

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

PASSED BY THE

THIRTY-FIFTH LEGISLATURE

OF THE

STATE OF MAINE,

A. D. 1856.

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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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1856.

PUBLIC LAWS

OF THE

STATE OF MAINE.

1856.

Chapter 242.

An act in addition to chapter one hundred and five of the revised statutes.

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

When any will proved and allowed in any other state has been allowed and recorded in this state, as provided in chapter one hundred and six of the revised statutes, the judge of probate of any county, in which lands of the testator subject to the operation of his will may remain undisposed of, may, upon due notice given, grant administration with the will annexed on the estate of such testator, notwithstanding the lapse of more than twenty years from his decease.

[Approved April 3, 1866.]

Chapter 243.

An act for the better security of the moneys in the state treasury.

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

SECT. 1. The treasurer of the state shall not in any way, directly or indirectly, receive to his own benefit or emolument, any interest from or on account of any moneys belonging to the state, or any interest upon any moneys belonging to the state, deposited in any bank, or any gratuity, bonus, premium or interest, for depositing any moneys of the state in any bank, or for keeping any such moneys on deposit in any bank, or by reason of or from any moneys of the state deposited in any bank, or by reason of his or any one for him, keeping on hand, or giving circulation to any bank bills, or any gratuity, bonus, or premium upon any loan negotiated or obtained for the state, or he shall render a just and true account thereof, whenever received, and shall pay over to the state all such interest, gratuity, bonus or premium.

SECT. 2. The treasurer of the state shall not use in his own business, nor for his own benefit, any of the moneys of the state, nor shall he loan any of the moneys of the state to any person or persons, corporation or corporations, except when authorized so to do by law, or resolve of the legislature, upon pain of forfeiting a sum equal to the amount so used or loaned.

SECT. 3. The forfeiture provided for in section second, may be recovered by indictment in any court of competent jurisdiction.

Granting of administration, when foreign wills have been allowed and recorded.

Treasurer of state shall not receive, for his own benefit, interest on moneys belonging to the state.

Shall render an account thereof.

—shall not use or loan moneys of the state.

Penalty.

—how recovered.

tion to try the same; and it shall be the duty of the attorney general of the state, whenever he shall receive satisfactory information that any treasurer of state has violated the provisions of said section, to cause him to be indicted therefor.

Duty of attorney general, relating to same subject.

SECT. 4. If any person shall complain to the governor and council that the treasurer of state is insane, or insolvent, or has absconded, or concealed himself to avoid his creditors, or is absent from the state neglecting the duties of his office, to the hazard of the state, in respect to the trust in him reposed, or that he has violated any of the provisions of this act, or has failed to perform faithfully the duties of his office, it shall be the duty of the governor and council forthwith to examine into the truth of the matters thus complained of, and if these charges, or any of them, shall upon such examination appear to be true, it shall be the duty of the governor and council to discontinue such treasurer, and declare his office vacant.

Office of treasurer, to be declared vacant in certain cases.

SECT. 5. If it shall at any time be made to appear to the governor and council, that any one of the sureties on the treasurer's bond, is insolvent, or insufficient, or that said bond is at any time not good and sufficient for the full security of the state, it shall be the duty of the governor and council to call on the treasurer for a new bond, and if such treasurer shall neglect for the period of ten days after demand, to file such new bond to the satisfaction of the governor and council, it shall be their duty to declare his office vacant.

Bond of treasurer, duty of governor and council, relative to.

SECT. 6. In no event shall the state's moneys, kept on deposit in any bank, exceed the sum of twenty thousand dollars; except when for the purpose of paying any of the bonds of the state or interest on the same, it may be necessary to accumulate a larger sum at the bank where such payment is to be made.

Amount of deposits in bank, limited.

SECT. 7. Whenever there shall be an appropriation for the contingent fund of treasurer, it shall be the duty of the governor and council to audit the same, and if any balance shall be unexpended at the expiration of his term of office, he shall pay over such balance to the state.

Expenditure of contingent fund of the treasurer, to be audited.

SECT. 8. At the expiration of each calendar month the treasurer of state shall prepare an exhibit, stating in what banks, or other places, the moneys of the state have been deposited, kept and placed by him, within that month, and showing the amount at each of said banks or other places, at the date of said exhibit, which shall be filed in the office of secretary of state, and shall be open to public inspection.

Monthly exhibit of deposits to be filed in office of secretary of state.

CHAP. 244.

Annual report of moneys received from land agent.

Salary of treasurer of state.

Sect. 5, chap. 80, R. S., repealed.

SECT. 9. The treasurer of the state shall exhibit in detail in his annual report, at what times any sums of money have been received by him, from the land agent, under the laws regulating the land office, and the several amounts received at such times.

SECT. 10. The salary of the treasurer of state shall be sixteen hundred dollars per annum, instead of the sum now provided for by law, and the same shall be in full compensation for his services in office, and he shall not receive any emolument or perquisite over and above such sum.

SECT. 11. The fifth section of chapter eighth of the revised statutes is hereby repealed.

SECT. 12. This act shall take effect and be in force from and after its approval by the governor.

[Approved April 4, 1856.]

Chapter 244.

An act to limit the jurisdiction of the municipal court of the city of Calais.

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

Powers of judge, limited in civil actions.

SECT. 1. The powers of the judge of the municipal court of the city of Calais, in civil action, are hereby limited to cases in which both parties, or the plaintiff and the person or persons summoned as parties, are inhabitants of said city.

—limited in process of forcible entry and detainer.

SECT. 2. The powers of the judge of said court in process of forcible entry and detainer, are hereby limited to cases in which the property in regard to which the process is instituted, is situate in said city.

—limited in criminal matters.

SECT. 3. The powers of the judge of said court in criminal matters, are hereby limited to cases in which the offense is committed in said city, or the defendant is an inhabitant of said city.

—not affected in matters pending.

SECT. 4. This act shall not affect the powers of the said judge, as to any criminal matter or proceeding in forcible entry and detainer, when the complaint has already been made, nor in any civil action wherein the writ has already been made.

[Approved April 4, 1856.]