

# 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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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.

**CHAP. 195.**

—shall be valid against any transfer.

attached, may be sold on execution issued in such case, as other personal property, attached, is sold on execution ; and the surplus, if any remain, after paying the amount due on any execution that may issue in such case, shall be paid to the owner of said boat. And said attachment shall be valid against any transfer, sale, mortgages or other lien of, or upon said property, made or created after such loss or injury was sustained, and prior to such attachment.

[Approved July 27, 1846.]

**Chapter 195.**

An Act to establish a board of education.

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

To consist of one member from each county.

**SECTION 1.** A board of education is hereby established in this state, to consist of one member from each county ; who shall be elected in the manner hereinafter provided.

How chosen.

**SECT. 2.** The superintending school committees of the several towns and the clerks of the several plantations in each county, are hereby required to assemble, annually, at the times and places hereinafter designated, and when so assembled in each county, to choose, by the majority of those present, one person, a resident of the county, who shall be the member of the board of education for such county, and shall hold his office until a successor is duly chosen and qualified. The county meetings aforesaid shall be organized by the choice of a chairman and clerk, who shall severally certify the election of the member chosen, and transmit one copy of such certificate to the secretary of state, and one copy to the person chosen.

County meetings —what shall constitute a quorum.

**SECT. 3.** A quorum of such county meeting shall consist of one or more members of the superintending school committees from a majority of the towns in each county, but if any town or city shall have a superintending school committee consisting of more than five members, such committee shall appoint delegates from their own number, not exceeding five, which delegates shall exercise the duties and powers herein provided.

Time and place of holding such meetings.

**SECT. 4.** The county meetings aforesaid shall be held at the shire town in each county, and at Wiscasset in the county of Lincoln, at the times following :

York, third Tuesday of September ;

Cumberland, Friday next after the third Tuesday of September ;