

MAINE STATE LEGISLATURE

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PUBLIC ACTS

OF THE

STATE OF MAINE,

PASSED BY THE

THIRD LEGISLATURE,

AT ITS SESSION, HELD IN JANUARY, 1823.

PUBLISHED AGREEABLY TO THE RESOLVE OF JUNE 20, 1820.

PORTLAND:

BY TODD AND SMITH.....PRINTERS TO THE STATE:

1823.

CHAPTER CCXXXIII.

AN ACT additional to An Act to establish the Court of Common Pleas.

Criminal jurisdiction of Common Pleas concurrent with S. J. Court in certain cases.

BE it enacted by the Senate and House of Representatives, in Legislature assembled, That from and after the first day of June next, the Court of Common Pleas shall have concurrent jurisdiction with the Supreme Judicial Court, of all crimes, offences and misdemeanors, excepting those crimes which are by law punishable with death; and excepting also the crimes of manslaughter, felonious maims and assaults; and duelling, rape, sodomy and bestiality, adultery, bigamy and polygamy; burglary, perjury and subornation of perjury; and also the crimes and offences described in the second and third sections of "An Act providing for the punishment of incendiaries, and the perpetrators of other malicious mischief;" and also the crimes and offences described in the seventh and ninth sections of "An Act providing for the punishment of the crimes of robbery and other larcenies, and for the prevention thereof;" and excepting also the crimes and offences described in the first, second and eighth sections of "An act against forgery and counterfeiting;" And the said Court of Common Pleas may sentence all such persons, as may be duly convicted before it, to suffer such punishment, as is, or may be, by law provided; saving, however, to the party accused, the right of appeal.

[*This Act passed February 10, 1823.*]

CHAPTER CCXXXIV.

AN ACT additional to an Act to establish a Court of Common Pleas.

Times of holding C. Pleas altered in

York county;

BE it enacted by the Senate and House of Representatives, in Legislature assembled, That from and after the passing of this act, the Court of Common Pleas shall be held annually, within and for the county of York, at Alfred, on the second Tuesday of February, and the third Tuesday of October, and at York on the last Tuesday of May; at Portland,

within and for the county of Cumberland, on the first Tuesday of March, the third Tuesday of June, and the second Tuesday of October; and at Bangor, within and for the county of Penobscot, on the first Tuesday of January and the fourth Tuesday of June; instead of the times prescribed in the act to which this is additional for holding said Courts, in the counties aforesaid.

[*This Act passed February 11, 1823.*]

CHAPTER CCXXXV.

AN ACT to prevent unnecessary costs in criminal prosecutions.

SECT. 1. *Be it enacted by the Senate and House of Representatives, in Legislature assembled,* That where complaint shall be made to any Justice of the Peace, alleging any offence against law to have been committed, and praying that a warrant may issue, it shall be the duty of such Justice, carefully to inquire of the complainant, on oath, into the circumstances of the case; and if from the whole facts disclosed, he shall be satisfied the offence alleged in the complaint has been committed by the person charged, he shall then and not otherwise issue his warrant; and it shall be the duty of said Justice to order such persons only to be summoned as witnesses, as from the circumstances disclosed, he shall be satisfied can testify to facts material to the issue to be tried, and whose testimony is necessary in the cause: *Provided, however,* in all cases, no costs shall be taxed or allowed by said Justice for the benefit or use of the complainant as a witness, aid, constable, or in any other capacity whatever.

Justice to inquire of complainant under oath, before issuing warrant

No costs to be taxed for complainant.

SECT. 2. *Be it further enacted,* That it shall be the duty of all Justices of the Peace, and all Courts of Justice before whom any criminal prosecution may be pending, where the officer serving the warrant issued in such case, shall have charged fees for aid or other expense in serving said warrant, to inquire of said officer, on oath, into the necessity of such charge.

Justices & courts to examine officer's charges for aid, &c. under oath,