

# MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

PASSED BY THE

TWENTY-SIXTH LEGISLATURE

OF THE

STATE OF MAINE,

A. D. 1846.

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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:

WILLIAM T. JOHNSON,.....PRINTER TO THE STATE.

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1846.

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PUBLIC LAWS

OF THE

STATE OF MAINE,

1846.

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## CHAP. 192.

## Chapter 192.

An Act making further provision for cost in cases of usury.

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

Costs how taxable.

In any suit brought, where more than legal interest shall be reserved or taken, the party so reserving and taking, shall recover no costs, but shall pay costs to the defendant, *provided* the damage shall be reduced by proof of such usurious interest; and the provision for costs contained in the seventh section of the sixty-ninth chapter of the revised statutes is hereby repealed.

Provision relating thereto in 7th sect. 69th chap. R. S. repealed.

[Approved July 22, 1846.]

## Chapter 193.

An Act in relation to fugitives from justice.

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

Persons in this state may be arrested and examined when charged with any offense committed in any other state or territory.

SECTION 1. Whenever any person shall be found within this state, charged with any offense committed in any other state or territory, and liable by the constitution and laws of the United States, to be delivered over upon the demand of the executive of such other state or territory, any court or magistrate, authorized to issue warrants in criminal cases, may, upon complaint under oath, setting forth the offense and such other matters as are necessary to bring the case within the provisions of law, issue a warrant to bring the person so charged before the same or any other court or magistrate within the state, to answer to such complaint, as in other cases.

If there is reasonable probability of guilt, may be required to recognize, if charged with a bailable offense.

SECT. 2. If, upon the examination of the person charged, it shall appear to the court or magistrate, that there is reasonable cause to believe that the complaint is true, and that such person may be lawfully demanded of the executive, he shall, if charged with an offense, bailable by the laws of this state, be required to recognize with sufficient sureties, to appear before such court or magistrate, at a future day, allowing a reasonable time to obtain the warrant of the executive, and to abide the order of the court or magistrate; and if such person shall not so recognize he shall be committed to prison, and be there detained until such day, in like manner as if the offense charged had been committed within this state; and if the person so recognizing shall fail to appear, according to the condition of his recognizance, he shall be defaulted, and the like proceedings shall be had as in the case of other recognizances entered into before such court or magistrate; but if such person be

charged with an offense not bailable by the laws of this state, he shall be committed to prison and there detained until the day so appointed for his appearance before the court or magistrate.

**CHAP. 194.**

Committed to prison if charged with an offense not bailable.

**SECT. 3.** If the person so recognized or committed shall appear before the court or magistrate upon the day ordered, he shall be discharged unless he shall be demanded by some person authorized by the warrant of the executive to receive him, or unless the court or magistrate shall see cause to commit him, or to require him to recognize anew, for his appearance at some other day; and if when ordered, he shall not so recognize, he shall be committed and detained as before; *provided*, that whether the person so charged shall be recognized, committed or discharged, any person authorized by the warrant of the executive, may at all times take him into custody, and the same shall be a discharge of the recognizance, if any, and shall not be deemed an escape.

When discharged, or taken into custody on warrant of the executive.

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

Complainant answerable for all costs.

**SECT. 5.** This act shall take effect from and after its approval by the governor.

[Approved July 24, 1846.]

### Chapter 194.

An Act in relation to the liability of the owners of boats employed for transporting goods, wares, merchandise and other property.

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

**SECTION 1.** In any action which may be hereafter commenced against any person who may undertake to transport goods, wares, merchandise or other property for hire, upon any river, bay or stream in this state, in a boat or boats, not his own, for loss or damage of such goods, wares, merchandise or other property, the person instituting said action may attach and hold said boat or boats in like manner as if the defendant were the owner of said boat or boats.

Boats employed in transporting goods, liable for loss or damage to such goods.

**SECT. 2.** Said attachment may be made within sixty days after the loss or damage and not afterwards; and said boat or boats so

Attachment to be made within sixty days.