

MAINE STATE LEGISLATURE

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Sixty-Seventh Legislature.

SENATE.

No. 123.

STATE OF MAINE.

RESOLVE in favor of the City of Old Town.

Resolved, That the sum of two hundred and nineteen
2 dollars and sixty-four cents, being a balance in equity due
3 to the city of Old Town as its proportion of the school
4 funds for the year one thousand eight hundred and ninety-
5 three, be paid to said city by the treasurer of the state of
6 Maine out of the school funds of the current year.

STATEMENT OF FACTS.

I have made inquiry concerning the claim of this city relating to the money held back by the state from its school fund in 1893, and learn as follows :

Dr. Weld, then mayor of the city, was absent from town for a few days about the first of July, 1893, and on his return on the fifth day of July, he found a notice from Supt. Luce, saying that the fiscal returns had not been received from Old Town. The blanks for these returns are usually sent by the superintendent of common schools to the various town clerks in March of each year, and Mayor Weld went and inquired of the city clerk (who was the same person who had been clerk in 1892, and who would have received the blanks if they had been received by the government of either 1892 in March, or that of 1893, after March) to ascertain if he had neglected to deliver the blanks ; but he said that none had been received, and upon search being made among the city papers no blanks were to be found.

The mayor remembers the date of the subsequent notice above mentioned as being 20th of June, 1893, but as before said, it did not come to Old Town until some time in the last days of June or the first days of July. It was possibly mis-carried in the mail. Mayor Weld wrote at once to Supt. Luce, informing him of the facts ; but the latter replied that he could do nothing, and that application should be made to the legislature.

Of course it may be said that the municipal officers should have known the law governing their action in such matters ; but you will readily understand that they would rely partly upon the action of the state superintendent in sending the necessary blanks,—a duty which the statute places upon him for the purpose, no doubt, of calling the attention of the municipal officers to the requirement of the law ; and then, in the nearly complete change of officers from one year to another, the new board is almost certain to be unfamiliar with its duties until it is specially reminded of them, and this is why the superintendent sends his notice in June. If the

latter notice had been received in time, the returns would have been duly sent ; but its accidental delay prevented this. Out of eleven members of the board of municipal officers in 1893, eight were new men.

The legal maxim that “ignorance of the law excuses no one” is a sound one, but its application to equitable cases is very limited, and I do not imagine that the legislature will think that it ought to be enforced in this claim.

Very truly yours,

GEORGE T. SEWALL.

STATE OF MAINE.

IN SENATE, February 20, 1895.

Reported by Mr. WALLS, from Committee on Education, and laid on table to be printed under joint rules.

KENDALL M. DUNBAR, *Secretary.*