

# MAINE STATE LEGISLATURE

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# ACTS AND RESOLVES

PASSED BY THE

## THIRTY-EIGHTH LEGISLATURE

OF THE

## STATE OF MAINE.

1859.

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Published by the Secretary of State, agreeably to Resolves of June 28, 1820, February 26, 1840, and March 16, 1842.

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**AUGUSTA:**  
STEVENS & SAYWARD, PRINTERS TO THE STATE.

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1859.

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PUBLIC LAWS

OF THE

STATE OF MAINE.

1859.

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ishments may be located, or in which it may be proposed to establish the same, shall in a legal manner give their assent to such exemption, and such assent shall have the force of a contract, and be binding for the full time specified.

SECT. 2. This act takes effect when approved.

[Approved April 1, 1859.]

CHAP. 92.

Assent of towns binding.

### Chapter 92.

An act providing for the distribution of the annual school blanks and registers.

*Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows :*

SECT. 1. The secretary of state, on the first day of March in each year, shall forward to the superintending school committee of the several cities, towns and plantations, blanks for the annual school return, and registers for the school year commencing on the first day of April following.

Blanks for school returns, and registers, to be sent to towns March first.

SECT. 2. All acts and part of acts inconsistent with this act are hereby repealed.

[Approved April 2, 1859.]

### Chapter 93.

An act to amend chapter forty-seven of the revised statutes, relating to banks and banking.

*Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows :*

SECT. 1. The twenty-first section of the forty-seventh chapter of the revised statutes, is hereby amended by striking out therefrom the following words: "but any special deposit of specie kept by it in the Suffolk Bank, Boston, not exceeding three thousand dollars, a certificate of which is taken and kept by it, shall be deemed in its vaults for the purposes of this section."

Ch. 47, sec. 21,  
R. S. amended.

SECT. 2. The fiftieth section of the same chapter is amended by striking out the following words, occurring after the word "unpaid" in the thirteenth line as printed, viz: "on the first Monday of each other month, he shall make a similar return, signed and sworn to by him, but not by the directors, and transmit it to the secretary of state within five days, stating the capital stock, bills in circulation,

Ch. 47, sec. 50,  
R. S. amended.

CHAP. 94.

specie, deposits, loan, amount due from other banks, bills issued and amount of unsigned bills on hand.

Ch. 47, sec. 54,  
R. S. amended.

SECT. 3. The fifty-fourth section of the same chapter is amended, by striking out the word "twenty" in the second line as printed, and inserting the word "four."

Act to amend  
ch. 47, R. S.,  
approved Mar.  
25, 1858, re-  
pealed.

SECT. 4. The act to amend sections fifty and fifty-four of chapter forty-seven of the revised statutes, relating to banks and banking, approved March twenty-fifth, eighteen hundred fifty-eight, is hereby repealed.

SECT. 5. This act shall take effect when approved by the governor.

[Approved April 2, 1859.]

### Chapter 94.

An act in relation to reviews.

*Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows :*

Proof of false  
testimony on  
trial, entitles to  
review.

SECT. 1. If a petitioner for review makes it appear that a witness testified falsely to material facts against him in the original trial, whereby he was taken by surprise, and unable at the trial to produce evidence of the falsehood, but has since discovered such evidence, which together with any evidence before known, is in the opinion of the court, sufficient proof that the testimony was false; or if such witness has been convicted of perjury in such testimony, in either case the petitioner shall be entitled to a review.

Petition may  
be commenced  
within six  
months; officer  
may attach  
property.

SECT. 2. A petition for review, for any cause above named, may be commenced within six months after the passage of this act, notwithstanding there may have been a former unsuccessful petition for review of the same action, and the officer serving such petition or writ of review may attach thereon the property of the respondent the same as on an original writ.

Action by party  
in interest  
may be reviewed,  
party giving  
bond.

SECT. 3. An action prosecuted or defended by a party in interest who is not the party of record, may be reviewed on petition of the party in interest setting forth the fact of such interest, but the writ of review in such a case shall not issue until the petitioner has filed a bond with sufficient surety or sureties, approved by the presiding judge, to secure the party of record against any judgment recovered by the defendant in review.

SECT. 4. This act shall take effect from and after its approval by the governor.

[Approved April 2, 1859.]