

MAINE STATE LEGISLATURE

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DOCUMENTS

PRINTED BY ORDER OF

THE LEGISLATURE

OF THE

STATE OF MAINE.

DURING ITS SESSION

A. D. 1855.

AUGUSTA:

STEVENS & BLAINE, PRINTERS TO THE STATE.

1855.

THIRTY-FOURTH LEGISLATURE.

HOUSE,

No. 16

STATE OF MAINE.

IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED
AND FIFTY-FIVE.

AN ACT relating to criminal proceedings and to prevent
unnecessary costs to the State.

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

SECT. 1. In all cases when a complaint on oath
2 shall in writing be made to any justice of the peace,
3 or judge of any police or municipal court within the
4 state, and the complainant shall therein complain that
5 any offence has been committed, or that he has reason
6 to believe and does believe that any offence against
7 the laws of this State has been committed by any
8 person or persons, and shall therein pray that a
9 warrant in due form of law may be issued against
10 the person or persons so complained against, such

11 justice of the peace, or judge shall have power and
12 authority before issuing any such warrant, to issue
13 a summons in due form of law in behalf of the State,
14 requiring any person or persons who may be sup-
15 posed to have any knowledge touching the truth of
16 any such complaint to appear before him forthwith
17 to testify in relation thereto—provided however, that
18 the cost of such summons and the service thereof, and
19 the lawful fees of all witnesses therein named shall
20 be paid in the first instance by the complainant in
21 the case, and neither the said justice nor the officer
22 serving the same, nor the witnesses therein named
23 shall have any claim upon the State therefor.

SECT. 2. Any person so summoned as aforesaid
2 shall be held to appear and testify in accordance with
3 such summons—in the same manner, and shall be
4 subject to the same penalties as he would be for diso-
5 beying the summons of the State issued in any other
6 case, provided such witness shall have been paid his
7 lawful fees for travel and attendance in the case at the
8 time he was so summoned and not otherwise.

SECT. 3. In case any such justice of the peace or
2 judge shall after hearing the testimony of any such

3 witness, or witnesses determine to issue any such war-
4 rant so prayed for, upon any complaint so made, (which
5 he is hereby authorized to do) and the person, or per-
6 sons therein named, or any of them shall upon the
7 final trial or hearing upon such complaint, or upon
8 any indictment for the same offence be convicted of
9 the offence therein named, the complainant shall be
10 allowed, and there shall be taxed for him in the bill
11 of costs relating to such matter, any and all sums of
12 money by him paid for legal costs as aforesaid to any
13 justice, judge, officer or witness as aforesaid, and
14 not otherwise.

SECT. 4. This act shall take effect from and after
2 its approval by the Governor.

STATE OF MAINE.

IN SENATE, February 21, 1855.

Referred to the Committee on Judiciary. Sent down for concurrence.

LOUIS O. COWAN, *Secretary.*

HOUSE OF REPRESENTATIVES, }
February 22, 1855. }

Referred in concurrence.

H. K. BAKER, *Clerk.*

IN SENATE, February 28, 1855.

This Bill having had two several readings, passed to be engrossed. Sent down for concurrence.

LOUIS O. COWAN, *Secretary.*

HOUSE OF REPRESENTATIVES, }
March 1, 1855. }

ORDERED, That 350 copies of the foregoing Bill, reported by the committee on the Judiciary, be printed for the use of the Legislature.

H. K. BAKER, *Clerk.*