

# MAINE STATE LEGISLATURE

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# ACTS AND RESOLVES

PASSED BY THE

## TWENTY-EIGHTH LEGISLATURE

OF THE

# STATE OF MAINE,

A. D. 1848.

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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.

1848.

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PUBLIC LAWS

OF THE

STATE OF MAINE,

1848.

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## CHAP. 71.

## Chapter 71.

An act making further provision for the arrest of offenders.

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

Duty of certain officers to arrest and detain any offenders.

SECT. 1. It shall be the duty of every sheriff, deputy sheriff, constable, city marshal and his deputies, watchman, and police officer, in any city, town or plantation within this state, to arrest and detain, until a legal warrant for his apprehension can be obtained, every person found violating any law of the state, or any legal ordinance or by-law of such city or town ; and the officer serving such warrant shall be entitled to legal fees for an arrest, any law to the contrary notwithstanding.

—entitled to legal fees.

Liability for wantonly or oppressively exercising the power herein granted.

SECT. 2. If any officer, in the exercise of the power herein granted, shall act wantonly, or oppressively, or shall detain any offender, without warrant, longer than such time as may be reasonably necessary to procure a legal warrant, such officer shall be liable to pay all such damages, as the person detained shall suffer thereby.

Oath to any complaint before any magistrate.

SECT. 3. Whenever it shall be the duty of any officer to make oath to any complaint before any magistrate, it shall be sufficient for him to swear that the facts set forth in the complaint are true according to his knowledge and belief.

SECT. 4. This act shall take effect and be in force from and after its approval by the governor.

[Approved August 10, 1848.]

## Chapter 72.

An act giving to laborers on lumber a lien thereon.

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

Lien created on lumber for cutting, hauling, or driving such lumber.

SECT. 1. Any person who shall labor at cutting, hauling or driving logs, masts, spars or other lumber, shall have a lien on all logs and lumber he may aid in cutting, hauling or driving as aforesaid, for the amount stipulated to be paid for his personal services, and actually due. And such lien shall take precedence of all other claims except liens reserved by the state of Maine or the commonwealth of Massachusetts for their own use, and the lien shall continue sixty days after the logs, masts, spars or other lumber subject thereto shall have arrived

Precedence.

Continuence.

at their place of destination, previous to being rafted for sale or manufacture. CHAP. 73.

SECT. 2. Any person having a lien as aforesaid may secure the same by attachment, and the officer attaching the logs, masts, spars or other lumber, under this act, may pay to any boom corporation the toll which may be due and demanded thereon, and make return of the amount so paid on the writ, and such amount shall be added by the court to the judgment which the plaintiff may recover, in the suit on which the same were attached and the officer paying such boomage shall not be required to pay any larger sum on such logs, masts, spars or lumber, than the rate per thousand due on the same. How secured.

[Approved August 10, 1848.]

### Chapter 73.

An act in addition to "an act to secure to married women their rights to property."

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

SECT. 1. Any married woman, who is seized and possessed of property, real or personal, as provided for in the act to which this is additional, shall be entitled to the appropriate remedies, as authorized by law in other cases, to enforce and protect her rights thereto; and she may commence, prosecute or defend any suit, in law or equity, to final judgment and execution, in her own name, in the same manner as if she were unmarried, or she may prosecute or defend such suit jointly with her husband. And she is hereby authorized to make and execute any bond or contract, or to do and perform any matter or thing, which may be necessary to the prosecution or defense of any such suit, but no arrest of the person of any married woman shall be authorized under any execution, which may be recovered against her. May prosecute and defend suits in her own name.

SECT. 2. In all such suits, where the wife shall prosecute and defend in her own name, judgment shall be rendered and execution issued and enforced by or against her, in the same manner as if judgment had been rendered for or against her before her marriage. Authorized to execute bonds, contracts, &c.

SECT. 3. When any married woman shall die intestate, seized or possessed of any property, real or personal, in her Of arrest.

Judgment and execution.

How property of an intestate married woman descends.