

# HOUSE.....No. 53.

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## Commonwealth of Massachusetts.

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IN SENATE, *March 5, 1846.*

THE Joint Committee on Education, to which were committed the petitions of the towns of Spencer and Granville, praying for their respective portions of the income of the School Fund, having duly considered the same,

### R E P O R T

as follows :

The cases presented by the above petitions may be better understood, after adverting to some of the conditions to be performed by towns, in each year, in order to entitle themselves to any part of the income of the school fund for such year.

Every town is required to send to the Secretary's Office, on or before the thirtieth day of April, the three following documents :—

1. The *Return*, properly so called. The blank form of this return is prescribed by the Board of Education, and may be changed by them annually.

It is sent out to the town by the Secretary, in season to allow the same to be filled up, and returned by the day above-

mentioned. If any town fails, from any cause, to receive its blank, this return cannot be made.

2. The *Certificate* required by the statute of 1841, chapter 17.

Although the form of this certificate is given in that act, and it can therefore be filled up and sent separately from the return above mentioned, yet in fact this form is always printed in blank on some part of the blank *return*, and the two documents transmitted on the same sheet.

3. The *Report*, properly so called.

This is an original document, made out by the school committee, and consequently a separate one from the two preceding, though generally transmitted at the same time.

If any town fails, in any year, to transmit all these documents, by the day appointed, as above, such town is excluded by the Secretary and Treasurer, from any share of the income of the school fund, and can gain relief only from the Legislature.

The town of Spencer transmitted its report to the Committee in due season, but did not receive its blank from the Secretary in due season, and therefore failed to transmit either its return or certificate within the legal time. On the last day of April, the school committee, after repeatedly calling at the Post Office, informed the Secretary that no blank return had reached them, and one was accordingly transmitted and returned, properly filled up, May 3d.

The question is, was the town excused, by the failure to receive a blank, from transmitting its return and certificate till such blank should arrive. It is clear that the return could not in such case be required; and, although the certificate makes legally no part thereof, and might be made out separately, yet, as they are in fact always returned on the same paper, and as it was impossible to transmit all the three documents required by law, your Committee think that the school committee have done, on the whole, all that could be reasonably demanded, and is entitled to relief from the Legislature.

The case of the town of Granville differs from the above only in the fact, that the report was not sent to the Secretary's

Office, till May 15th, and then transmitted with the other documents. Your committee are satisfied, that both these towns were prevented from transmitting all the required documents in due season, solely from the want, in each case, of a blank return.

From what cause these blanks failed to reach them, is not known, nor is it necessary to impute blame any where. It is enough to say that the failure is not chargeable to the towns themselves. These considerations have induced your Committee to report the accompanying Resolve.

## Commonwealth of Massachusetts.

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In the Year One Thousand Eight Hundred and Forty-Six.

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### RESOLVE

On the Petitions of the Towns of Spencer and Granville.

*Resolved,* That there be reserved, out of the present year's income of the School Fund, for the benefit of the Towns of Spencer and Granville, a sum equal to what those towns would have received, if they had made in due season the returns required by law, and that the sums so reserved be added to the respective shares, if any, to which the said towns may be entitled from the income of said fund for the present year.

SENATE, March 6, 1846.

Passed to be engrossed.

Sent down for concurrence.

CHAS. CALHOUN, *Clerk.*