

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

PASSED BY THE

TWENTY-NINTH LEGISLATURE

OF THE

STATE OF MAINE,

A. D. 1849.

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

Augusta:
WILLIAM T. JOHNSON, PRINTER TO THE STATE.

1849.

PUBLIC LAWS

OF THE

STATE OF MAINE,

1849.

CHAP. 95.

Judge of Probate empowered to remove executors for neglect, &c.

—to appoint an executor if none remain after such removal.

Power of remaining executor.

Right of appeal of executor so removed.

SECT. 2. The judge of probate in any county, shall have power to remove any executor, whether joint or sole, within his jurisdiction, who shall refuse, or neglect to perform his duties as such executor, or who shall mismanage the estate in his hands, whenever, in the opinion of said judge, the interests of said estate require such removal; and to appoint an executor with the will annexed, if there shall be no executor remaining, after such removal; but any executor or executrix remaining after such removal shall have power to manage the estate in the same manner as if the executor so removed had never been appointed: reserving, however, to any executor so removed, the right of appeal to the supreme court of probate, as in other cases provided.

[Approved June 18, 1849.]

Chapter 95.

An act additional to chapter one hundred and fifty-five of the revised statutes.

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

Malicious burning of certain buildings.

Every person, who shall willfully and maliciously burn, either in the night time or in the day time, any store, barn, stable or other building of another, other than is mentioned in the third section of the act to which this is additional, shall be punished upon conviction thereof before the supreme judicial court, by imprisonment in the state prison for such term, not exceeding ten years, as the justices of said court before whom the conviction may be had shall sentence and order, according to the nature and aggravation of the offense.

[Approved June 18, 1849.]

Chapter 96.

An act to amend section twenty-nine of the one hundred and ninth chapter of the revised statutes.

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

R. S. ch. 109, sec. 29. of insolvent estates.

The twenty-ninth section of the one hundred and ninth chapter of the revised statutes shall be amended by striking

out the words "found to be actually insolvent," so that said section as amended shall read, every creditor of an estate who shall not have presented his claim for allowance, in the manner prescribed in this chapter, shall be forever barred from recovering the same, unless further assets of the deceased shall come to the hands of the administrator, after the decree of distribution; in which case, his claim, if not disputed by the administrator, or if approved to the satisfaction of the judge, may be allowed and paid, in the manner and with the limitations, provided in this chapter for the case of contingent debts.

CHAP. 97.

When claims not presented to commissioners, are recoverable.

[Approved June 18, 1849.]

Chapter 97.

An act additional in relation to the state library.

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

SECT. 1. The librarian shall cause to be labelled with the words "not allowed to be taken from the library," such books in Vattemare's collection as in his judgment should not be taken from the library; and the books thus labelled shall not be removed from the library.

Certain books in Vattemare's collection not to be taken from the library.

SECT. 2. Any citizen of the state upon written application to said librarian, stating his name, residence and desire to take books of Vattemare's collection, not labelled as aforesaid, for the purpose of translating the same, may, during the recess of the legislature, be permitted to take the books applied for, or such part thereof as the librarian may determine, if in his judgment he can permit them to be taken with due regard to the safety of the same. On delivery of the books the applicant shall sign a receipt attached to said application, stating the time fixed by the librarian for the return thereof. And said receipt with the librarian's affidavit of the value and damage arising from the loss of the books mentioned therein, and that the same have not been returned to the library, shall be prima facie evidence of the loss, value, and damage, in any prosecutions under this act for loss or damage.

Librarian may permit certain other books in said collection to be taken from the library on written application.

Receipt to be attached to the application, on delivery.

Loss and damage.

SECT. 3. The librarian shall annually on or before the first day of January, deliver to the county attorney for each county, any receipts of residents in his county, together with the affidavits aforesaid. And it shall be the duty of each county

How recovered.