

# MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

112

PASSED BY THE

FORTIETH LEGISLATURE

OF THE

STATE OF MAINE.

1861.

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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.  
1861.

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PUBLIC LAWS

OF THE

STATE OF MAINE.

1861.

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## CHAP. 24.

and when so recorded, the copy of the record shall be admitted as evidence of the giving of such notice. If the mortgagee or person claiming under him is not a resident in the state, he shall at the time of recording such notice record therewith his appointment of an agent resident where the mortgage is recorded, to receive satisfaction of the mortgage, or the right to redeem shall not be forfeited; payment or tender may be made to such agent.

Mortgagee if not a resident of the state, shall record his appointment of an agent.

SECT. 5. If the money to be paid or other thing to be done is not paid or performed, or tender thereof made, within sixty days after such notice is recorded, the right to redeem shall be forfeited.

Payment or tender, &c.

SECT. 6. Nothing in the preceding sections, or in chapter ninety-one of the revised statutes, shall defeat a contract of bottomry, respondentia, transfer, assignment, or hypothecation of a vessel or goods at sea or abroad, if possession is taken as soon as may be after their arrival within the state.

Contract of bottomry, &c.

SECT. 7. Sections, three four and five of chapter ninety-one of the revised statutes are hereby repealed; the repeal thereof shall not effect any rights, remedies or proceedings now existing by virtue thereof, or any mortgages executed before this act shall take effect.

Sec. 3, 4 and 5 of ch. 91, R. S., repealed.  
—not to affect any rights, &c., now existing.

SECT. 8. This act shall take effect thirty days after its approval by the governor. Its provisions shall be applicable only to mortgages subsequently executed.

Act, when to take effect, &c.

[Approved March 12, 1861.]

## Chapter 24.

An act concerning insane criminals.

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

SECT. 1. No person who has been indicted by any grand jury in this state for a felonious assault with intent to kill and murder, and found "not guilty by reason of insanity" by a traverse jury, who has been or may hereafter be committed to the insane hospital, shall be released therefrom, except by order of a judge of the supreme judicial court after a hearing as hereinafter provided.

Persons indicted and acquitted by reason of insanity, &c.

SECT. 2. Application may be made to any judge of the supreme judicial court for the release of any person committed as aforesaid, who shall furnish to said judge an attested copy of the indictment upon which said verdict was rendered, and said judge, upon hearing the case and such proof as may be offered, if he find such person sane, and that his release would be safe to the community and to the person of him who was assaulted as aforesaid,

Application for release may be made to judge of S. J. C.

If judge find person to be sane, &c.

## CHAP. 25.

—notice to  
attorney  
general or  
county  
attorney, &c.

—service.

If judge shall  
be satisfied  
that the peace  
and safety of  
community,  
&c., will not  
be endangered,  
he may order  
release.

—may require  
bond.

County  
attorney, duty  
of.

—fees of  
witnesses.

Person  
summoned and  
failing to  
appear.  
Penalty.

—how recov-  
ered and  
appropriated.  
Inconsistent  
acts repealed.

he shall order a hearing to be had before himself or some other judge of the supreme judicial court in the city of Augusta at such time as said judge may designate, ordering notice to the attorney general or county attorney of the county where the insane person was indicted and to the person upon whom the assault was alleged to be committed, if in the state, of the time and place of said hearing, which shall be served thirty days before said hearing, by any officer authorized to serve civil process.

SECT. 3. If upon such hearing the judge shall be satisfied that the safety of the community and of the person assaulted will not be endangered thereby, he may order the insane person to be released, and at his discretion may require the bond as provided in chapter one hundred and thirty-nine of the acts and resolves of eighteen hundred and sixty; otherwise such release shall not be ordered and no other hearing shall be had upon the matter till after the expiration of one year.

SECT. 4. It shall be the duty of said county attorney to be present at said hearing to procure the attendance of such witnesses as he may deem necessary, to certify their names with the amount of their fees to the county commissioners of the county where the insane person was tried, who shall at their next session order the same to be paid out of the county treasury. And any person duly summoned and failing to appear, shall pay a fine not exceeding fifty dollars, to be recovered by indictment or action of debt for the use of the county in which the insane person was tried.

SECT. 5. All acts and parts of acts inconsistent with this act are hereby repealed.

SECT. 6. This act takes effect when approved by the governor.

[Approved March 13, 1861.]

## Chapter 25.

An act relating to the state library.

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

Governor and  
council, board  
of trustees.

Librarian,  
appointment  
of.

—term, three  
years.

—bond of.

When to be  
kept open.

SECT. 1. The state library shall hereafter be under the management and control of the governor and council as a board of trustees.

SECT. 2. There shall be appointed by the governor and council, a librarian of the state library, who shall hold his office three years unless sooner removed, and shall give bond to the state in such sum and with such sureties as shall be approved by the governor and council, for the faithful performance of the duties of his office.

SECT. 3. The library shall be kept open every day in the year,