

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.

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.

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.

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attorney receiving said receipts and affidavits to prosecute the receiptors in the name of the state; and all sums recovered in said prosecutions shall be paid to the librarian to be by him expended in supplying the losses and repairing the damages occurring under the provisions of this act.

Inconsistent acts repealed.

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 and be in force from and after its approval by the governor.

[Approved June 22, 1849.]

Chapter 98.

An act in relation to the process of forcible entry and detainer.

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

When process of forcible entry and detainer may be maintained.

The process of forcible entry and detainer, prescribed in chapter one hundred and twenty-eight of the revised statutes, may be maintained, although the relation of landlord and tenant does not exist between the parties.

[Approved June 26, 1849.]

Chapter 99.

An act in relation to pardons and commutations of sentence.

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

When application is made for the pardon of any convict or the commutation of any sentence.

SECT. 1. In any case in which application shall be made to the executive for a pardon of any convict or the commutation of any sentence, the council may require the presiding judge and the attorney who acted for the state in the prosecution of the case in which any pardon or commutation is asked, to furnish, and it shall be the duty of such judge and attorney to furnish the executive as soon as may be, with a concise statement of the case as proved on trial, together with any other facts and circumstances which might have a bearing on such application.

Statement of the case to be furnished by the judge, or attorney acting for the state, when required by the council.

Notice shall be served upon the county attorney, before such application is made.

SECT. 2. Before any application for a pardon or commutation shall be presented to the executive, written notice thereof