

MAINE STATE LEGISLATURE

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DOCUMENTS

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THE LEGISLATURE

OF THE

STATE OF MAINE.

1860.

SIEVENS & SAYWARD, PRINTERS TO THE STATE.

1860.

THIRTY-NINTH LEGISLATURE.

HOUSE.

No. 23.

STATE OF MAINE.

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IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED  
AND SIXTY.

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AN ACT for the appointment of trial justices.

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

SECTION 1. The governor, with the advice and con-  
2 sent of the council, shall appoint and commission suita-  
3 ble persons in each county, to be trial justices in the  
4 county for which they are respectively appointed, who  
5 shall hold their offices for the term of seven years from  
6 the date of their commissions.

SECT. 2. The said trial justices, before entering upon  
2 the duties of their office, shall respectively take and  
3 subscribe the oaths or affirmations required to be taken  
4 by persons appointed to civil office, by the governor,

5 with the advice and consent of the council, under the  
6 constitution and laws of the state.

SECT. 3. Said trial justices shall have and exercise  
2 all the jurisdiction, power and authority that justices  
3 of the peace and justices of the peace and quorum, in  
4 the respective counties, now have and exercise, under  
5 and by virtue of the laws of this state; and all the  
6 provisions in the laws of this state shall apply to said  
7 trial justices, and to their jurisdiction, acts and pro-  
8 ceedings, in like manner as they now apply to justices  
9 of the peace and justices of the peace and quorum, and  
10 their respective jurisdiction, acts and proceedings.

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5 peace, are hereby repealed.

SECT. 5. Nothing in this act contained shall effect  
2 the jurisdiction, power and authority of any police  
3 court, duly established by law in any city or town of  
4 this state; and justices of the peace and justices of  
5 the peace and quorum shall continue to have and exer-  
6 cise the same jurisdiction, power and authority as they  
7 now have and exercise, except in the trial of civil  
8 causes and process of forcible entry and detainer.

SECT. 6. This act shall not affect any cases or pro-

2 ceedings now commenced, or that shall be hereafter  
3 commenced before this act shall take effect ; and the  
4 justice of the peace before whom any such cases or  
5 proceedings may be commenced or pending, at the time  
6 this act shall take effect, shall have the same jurisdic-  
7 tion, power and authority in respect to them, as they  
8 now have in like cases.

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

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

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

SECT. 10. Within twenty-four hours after judgment,  
2 on nonsuit or default, as provided in the preceding  
3 section, the trial justice rendering such judgment may,  
4 in his discretion, on motion of either party, strike off

5 such nonsuit or default, and revive the action, on such  
6 terms as he may judge reasonable.

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

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## STATE OF MAINE.

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HOUSE OF REPRESENTATIVES, }  
March 2, 1860. }

Twice read, and Wednesday next assigned for a third reading,  
and on motion of Mr. Teague of Turner, 350 copies ordered to be  
printed for the use of the Legislature.

F. M. DREW, *Clerk pro tem.*