

MAINE STATE LEGISLATURE

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PUBLIC ACTS

OF THE

STATE OF MAINE,

PASSED BY THE

THIRD LEGISLATURE,

AT ITS SESSION, HELD IN JANUARY, 1823.

PUBLISHED AGREEABLY TO THE RESOLVE OF JUNE 20, 1820.

PORTLAND:

BY TODD AND SMITH.....PRINTERS TO THE STATE:

1823.

within and for the county of Cumberland, on the first Tuesday of March, the third Tuesday of June, and the second Tuesday of October; and at Bangor, within and for the county of Penobscot, on the first Tuesday of January and the fourth Tuesday of June; instead of the times prescribed in the act to which this is additional for holding said Courts, in the counties aforesaid.

[*This Act passed February 11, 1823.*]

CHAPTER CCXXXV.

AN ACT to prevent unnecessary costs in criminal prosecutions.

SECT. 1. *Be it enacted by the Senate and House of Representatives, in Legislature assembled,* That where complaint shall be made to any Justice of the Peace, alleging any offence against law to have been committed, and praying that a warrant may issue, it shall be the duty of such Justice, carefully to inquire of the complainant, on oath, into the circumstances of the case; and if from the whole facts disclosed, he shall be satisfied the offence alleged in the complaint has been committed by the person charged, he shall then and not otherwise issue his warrant; and it shall be the duty of said Justice to order such persons only to be summoned as witnesses, as from the circumstances disclosed, he shall be satisfied can testify to facts material to the issue to be tried, and whose testimony is necessary in the cause: *Provided, however,* in all cases, no costs shall be taxed or allowed by said Justice for the benefit or use of the complainant as a witness, aid, constable, or in any other capacity whatever.

Justice to inquire of complainant under oath, before issuing warrant

No costs to be taxed for complainant.

SECT. 2. *Be it further enacted,* That it shall be the duty of all Justices of the Peace, and all Courts of Justice before whom any criminal prosecution may be pending, where the officer serving the warrant issued in such case, shall have charged fees for aid or other expense in serving said warrant, to inquire of said officer, on oath, into the necessity of such charge.

Justices & courts to examine officer's charges for aid, &c. under oath,

And no charge whatever, made by such officer, other than for service and travel, shall be allowed, unless upon such inquiry and examination; nor shall any allowance for aid be made to such officer, unless it shall appear, upon such inquiry and examination, that said officer was resisted in making service of such warrant, or that he had reasonable ground to apprehend such resistance; and in all such cases it shall be the duty of the Justice or Court aforesaid, to allow only so much of said charge, as appears reasonable and necessary, considering the nature of the service and the circumstances of the case: *Provided, however,* That the Justice or Court may allow reasonable compensation for aid, if it appears that such aid was absolutely necessary.

and may allow reasonable compensation.

SECT. 3. *Be it further enacted,* That where, upon any examination had before any Justice of the Peace, upon complaint made, the party accused shall be ordered by such Justice to recognize to answer before any Court, having jurisdiction of the offence charged, and the Grand Jury of such Court, upon investigation, shall not find a bill of indictment against such accused party, the Justice, so ordering him to recognize, shall not be entitled to receive any fees for any services rendered in said case, from the State or county; nor shall there in any case be taxed or allowed by any Justice, any other or greater items of costs or fees, than what are expressly established and allowed in criminal cases, by the Act entitled "An Act establishing and regulating the fees of the several officers and other persons therein mentioned."

When no indictment is found, upon binding over by Justice, no fees to be allowed such Justice.

SECT. 4. *Be it further enacted,* That where several warrants are issued by any Justice of the Peace, against a defendant, or several defendants for the same offence, in the same county, which might, by law, be joined in one complaint and warrant, no costs shall be allowed for more than one complaint and warrant: And where any person shall have been summoned as a witness, in more than one criminal prosecution before a Justice of the Peace, on the same day, or at the same term, before the Court of Common Pleas or Supreme Judicial Court, such

When several warrants are issued by Justice in cases which might be joined—costs to be allowed in one only.

witness shall be allowed pay for his travel and attendance on that prosecution only, which the Justice or Court may direct: And in no case shall such witness have pay for more than one travel, and one attendance at the same term.

[*This Act passed February 11, 1823.*]

CHAPTER CCXXXVI.

AN ACT directing the mode and time of making returns of Banks.

SECT. 1. *Be it enacted by the Senate and House of Representatives, in Legislature assembled,* That the Directors of the several Banks, which are or may be incorporated within this State, shall on the first Monday of January and June, in every year, and as much oftener as may be required of them, make a return of the state of their several Banks, as it existed on the day immediately preceding the Monday aforesaid, and that they transmit the same as soon thereafter as may be, not exceeding fifteen days, to the Secretary of State: which return shall specify the amount of the capital stock actually paid in; total amount of bills in circulation; amount of cash deposited; amount of all other debts due from the Bank; amount of undivided profits; amount of real estate as valued in the books of the Bank; total amount of debts due to the Bank, exclusive of deposits in other Banks; specie on hand; deposits in other banks; bills of other Banks within the State, and bills of other Banks without the State, on hand; bills of one, two and three dollars in circulation; amount of debts due to the Bank, secured by a pledge of stock therein; rate and amount of the last dividend of profits, and the time when the same was declared: And the officers of the said Banks, when they shall insert in the returns by them to be made as aforesaid, checks or funds in the hands of agents, shall state the same in distinct articles, in the former case specifying by whom drawn, and on what Bank; and in the latter, the time when the same are demandable, the

Banks to make returns in January and June.

Particulars to be stated.