

MAINE STATE LEGISLATURE

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THE
REVISED STATUTES

OF THE
STATE OF MAINE,

PASSED OCTOBER 22, 1840;

TO WHICH ARE PREFIXED

THE CONSTITUTIONS

OF THE

United States and of the State of Maine,

AND TO WHICH ARE SUBJOINED THE OTHER

PUBLIC LAWS OF 1840 AND 1841,

WITH AN

APPENDIX.

PRINTED AND PUBLISHED IN COMPLIANCE WITH A RESOLVE OF OCTOBER 22, 1840.

Augusta:

PUBLISHED BY WILLIAM R. SMITH & Co., PRINTERS TO THE STATE.

.....
1841.

ERRATA.

PAGE 65, section 27, line 18, after "not," read "to."

92,	46,	1, for "She," read "The."
119,	5,	3, after "fife," for "a," read "or."
138,	62,	6, for "offier," read "officer."
405,	13,	1, for "28," read "13."
414,	3,	3, for "couaty," read "county."
440,	31,	4, in a few copies, for "on," read "or."
453,	28,	2, _____ for "necessay," read "necessary."
500,	23,	2, of the margin, for "dease," read "cease."
619,	24,	2, for "administrator of any contractors," read "administrators of any contractor."

INDEX.

837, 2d column,	1, dele "MILITIA," so as to read OFFICERS of the state prison.
842, 2d	46, for "527," read "537."
851, 1st	62, for "610," read "616."
857, 2d	14, for "163," read "162."
867, 2d	49, for "568," read "508."
875, 1st	14, for "wrunq," read "rung."
880, 1st	54, for "775," read "475."

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Franklin.

Piscataquis.

Aroostook.

At Farmington, for the county of Franklin, on the last Mondays of March and September ;
 At Dover, for the county of Piscataquis, on the fourth Tuesday of March, and second Tuesday in September ;
 At Houlton, for the county of Aroostook, on the third Tuesday of January, and the second Tuesday of June.

CHAPTER 98.

OF THE MUNICIPAL AND POLICE COURTS IN THE STATE.

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ARTICLE I. MUNICIPAL COURT IN PORTLAND.

SECTION 1. The municipal court, established in the city of Portland and county of Cumberland, clothed with its present jurisdiction and powers, shall continue, until altered by law; and the judge thereof continue to hold his office, according to the tenor of his commission.

SECT. 2. Whenever a vacancy in the office shall occur, it shall be the duty of the governor, by advice of the council, to appoint a judge thereof, who shall be duly sworn; and said court shall always consist of one judge.

Court continued with its present judge. 1825, 294, § 1.

New appointment in case of vacancy. One judge. 1825, 294, § 1.

SECT. 3. He shall, except where interested, exercise jurisdiction over all such matters and things, within said county, as justices of the peace may exercise, and under similar restrictions and limitations; also concurrent jurisdiction with justices of the peace and quorum in cases of forcible entry and detainer in said county; and exclusive jurisdiction, where both parties interested, or the plaintiff, and a person sued as a trustee, are inhabitants of said Portland.

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His jurisdiction, as a justice of the peace, concurrent or exclusive.
1826, 324, § 1.

SECT. 4. He shall not, in any case, act as counselor or attorney in any court.

Not to act as counselor or attorney.
1825, 294, § 4.

SECT. 5. The said court may take cognizance of simple larcenies, when the property alleged to be stolen shall not exceed in value twenty dollars, and on conviction award such sentence, as is by law provided for such offences; and have exclusive jurisdiction of all offences against the by laws of said city; and in prosecutions on such by laws, they need not be recited in the complaint, nor the allegations therein be more particular, than in prosecutions on a public statute.

His jurisdiction in cases of larceny, and offences against city by laws.
1825, 294, § 3.
1826, 324, § 2.

SECT. 6. The same proceedings may be had in the same manner, against persons keeping houses of ill fame, for the purposes of lewdness or prostitution, on complaint, as before a justice of the peace.

Houses of ill fame.
1826, 324, § 2.

SECT. 7. Any person may appeal, from a sentence or judgment against him, to the then next district court holden in said county, in the same manner, as from a sentence or judgment of a justice of the peace.

Right of appeal.
1825, 294, § 3.

SECT. 8. All fines and penalties, awarded by said judge, shall be accounted for and paid over, as in case of those awarded by a justice of the peace.

Fines to be accounted for.
1825, 294, § 5.

SECT. 9. The court shall have jurisdiction, though the penalty, demanded in any action or prosecution, accrues to the city of Portland.

Jurisdiction, though the penalty accrue to the city.
1826, 324, § 2.

SECT. 10. The municipal court shall be held on Monday and Thursday of each week, at nine of the clock in the forenoon, and no civil process shall be returnable at any other time.

Time of holding courts.
1828, 381, § 1.

SECT. 11. There shall be a recorder of the court, who shall always be a justice of the peace, and duly qualified as such, and he shall be appointed by the judge of the court; and he shall be duly sworn, as recorder, and shall keep a fair record of the proceedings of the court, and deliver copies when required, for the same fees, which are allowed to justices of the peace.

Recorder, his appointment, duties and fees.
1828, 381, § 2, 3.
1837, 266, § 1.

SECT. 12. When the judge is absent, it shall be the duty of the recorder, and he shall have authority, to exercise all the powers of the judge, excepting the trial of issues in civil actions.

Recorder's powers, in absence of the judge.
1828, 381, § 2.

SECT. 28. If the judge and recorder are both necessarily absent, the judge may designate some justice of the peace, duly qualified, to perform the duties of his office; or, if the judge should not so designate a justice of the peace, the recorder may do it.

Justice of the peace, substituted in absence of the judge and recorder.
1837, 266, § 1.

SECT. 14. When the office of judge shall be vacant, the recorder shall finish the business pending before the court; and, during the continuance of such vacancy, the justices of the peace, residing in the city of Portland, may perform all acts and duties appertaining to the office of justice of the peace.

Provision, when office of judge is vacant.
1837, 266, § 2.

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Restrictions on justices of the peace, in Portland. 1825, 294, § 2.

Exception, under the laws of the United States. 1825, 324, § 3.

When recorder may issue warrants. 1829, 523.

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New appointment, in case of vacancy. 1834, 134, § 7.
Time and place of holding court. Its expenses. 1834, 134, § 3.

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Right of appeal. 1834, 134, § 5.

Recorder. 1834, 134, § 6. 1837, 266.

To act as judge, in case of judge's death. 1834, 134, § 6. 1837, 266.
Judge not to be counselor or attorney, &c. 1834, 134, § 7.

SECT. 15. No justice of the peace, residing in the city of Portland, except during the vacancy in the office of the judge of said court, as mentioned in the preceding section, shall in any manner take cognizance of, or exercise jurisdiction over any crime or offence, or in any civil action, wherein the judge is not a party or interested; nor accept or receive any fee or reward therefor; and any such justice of the peace, by violating this section, shall forfeit twenty dollars, to be recovered on indictment.

SECT. 16. But nothing in the preceding section shall be construed, as prohibiting the justices of the peace, residing in Portland, from exercising, at all times, all the power and jurisdiction given them by any laws of the United States.

SECT. 17. When the judge is occasionally absent from the room or office, in which the court is held, the recorder shall have power, on proper complaint, to issue warrants for the apprehension of persons, charged with any criminal offence or breach of the peace; and such warrants shall have the same authority, as if issued by the judge.

ARTICLE II. MUNICIPAL COURT IN BATH.

SECT. 18. The municipal court in the town of Bath, in the county of Lincoln, shall continue in possession of its present powers and jurisdiction, until the same shall be altered; and the judge thereof shall continue to hold his office, according to the tenor of his commission.

SECT. 19. When a vacancy shall happen in the office of judge, the governor, with advice of the council, shall appoint a suitable person, to be judge of said court, who shall be duly sworn.

SECT. 20. The court shall be held at such time and place, in Bath, as the judge thereof shall direct; and said town may raise money to furnish a room, and pay such expenses of the court, as may be necessary.

SECT. 21. The court shall continue to have, and may exercise, the same jurisdiction in Bath, and in the county of Lincoln, as the municipal court in the city of Portland may lawfully exercise in that city, and, in the county of Cumberland; and, in addition thereto, the judge of the court may sentence any person, convicted before him, to the house of correction or jail of the county of Lincoln, on such terms, as may be agreed upon between the town of Bath, and the overseers of the house of correction and said county.

SECT. 22. Any person, aggrieved by any sentence or judgment of said court, may appeal to the next district court in the county.

SECT. 23. The judge may appoint and employ a recorder, who shall be a justice of the peace for said county, duly qualified, at his own expense, and during his pleasure; who shall be duly sworn, and, in case of absence or sickness of the judge, shall have all the powers of the judge, except the trial of issues in civil actions.

SECT. 24. In case of the death of the judge, such recorder shall have all the powers, be liable to all the duties, and entitled to the salary of the judge, until a judge shall be commissioned and sworn.

SECT. 25. The judge shall not act as counselor or attorney in any case, which may come before the court.

SECT. 26. All fines and penalties, awarded by the judge, shall be accounted for, in manner before provided, in case of those awarded by a justice of the peace.

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Fines to be accounted for. 1834, 134, § 7. Restrictions on justices of the peace, in Bath. 1834, 134, § 2.

SECT. 27. No justice of the peace, in Bath, shall exercise any civil or criminal jurisdiction, except under the authority of the United States, in any civil or criminal process, wherein the judge is not a party or interested, under the penalty of twenty dollars, to be recovered on indictment.

ARTICLE III. POLICE COURT IN BANGOR.

SECT. 28. The police court for the city of Bangor, in the county of Penobscot, shall continue to possess its present powers, until changed by law; and the judge thereof shall continue to hold his office, according to the tenure thereof.

Court continued with its present judge. Special laws, 1839, 566.

SECT. 29. The judge of the court shall have concurrent jurisdiction with justices of the peace, in all matters, civil and criminal, under twenty dollars, within the county of Penobscot.

Jurisdiction.

SECT. 30. He shall have original and exclusive jurisdiction in all civil actions, if otherwise cognizable by a justice of the peace, in which both parties interested, or, in which the plaintiff and the person or persons summoned as trustee or trustees, shall be inhabitants of, or residents in said city, excepting all actions, in which such judge may be interested.

Same subject.

SECT. 31. Such court shall also have concurrent jurisdiction with justices of the peace and quorum, in all cases of forcible entry and detainer, arising in said county; and exclusive jurisdiction, in all such cases arising in said city.

Same subject.

SECT. 32. He shall have original and exclusive jurisdiction of all offences against the by laws of the city.

Same subject.

SECT. 33. Any person, aggrieved by any judgment or sentence awarded by said court, may appeal therefrom to the district court, in like manner, as from a judgment or sentence awarded by a justice of the peace, or by a justice of the peace and quorum.

Right of appeal.

SECT. 34. It shall be the duty of the judge of said court to make and keep his records, and perform all the duties, which are usually exercised by justices of the peace. The price of blank writs, signed by the judge, shall be no more than four cents each; and copies of the records of such court, duly certified by the judge, shall be legal evidence in all courts.

Records to be kept by the judge.

SECT. 35. The court shall be held weekly, on Monday, at nine of the clock in the forenoon, at such place as shall be provided by the city; and all civil processes shall be made returnable accordingly; and the judge may adjourn the court from day to day, if necessary. The fees in all cases shall be the same, as are taxable by justices of the peace, and all fines shall be accounted for and paid over by said judge, when collected, as if awarded by a justice of the peace.

Time and place of holding court. Fees. Disposal of fines.

SECT. 36. In case of the death, sickness, or inability of the judge to attend at the place appointed on any court day, to transact business, such court shall stand adjourned to the succeeding Monday; and so, from week to week, until the judge is able to attend; and, in the cases before mentioned, the criminal jurisdiction shall

Provision, in case the judge dies, or is unable to attend.

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Expenses of the court, defrayed by the city.

SECT. 37. The city of Bangor shall raise and assess moneys for defraying the expenses of such court, and providing a suitable place for holding the same.

Judge, not to be counselor, nor attorney, &c.

SECT. 38. The judge shall not act as counsel or attorney in any case, within the jurisdiction of the court; nor in any cause or matter or thing, which may depend on, or relate to any cause cognizable by said court.

Repeal of inconsistent parts of the city charter.

SECT. 39. All parts of the act, entitled "an act to incorporate the city of Bangor," inconsistent with the provisions of this chapter are hereby repealed.

CHAPTER 99.

OF COUNTY COMMISSIONERS.

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Constitution of the board, and tenure of office. 1831, 500, § 1.

SECTION 1. The county commissioners, in the respective counties, shall continue in office, until the expiration of four years from the time of their appointment, unless before removed by the governor and council. The board shall consist of a chairman and two other members in each county, and citizens of, and residents in their respective counties.

Same subject. 1831, 500, § 1.

SECT. 2. Whenever vacancies shall occur in the office aforesaid, the governor, with advice of the council, shall appoint suitable persons to fill the same, citizens and residents as aforesaid, in the county for which they shall be appointed, who shall also hold their offices for the said term of four years, unless sooner removed by the governor and council. The chairman in each county shall be designated, as such, by his commission.