

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

112

PASSED BY THE

FORTIETH LEGISLATURE

OF THE

STATE OF MAINE.

1861.

Published by the Secretary of State, agreeably to Resolves of June 23, 1820,
February 26, 1840, and March 16, 1842.

AUGUSTA:
STEVENS & SAYWARD, PRINTERS TO THE STATE.
1861.

PUBLIC LAWS

OF THE

STATE OF MAINE.

1861.

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 recovered 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 Inconsistent acts repealed.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 All acts and parts of acts inconsistent with this act are hereby repealed.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 :

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,

Governor and council, board of trustees.

Librarian, appointment of.

—term, three years.

—bond of.

When to be kept open.

Sundays and the usual public holidays excepted, during the usual business hours.

CHAP. 25.

SECT. 4. All sums of money appropriated by the legislature for the purchase of books, shall be expended by the librarian under the direction of the governor.

Appropriation, how expended.

SECT. 5. The librarian shall report to the legislature annually, in the month of January, the receipts and expenditures on account of the library with a list of all books, maps and charts acquired during the preceding year, specifying those obtained by purchase, donation and exchange, and those if any, which have been lost or are missing, and make such suggestions in relation to the library as shall lead to its improvement.

Librarian shall report annually, in January.

SECT. 6. Books may be taken from the library by the governor, members of the council and of the legislature, judges of the judicial courts, secretary of state, deputy secretary of state, treasurer of state, adjutant general, attorney general, land agent, reporter of decisions, counsel engaged in the argument of causes before the law courts in the middle district, superintendent of public buildings, superintendent of common schools, superintendent of the insane hospital, chaplains, secretary and assistant secretary of the senate, chaplains, clerk and assistant clerk of the house, secretary and members of the board of agriculture during the session of the board, *provided* that this privilege to the members of the legislature and those officially connected therewith shall be limited to the time the legislature shall be in session. Any person taking books from the library shall first give sufficient personal security for their return within twenty days.

Persons allowed to take books.

Proviso.

Security for books taken.

SECT. 7. No person authorized to take books from the library shall be permitted to have at any one time more than three volumes, nor shall the same be retained more than three weeks, and all shall be returned on or before the first day of January, annually.

—not to take at one time more than three volumes.

—not to be kept more than three weeks.

SECT. 8. The following books shall not be taken from the library room, except for the use of either house or of the committees of the legislature during its session, or for use in the supreme judicial court in term time; all books presented by the United States or any of the states, all works, books and documents relating to the laws or legislative proceedings of the United States or of other states or countries, all digests, reports of decisions and works relating to the science of the law and Vattemare's exchanges.

Books not to be taken from library.

SECT. 9. Every person shall be answerable for all damage done by him to any book, and in case of the loss of a volume belonging to a set, the person answerable therefor shall procure a new volume or pay in money the value of the set.

Damage to books, persons answerable for.

SECT. 10. Actions for the breach of said regulations may be brought by the librarian in his own name for the use of the state, and in case of his death or removal from office, the action shall survive and be prosecuted by his successor.

Actions for breach of regulations, how prosecuted.

CHAP. 26.

Governor may transmit laws, &c., to several states, &c.

SECT. 11. The governor may transmit to the governors of the several states and of the several British North American Provinces, three copies of all the laws and resolves published by order of the legislature, one copy of all public documents printed and bound by the like order, and one copy of the printed decisions of the judicial courts.

Salary of librarian, \$600.

SECT. 12. The annual salary of the librarian shall be six hundred dollars to be paid quarterly out of any money in the treasury not otherwise appropriated.

Secretary of state to have care of library, until librarian is appointed.

SECT. 13. The library shall remain as now under the care of secretary of state, until a librarian shall be appointed by the governor and council according to the provisions of this act.

Appropriation, annually \$500.

SECT. 14. Five hundred dollars shall be annually appropriated for the library and be expended in purchasing or otherwise procuring such books, maps, charts and works as shall be deemed most useful and in binding and keeping in good condition the works therein.

Catalogue.

SECT. 15. The governor and council shall cause to be faithfully and truly made a catalogue of all books, maps, charts and works now in the library and cause to be added thereto all such books, maps, charts and works as may be annually added thereto.

Inconsistent acts repealed.

SECT. 16. All acts and parts of acts inconsistent with this act are hereby repealed.

SECT. 17. This act shall take effect and be in force on and after its approval by the governor.

[Approved March 13, 1861.]

Chapter 26.

An act to amend section twelve of chapter eighty-three of the revised statutes, and section eight of chapter one hundred and sixty-four of the public laws of eighteen hundred and sixty, of an act for the appointment of trial justices.

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

SECT. 1. The twelfth section of chapter eighty-three of the revised statutes is hereby so amended as to read as follows, viz : when any trial justice is unable to attend at the time and place appointed by him for the trial of any suit already entered or at which any writ is returnable before him, any other trial justice who can legally try the same suit or any justice of the peace and quorum residing in the same or adjoining town may in either case attend and continue such action once to a day certain, not exceeding thirty days and note the fact on the writ and in his own docket, and if the inability of the trial justice before whom the writ was returnable is not removed at the time to which the action is con-

Ch. 83, sec. 12, R. S., and ch. 164, sec. 8, laws of 1860, amended.

Justice unable to attend at time appointed, any other justice peace and quorum may continue the case.

—not exceeding thirty days, and note the fact on writ, &c.