

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

ACTS AND RESOLVES

OF THE

FORTY-EIGHTH LEGISLATURE

OF THE

STATE OF MAINE.

1869.

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

AUGUSTA:
SPRAGUE, OWEN & NASH, PRINTERS TO THE STATE.
1869.

PUBLIC LAWS

OF THE

STATE OF MAINE.

1869.

CHAP. 13.

last clause of said section shall read as follows: 'The shares in such association owned by persons residing out of this state, or by persons whose residence is unknown, shall be taxed in the city or town where said banking association is located, and not elsewhere; *provided however*, that the taxation thereof shall not be at a greater rate than as above provided in the case of shareholders residing in this state.'

SECT. 2. This act shall take effect when approved.

Approved February 6, 1869.

Chapter 13.

An act relating to school blanks, school returns, and the distribution of the state school fund.

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

State superintendent of common schools to prepare and forward blanks for returns of schools.

SECT. 1 The superintendent of common schools shall prepare and print blank forms, for all returns required by law, or deemed by him necessary, and shall, on the first day of March in each year, forward to the clerk 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; and said clerk shall forthwith deliver the same to the superintending school committee of his respective city, town or plantation.

School returns to be made to office of state supt. of common schools.

SECT. 2. The superintending school committees or supervisors of the several cities, towns and plantations, shall make their annual school returns, now required by law, into the office of the superintendent of common schools, on the first day of May, and shall give the number of scholars as they existed on the first day of April, preceding.

State supt. of common schools to notify delinquent school committees. Also return to state treasurer number of children between 4 and 21 years of age.

SECT. 3. The superintendent of common schools shall, on the first day of June, notify the school committee of any town whose returns were not received at his office in May, and shall, annually, ascertain on the first day of July, the number of children between four and twenty-one years of age, in the towns from which returns are received, and furnish a list thereof to the state treasurer, and the treasurer shall immediately after the first day of July apportion to the towns all state school funds, for the year, according to such list, and in the manner prescribed in section seventy-five, chapter eleven of the revised statutes. Immediately after making the apportionment the treasurer shall notify each town of its proportion, which shall not be paid to any town that has not made return for the year, until it is made to the superintendent of common schools.

Duty of treasurer of state thereon.

SECT. 4. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

SECT. 5. This act shall take effect when approved.

Approved February 6, 1869.

Chapter 14.

An act to authorize writs of execution to be issued or renewed, where the person who recovered judgment has deceased.

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

SECT. 1. Where a person who has recovered judgment dies before a writ of execution has been issued thereon, an execution may thereafter be issued, or where the creditor in any execution has deceased, before it has been fully satisfied, it may be renewed by order, in vacation or term time, of any justice of the court, which rendered such judgment, or, the judgment on which such execution issued, upon the application, in writing, of the executor or administrator, general or special, of such deceased person; and where such judgment was rendered or execution was issued by the judge of a municipal court, or by a trial justice or justice of the peace, then the execution may be issued, or the execution be renewed by such judge or justice, in like manner as before provided. But no first execution shall issue, nor any execution be renewed, by virtue of this act, after the times respectively within which it might be done, if the party had not deceased. And any execution issued or renewed by the authority of this act, may be renewed, from time to time, as it might be if the party recovering judgment were alive.

Writ of execution may be issued upon the application of the executor or administrator when the judgment creditor has deceased.

Execution may be renewed in like manner.

SECT. 2. Any execution issued originally, or, by renewal of a former execution, by virtue of the authority conferred by this act, after reciting the judgment, and that thereof execution remains to be done, in whole or in part as the case may be, shall in effect, set forth that since the rendition of the judgment the said creditor, naming him, has deceased, and that the person whose name is inserted in place of the creditor, is the executor or administrator of his estate, and the command to the officer shall be the same as if the judgment had been recovered by the administrator or executor, and he shall be seized of and hold any real estate levied on, to satisfy the execution, in the same manner and to the same uses he would if he in his representative capacity, had recovered judgment.

What the execution shall set forth.

SECT. 3. This act shall take effect when approved.

Approved February 6, 1869.