

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

PASSED BY THE

THIRTY-NINTH LEGISLATURE

OF THE

STATE OF MAINE.

1860.

Published by the Secretary of State, agreeably to Resolves of June 23, 1820, February 26,
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1860.

PUBLIC LAWS

OF THE

STATE OF MAINE.

1860.

Chapter 164.

CHAP. 164.

An act for the appointment of trial justices.

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

SECT. 1. The governor with the advice and consent of the council, shall appoint and commission suitable persons in each county to be trial justices in the county for which they are respectively appointed, who shall hold their offices for the term of seven years from the date of their commissions.

Trial justices to be appointed.

—term of office.

SECT. 2. The said trial justices, before entering upon the duties of their office, shall respectively take and subscribe the oaths or affirmations required to be taken by persons appointed to civil office, by the governor, with the advice and consent of the council, under the constitution and laws of the state.

—oath.

SECT. 3. Said trial justices shall have and exercise all the jurisdiction, power and authority that justices of the peace and justices of the peace and quorum in the respective counties, now have and exercise, under and by virtue of the laws of this state ; and all the provisions in the laws of this state shall apply to said trial justices, and to their jurisdiction, acts and proceedings in like manner, as they now apply to justices of the peace and justices of the peace and quorum, and their respective jurisdiction, acts and proceedings.

—jurisdiction, power and authority.

—provisions of law applicable.

SECT. 4. Such provisions of the laws of this state as give jurisdiction in the trial of civil actions and process of forcible entry and detainer, and the issuing of writs and entering of judgments therein to justices of the peace, are hereby repealed.

Acts repealed.

SECT. 5. Nothing in this act contained shall affect the jurisdiction, power and authority of any police or municipal court, duly established by law in any city or town of this state ; and justices of the peace, and justices of the peace and quorum, shall continue to have and exercise the same jurisdiction, power and authority as they now have and exercise, except in the trial of civil causes and process of forcible entry and detainer.

Powers of police courts not affected.

—of justices of peace abridged.

SECT. 6. This act shall not affect any cases or proceedings now commenced, or that shall be hereafter commenced, before this act shall take effect ; and the justice of the peace before whom any such cases or proceedings may be commenced or pending at the time this act shall take effect, shall have the same jurisdiction, power and authority in respect to them, as they now have in like cases.

Pending cases not affected.

—powers of justice continued in.

SECT. 7. The time set for the trial of any cause in any writ returnable before any of the trial justices, shall not be earlier than nine o'clock in the forenoon, nor later than four o'clock in the afternoon.

Trials, time of regulated.

CHAP. 165.

Trial, attendance of justice at, regulated.

—continuance of.

—time allowed parties to appear at.

Nonsuit or default, provision in case of.

To take effect July 1, 1860. Power of governor to appoint.

SECT. 8. No judgment of any trial justice shall be considered regular, unless he shall be present with the plaintiff's writ, at the place appointed for trial, within one hour after the time set in such writ, or unless the case be continued by some justice, pursuant to the provisions of the revised statutes.

SECT. 9. One hour from the time set in a writ for the trial of a civil action is allowed to the parties to appear; at the expiration of which time, judgment may be entered by such trial justice, on nonsuit or default, against the party who shall not appear.

SECT. 10. Within twenty-four hours after judgment, on nonsuit or default, as provided in the preceding section, the trial justice rendering such judgment may, in his discretion, on motion of either party, strike off such nonsuit or default and revive the action on such terms as he may judge reasonable.

SECT. 11. This act shall take effect from and after the first day of July next; but the governor shall have power, by and with the advice and consent of the council, to appoint said trial justices, and said trial justices may be duly qualified at any time after the approval of this act.

[Approved March 17, 1860.]

Chapter 165.

An act to amend section six of chapter ninety-eight of the revised statutes, relating to personal property seized, and lost goods, and proceedings thereon.

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

Ch. 98, sec. 6, R. S. amended.

SECT. 1. The sixth section of chapter ninety-eight of the revised statutes is amended by inserting next after the word "court" in the first line, as printed, the words: may order the party seizing to give bond, with sufficient surety to such claimant, for the safe keeping of the property seized, and compliance with the decree of court for restoration, and the payment of costs and damages if not forfeited; and so that said section as amended shall read as follows :

Court may order bond.

SECT. 6. When there is a claimant the court may order the party seizing to give bond, with sufficient surety to such claimant, for the safe keeping of the property seized, and compliance with the decree of court for restoration, and the payment of costs and damages if not forfeited, and may hear and determine the cause by a jury, or without, if the parties agree, and may allow costs against the claimant; if there is no claimant the court shall decree the forfeiture and disposition of the property according to law, and a sale and distribution of the proceeds after deducting all proper charges.

Jury.

Decree, if no claimant.

[Approved March 19, 1860.]