a certificate from the selectmen of the town to which he belongs, in case there be any, otherwise from three of the most reputable inhabitants thereof, that to the best of their knowledge, he is a person of sober life and conversation, and of good moral character. And no person shall be employed as a school mistress, unless she shall produce a certificate from the superintending school committee of the town where such school is to be kept, that she is suitably qualified to teach the English language grammatically, and the rudiments of arithmetic and geography, and produce satisfactory evidence of good moral character. And no person who shall teach any school required by this act, without producing to the district committee of the

the district in which said school is kept, prior to his or her commencing the same, the certificates required by this act, shall have or receive any thing for his or her services, but shall be forever barred from recovering the same."

Such are the wise and important provisions of the law. And your committee regret to say, that they have in several instances been violated, both as it respects male and female teachers. Persons are engaged to teach without producing the requisite certificates—and who probably could not obtain them—thus contravening the intention and express letter of the law. But as all observation proves, that the order and improvement of a school depends more on the character and qualifications of its teacher, than on any thing else, your committee cannot forbear to call the attention of the districts and their agents, to the subject. The responsibility is thrown on district agents, to employ only such teachers as can produce the requisite certificates of character and qualifications.

There are two erroneous principles sometimes adopted in relation to this subject. The *first* is, that because a school is backward, therefore a master of inferior qualifications will answer. The *second* is, that when districts have but little school money, they must make it hold out as long as possible, by employing a *cheap* teacher.—As to both these principles, it is obvious that whenever they are acted upon, the result must be a poor school. And in opposition to the *first*, we would adopt the principle that the more backward a school is the better qualified should the teacher be in order to bring it forward and elevate the standard of education among the scholars. And in opposition to the *second*, we avow our decided judgment that four or six weeks schooling with a good master, though at a dear price, are better than eight or twelve with a cheap and poor master.

The steps to be taken in order to secure a good teacher, are, first, That the members of a district at a regular school meeting express their views on this

subject, and resolve on furnishing the means to secure if possible a first rate teacher. This may be done by supporting the summer school by subscription and retaining the public money for a winter school—2d. A district agent should be appointed who will not only feel his responsibility, but a personal interest in securing the best teacher in his power—let him begin early in the season to make inquiry for a teacher ; if possible secure one who has had experience and who has succeeded well in government and in securing the affection and confidence of his scholars as well as in teaching them ; and, finally, it is important that the members of the district, be united in the teacher whom the agent employs—That they manifest an interest in his success and occasionally visit the school, particularly at the examination by the superintending committee. By adopting such measures the teachers who are employed will feel their responsibility, and be induced to exert themselves to the utmost, to meet the expectations of the district ; the scholars will be stimulated to study, and their improvement be manifest to all.

All which is respectfully submitted by
your committee,

N. BOUTON,
E. E. CUMMINGS,
ASA P. TENNEY.

The town adopted the following Law.—See vote on page 14.

An Act defining the powers and duties of firewards, and other persons, in certain cases.

SECTION 1. **B**E it enacted by the senate and house of representatives in general court convened, That the firewards of each town in this state shall, by major vote, choose a chairman and secretary or clerk. And all acts required to be done by such firewards shall be as valid and effectual if done by a majority of them, as if all were present and consenting thereto. And any notice required to be given by such firewards shall be valid and effectual, if signed by their chairman and secretary or clerk. And the said firewards shall have for a badge of office a staff painted red, five feet long, and headed with a bright brass spire. And the said firewards are hereby required, upon the breaking out of fire in any such town to repair immediately to the place where such fire may be, taking with them their badge of office, and to exert themselves vigorously, and to demand assistance from all persons present, to extinguish and prevent the spreading of such fire and to remove any property endangered thereby and to appoint guards to take care of such property.

SECT. 2. *And be it further enacted,* That the said firewards be, and hereby are empowered to require assistance from all persons present at such fire, to pull down, blow up, or remove any houses, buildings, or other things whatsoever, provided it shall be judged necessary by a majority of said firewards then present, for preventing the spreading of such fire. And said firewards are hereby empowered to suppress with force, if necessary, all tumults and disorders, and to order, direct and control the labor of all persons present at such fire. And if any person present at such fire shall neglect or refuse to obey the commands of said firewards, or any of them, at such fire, such person shall be liable to a penalty of fifty dollars.

SECT. 3. *And be it further enacted,* That said fire-

wards shall have, at all times, the entire direction and control of all fire-engines, fire-hooks, hoses and other implements designed or used for extinguishing or preventing the spreading of fire in any such town. And the said firewards shall have, at all times, the general direction and control of all persons chosen or accepted by them to serve in any engine company, axe company, hose company, or other association of persons, whose special duty it shall be to aid in extinguishing or preventing the spreading of fire, in all matters appertaining to the duties of their respective appointments.

SECT. 4. *And be it further enacted,* That it shall be the duty of said firewards to give a warrant, under the hand of their chairman, to be countersigned and recorded by their secretary or clerk, to each person chosen or accepted by them to serve in any of the companies aforesaid, which warrant shall be valid so long as such person shall continue a member of said company, or until said warrant shall be revoked by order of said firewards, and the revocation thereof recorded by their secretary or clerk. And every man to whom any such warrant shall be granted, not exceeding eighteen men to each fire engine or hose company, shall be exempted from training in the militia and serving as juror during the time such warrant shall be in force. *Provided however,* that when in the judgment of the selectmen and firewards of such town a greater number than eighteen men shall be necessary to any such engine, or hose company, additional men, not exceeding twenty two to any such engine or hose company, may be appointed by said selectmen and firewards, and a warrant signed by said selectmen, and also signed, countersigned and recorded, as aforesaid, shall entitle such additional men to be exempted as aforesaid.

SECT. 5. *And be it further enacted,* That if any person shall assume the office of fireward, and not being thereto legally chosen, or shall use the badge aforesaid, he shall be liable to the penalty of fifty dollars.

SECT. 6 *And be it further enacted,* That if any person or persons shall, at such fire, plunder, embezzle, convey away, or conceal any goods or effects, and shall not forthwith deliver the same or give information thereof to the owner or owners, if known, otherwise to one of the firewards, such person or persons shall be deemed and taken to be guilty of larceny thereof.

SECT. 7. *And be it further enacted,* That the major part of said firewards present at any such fire are hereby empowered to cause any houses, buildings or other thing whatsoever to be pulled down, blown up or removed that they shall judge necessary to stop the progress of such fire. And if by destroying or injuring any such houses, buildings or other thing as aforesaid the fire shall be stopped, or if the fire shall be stopped before it reach the same, the owner or owners of every such building or other such thing, shall receive a reasonable compensation for the injury done to the same, to be paid by the town. And the selectmen of such town for the time being, on application to them for that purpose, are hereby empowered, and directed to appraise the damage done to any house, building or other thing, by order of the firewards as aforesaid, and to assess the polls and estates in such town liable by law to be assessed in town taxes, their just and legal proportion of such damage, which shall be collected in the same manner as other town taxes may be by law collected. And if such selectmen shall neglect or refuse to make adequate compensation for any damage sustained as aforesaid, for for the space of three months after application to them for that purpose, the party aggrieved may apply by petition to the court of common pleas for the county wherein such town may be for redress. And said court of common pleas after reasonable notice of said said petition to such town, shall ascertain and determine the amount of such damages and render judgment and issue execution therefor and for costs against such town. *Provided however,* that when any such house, building or other thing, wherein or whereat

the fire first began, shall be pulled down, blown up or removed by order of said firewards, the party injured shall not be entitled to compensation for damages aforesaid. And when any other house, building or thing shall be pulled down, blown up or removed by order of said firewards to stop the progress of fire, and such fire shall not be stopped thereby, and it shall appear that such other house, building or thing must have been burnt if the same had not been pulled down, blown up or removed, as aforesaid, the party injured shall not be entitled to compensation for damages as aforesaid.

SECT. 8. *And be it further enacted,* That when in the opinion of the firewards, any building in such town has become dangerous by reason of decay, or want of repairs, or otherwise, it shall be the duty of the firewards to give a written notice thereof to the owner or owners of such building, if residing within the town; or to the occupant of such building, if the owner or owners do not reside within the town; or in case the owner or owners do not reside within the town, and there be no occupant of such building, to post up such notice in at least three public places in said town, which notice shall in all cases contain a particular account of the repairs or alterations required to be made; and in case such repairs or alterations be not made within thirty days from the time of giving or posting up said notice as aforesaid, the firewards may cause such repairs or alterations to be made at the expense of the town, and such town may recover the amount thereof against such owner or owners or occupant by an action of debt before any court competent to try the same; and such action may be brought by the firewards in the name and behalf of said town; and in case, in the opinion of the firewards, such building be in a ruinous state and not worth repairing, and the owner or owners do not within sixty days from the time of such notice make the repairs or alterations required therein, the said firewards may cause such building to be demolished at the expense of the town, and shall make out a par-

ticular account of such expense, and cause the same to be filed with their secretary or clerk ; and in case the owner or owners do not within five days from such filing repay the amount of such expense, the said firewards may sell by public auction the materials of such building ; and from the proceeds of such sale shall retain the amount of such expense and charge of sale, and the overplus, if any, shall pay over to the owner or owners of such building when thereto requested. *Provided however*, that when in the opinion of the firewards the public safety may be greatly endangered unless such repairs or alterations be immediately made, they may limit and appoint such time less than thirty days, for making the same and give such notice thereof as they may think the exigency of the case may require, and such repairs or alterations, not being made by the owner or owners or occupant within such limited time the subsequent proceedings shall be the same as herein provided in cases where such repairs or alterations are not made within thirty days after notice as aforesaid.

SECT. 9. *And be it further enacted*, That it shall be the duty of such town to advance to the firewards from time to time, when thereto requested, such sums as may be necessary to carry into effect the provisions of this act ; and it shall be the duty of the firewards of such town annually, in the month of March, and before the annual town meeting, to transmit to the selectmen an exact account of their receipts and expenditures in said office of firewards, which account the selectmen shall lay before the town at such annual meeting, or at any meeting adjourned therefrom ; and all penalties recovered by virtue of any provision in this act shall be accounted for to the selectmen in their annual account as aforesaid.

SECT. 10. *And be it further enacted*, That every house or other building of two or more stories in height, which has four fire places, shall be provided with two leather buckets of such size and form as the firewards of such town shall from time to time prescribe ; and every such house or other building which has six fire

places, shall be provided with three such buckets ; and every such house or building shall have thereon a good secure ladder or ladders reaching from the ground to the ridge pole ; which buckets and ladders shall be provided and kept in good repair at the charge of the owner or owners of such house or building. And in case the owner or owners of such house or building shall neglect to provide and keep in good repair such buckets and ladders, he or they shall be liable to a penalty of six dollars for every three months neglect therein. And in case of such neglect the firewards may give notice to the owner or owners, or to the occupant, if the owner or owners are unknown, or do not reside within such town, to provide such buckets and ladders, and if the same shall not be provided within thirty days after such notice, it shall be the duty of said firewards to provide the same at the expense of the town ; and such town may recover the amount thereof of the owner or owners of such house or building, or of the occupant in case the owner or owners thereof be unknown or do not reside within such town, by an action of debt before any court competent to try the same, and such action may be brought by the firewards in the name and behalf of such town.

SECT. 11. *And be it further enacted;* That any tenant who shall be obliged to pay any sum of money by virtue of this act which sum his lessor ought to have paid, may retain the same out of the rent of the tenements he holds under such lessor ; or may recover the same against such lessor in an action of debt before any court competent to try the same.

SECT. 12. *And be it further enacted,* That it shall be the duty of said firewards, and they or any of them are hereby empowered, to cause any fires on any wharf or in any street or highway in any such town to be forthwith extinguished or removed whenever in their opinion the public safety may require the same.

SECT. 13. *And be it further enacted,* That the firewards of any town be and they hereby are empow-

ered, from time to time, to make and ordain such rules and regulations not repugnant to any law of this state respecting the kindling, guarding, and safe keeping of fires, and also for the prevention and extinguishing of fires, or for clearing away shavings, chips, or any combustible matters that may be thought dangerous, from any house or other building or place as they, in their judgment, may think proper, and such rules and regulations signed by the major part of said firewards, shall be recorded in the records of the town, and copies of the record attested by the town clerk shall be posted up in two or more public places in the town at least thirty days before such rules and regulations shall take effect. And the said firewards shall have full power to annex such penalties for the breach of any or all of such rules and regulations as they may deem necessary not exceeding twenty dollars for each offence; and such rules and regulations shall be in force until altered or annulled by the laws of the state or by the firewards of such town.

SECT. 14. *And be it further enacted,* That all penalties incurred by the breach of any provision in this act, or by the breach of any rules and regulations made by the firewards of any town in manner provided by this act, may be recovered by action of debt before any court competent to try the same, which action may be instituted by the firewards in the name and behalf of the town where the offence was committed: and all penalties recovered, shall be appropriated by the firewards to the purchase or repair of engines or instruments proper to be used in case of fire or shall be paid into the treasury of the town.

And all actions for the recovery of any penalty within the jurisdiction of a justice of the peace, may be sued and prosecuted before any justice within the county where the offence was committed and it shall be no cause of exception to any such justice, that he resides or has property within the town where the offence was committed.

SECT. 15. *And be it further enacted,* That this act shall extend to, and be in force only in such

towns in this state which shall at their annual or other town meetings called for that purpose, adopt the same. *Provided however*, that such town may adopt the whole, or any part thereof as they may think proper. *Provided also*, that such town may exempt from the operation of the tenth section of this act, such inhabitants of such town as live remote from the compact part thereof.

SECT. 16. *And be it further enacted*, That an act, entitled "an act to regulate the proceedings for extinguishing fires that may be accidentally or otherwise kindled among buildings; to prevent the keeping of fires in unsuitable houses and places; to preserve goods endangered by such fires, and to remove or demolish buildings judged to be dangerous to the public safety," passed April 6, 1781; an act, entitled "an act in addition to and altering an act entitled an act to regulate the proceedings for extinguishing fires that may be accidentally or otherwise kindled among buildings; to prevent the keeping of fires in unsuitable houses or places; to preserve goods endangered by such fires, and to remove or demolish buildings judged to be dangerous to the public safety," passed June 17, 1794; an act entitled, "an act in addition to an act to regulate the proceedings for extinguishing fires that may be accidentally or otherwise kindled," passed November 30, 1803; an act entitled "an act in addition to an act to regulate the proceedings for extinguishing fires that may be accidentally or otherwise kindled," passed June 27, 1818; an act empowering the selectmen and firewards of the town of Portsmouth to appoint additional fire engine men," passed June 30, 1821; an act entitled "an act in addition to, and in amendment of, the several acts now in force regulating the proceedings for extinguishing fires," passed December 20, 1824; an act entitled "an act prescribing the mode of recovering the fines and penalties in an act to regulate the proceedings for extinguishing fires, &c. passed April 6, 1781," passed December 21, 1824; and an act entitled "an act empowering the firewards in the several towns in

this state to make rules and regulations respecting fires," passed June 20, 1826, be, and hereby are, repealed. *Provided*, that all rules and regulations made by the firewards of any town now in force shall be and remain in force as if the same had been made under the provisions of this act, and all penalties incurred for any breach of such regulations or of any provisions of the said acts hereby repealed, may be recovered in the same manner as if this act had not been passed.

SECT. 17. *And be it further enacted*, That this act shall not take effect until the first day of February next.

Approved December 16, 1828.

AN ACT in addition to an act, entitled "an act defining the powers and duties of firewards, and other persons, in certain cases," passed December 16, 1828.

BE it enacted by the senate and house of representatives in general court convened, That from and after the passing of this act, all dwelling houses having three fire places shall be furnished and provided with leather buckets and ladders in the same way and manner that houses and other buildings of two or more stories in height, are required to be furnished, by the act to which this is in addition. *Provided*, that the selectmen of any town, which has adopted the whole or a part of the act, to which this is in addition, may, by their certificate in writing, exempt any person living in a house, but one story high, from the operation of this act, if in their opinion such person is unable to furnish such buckets and ladders.

Approved, July 3, 1830.