

MAINE STATE LEGISLATURE

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DOCUMENTS

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THE LEGISLATURE

OF THE

STATE OF MAINE,

DURING ITS SESSION

A. D. 1846.



AUGUSTA:

WM. T. JOHNSON, PRINTER TO THE STATE.

1847.

TWENTY-SIXTH LEGISLATURE.

No. 11.

HOUSE.

STATE OF MAINE.

IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED AND
FORTY-SIX.

AN ACT in relation to fugitives from justice.

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

3 SECTION 1. Whenever any person shall be found
4 within this State, charged with any offence committed
5 in any other State or territory and liable, by the con-
6 stitution and laws of the United States, to be deliv-
7 ered over upon the demand of the Executive of such
8 other State or territory, any court or magistrate, au-
9 thorized to issue warrants in criminal cases, may, upon
10 complaint under oath, setting forth the offence and
11 such other matters as are necessary to bring the case
12 within the provisions of law, issue a warrant to bring
13 the person so charged before the same or any other
14 court or magistrate, within the State, to answer to
15 such complaint, as in other cases.

SEC. 2. If, upon the examination of the person
2 charged, it shall appear to the court or magistrate,
3 that there is reasonable cause to believe that the com-
4 plaint is true, and that such person may be lawfully
5 demanded of the Executive, he shall, if charged with
6 an offence, bailable by the laws of this State, be re-
7 quired to recognize with sufficient sureties, to appear
8 before such court or magistrate, at a future day, al-
9 lowing a reasonable time to obtain the warrant of the
10 Executive, and to abide the order of the court or
11 magistrate ; and if such person shall not so recognize
12 he shall be committed to prison, and be there detained
13 until such day, in like manner as if the offence
14 charged had been committed within this State ; and
15 if the person so recognizing shall fail to appear,
16 according to the condition of his recognizance, he
17 shall be defaulted, and the like proceedings shall be
18 had, as in the case of other recognizances entered
19 into before such court or magistrate ; but if such per-
20 son be charged with an offence not bailable by the
21 laws of this State, he shall be committed to prison,
22 and there detained until the day so appointed for his
23 appearance before the court or magistrate.

SEC. 3. If the person so recognized or committed
2 shall appear before the court or magistrate, upon the

3 day ordered, he shall be discharged, unless he shall be
4 demanded by some person authorized by the warrant
5 of the Executive to receive him, or unless the court
6 or magistrate shall see cause to commit him, or to re-
7 quire him to recognize anew, for his appearance at
8 some other day, and if, when ordered, he shall not so
9 recognize, he shall be committed and detained as
10 before; *provided*, that whether the person so charged
11 shall be recognized, committed or discharged, any
12 person, authorized by the warrant of the Executive,
13 may at all times take him into custody, and the same
14 shall be a discharge of the recognizance, if any, and
15 shall not be deemed an escape.

SEC. 4. The complainant, in any such case, shall
2 be answerable for all the actual costs and charges,
3 and for the support in prison, of any person so com-
4 mitted, to be paid in the same manner as by a creditor
5 for his debtor committed on execution; and if the
6 charge for his support in prison shall not be so paid,
7 the jailer may discharge such person, in like manner
8 as if he had been committed for debt on an execution.

SEC. 5. This act shall take effect from and after its
2 approval by the governor.

STATE OF MAINE.

HOUSE OF REPRESENTATIVES, June 13, 1846.

Ordered, That 350 copies of the foregoing bill, reported from the committee on the judiciary, be printed for the use of the Legislature.

SAMUEL BELCHER, *Clerk.*