

# MAINE STATE LEGISLATURE

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# FIFTY-EIGHTH LEGISLATURE.

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HOUSE.

No. 109.

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## STATE OF MAINE.

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IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED AND  
SEVENTY-NINE.

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AN ACT to amend chapter one hundred and thirty-three of the public laws of eighteen hundred and seventy-six, relating to criminal prosecutions.

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

Chapter one hundred and thirty-three of the public laws of eighteen hundred and seventy-six, is amended by inserting after the word "discharged," in the third line, the following words: "and on motion of the respondent the magistrate shall render judgment whether or not the complaint is frivolous or malicious." And by striking out the word "accordingly," in the sixth line, and inserting the following words, "in favor of the county and against the complainant for such sum, and said magistrate

11 may receive and pay over said costs to the county  
12 treasurer for the use of the county, and in case the  
13 same are not paid the magistrate shall return said  
14 execution to the county commissioners for the use  
15 of the county. And the complainant shall have  
16 the same right of appeal as in civil cases;” so that  
17 said chapter shall read as follows:

18 *Sect. 13.* If it appears on the whole examination  
19 that no offence has been committed, or that there  
20 is not probable cause to charge the accused, he  
21 shall be discharged, and on motion of the respon-  
22 dent the magistrate shall render judgment, whether  
23 or not the complaint is frivolous or malicious, and  
24 if the magistrate judges the complaint frivolous or  
25 malicious, he shall order the complainant to pay the  
26 costs of prosecution and issue execution in favor  
27 of the county and against the complainant for such  
28 sum, and said magistrate may receive and pay over  
29 said costs to the county treasurer, for the use of  
30 the county, and in case the same are not paid the  
31 magistrate shall return said execution to the county  
32 commissioners, for the use of the county. And the  
33 complainant shall have the same right of appeal as  
34 in civil cases. But if it appears that an offence  
35 has been committed, and there is probable cause to  
36 charge the accused, and the offence is bailable, and

37 sufficient bail is offered, it shall be taken and the  
38 accused discharged; but if it is notailable, or no  
39 sufficient bail is offered, the accused shall be com-  
40 mitted to prison to await trial. If the offence is  
41 within the jurisdiction of the magistrate, he shall  
42 try it, and award sentence thereon.

STATE OF MAINE.

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IN HOUSE OF REPRESENTATIVES, }  
February 12, 1879. }

Reported from the Committee on the Judiciary, by Mr. WAL-  
LACE of Belfast, and ordered printed under the Joint Rule.

B. L. STAPLES, *Clerk.*