

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

PASSED BY THE

TWENTY-NINTH LEGISLATURE

OF THE

STATE OF MAINE,

A. D. 1849.

Published by the Secretary of State, agreeably to Resolves of June 28, 1820, February 26, 1840,
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1849.

PUBLIC LAWS

OF THE

STATE OF MAINE,

1849.

CHAP. 109.

Chapter 109.

An act altering the time of holding the June term of the district court in the county of Lincoln.

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

Dis. court to be holden at Wiscasset on second Tuesday of June.

The term of the district court for the middle district, now holden at Wiscasset within and for the county of Lincoln, on the fourth Tuesday of June of each year, shall hereafter be holden at said Wiscasset on the second Tuesday of said month.

[Approved July 24, 1849.]

Chapter 110.

An act to establish a municipal court in the town of Saco, in the county of York.

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

Municipal court established for the town of Saco.

SECT. 1. There shall be, and hereby is established in and for the town of Saco, in the county of York, a municipal court, to be called the municipal court for the town of Saco ; and said court shall always consist of one judge, who shall be appointed by the governor with advice of the council, and who shall be duly sworn.

Jurisdiction of judge, as a justice of the peace, concurrent or exclusive.

SECT. 2. The judge of said court shall, except when interested, exercise concurrent jurisdiction with justices of the peace, over all such matters and things, civil and criminal, within said county of York, as are by law within the jurisdiction of justices of the peace ; also concurrent jurisdiction with justices of the peace and quorum, in cases of forcible entry and detainer in said county ; and exclusive jurisdiction in all civil actions, if otherwise cognizable by a justice of the peace in which both parties interested, or either of the principal parties and a person summoned as trustee, are inhabitants of or residents in said town ; also exclusive jurisdiction in all cases of forcible entry and detainer in said town.

His jurisdiction in cases of larceny, and offenses against town by-laws.

SECT. 3. The said court may take cognizance of simple larcenies, when the property alleged to have been stolen, shall not exceed in value twenty dollars, and on conviction, award such sentence, as is by law provided for such offenses ; and shall have exclusive jurisdiction of all offenses against the by-laws of said town ; 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.

SECT. 4. Any person may appeal from a sentence or judgment of said court to the district court, in the same manner as from a sentence or judgment of a justice of the peace.

Right of appeal.

SECT. 5. 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; 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 judge.

SECT. 6. The court shall be held weekly, on Monday, at nine of the clock in the forenoon, at such place as the judge shall direct; and all civil processes shall be made returnable accordingly; and the judge may adjourn the court from day to day if necessary.

Time and place of holding court.

SECT. 7. In case of the 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.

Provision in case the judge is unable to attend.

SECT. 8. 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, and such recorder shall be duly sworn, and in case of absence or sickness of the judge shall have all the power of the judge, except the trial of issues in civil actions.

Recorder.

SECT. 9. When the office of judge shall be vacant, the justices of the peace, residing in the town of Saco, may perform all acts and duties appertaining to the office of justice of the peace, during the continuation of such vacancy, and until such proceedings as are instituted during such continuance shall be completed.

Provision when the office of judge is vacant.

SECT. 10. No justice of the peace residing in the town of Saco, shall in any manner, except as mentioned in the preceding section, take cognizance of, or exercise jurisdiction over any crime or offense, or in any civil action, wherein the judge is not a party or interested, or accept or receive any fee or reward therefor: and all warrants, issued by any justice of the peace within and for the county of York, upon complaint for offenses committed in said town of Saco, shall be made returnable before said municipal court for the town of Saco; and any justice of the peace who shall violate this section, shall forfeit twenty dollars, to be recovered on indictment, but nothing in this section shall be construed, as prohibiting the

Restrictions on justices of the peace in Saco.

Exception, under the laws of the U. States.

CHAP. 111. justices of the peace, residing in Saco, from exercising, at all times, all the power and jurisdiction given them by any laws of the United States.

Salary of judge. **SECT. 11.** The judge shall receive from the said town of Saco, in quarterly payments, a salary of five hundred dollars, which shall be in full of all fees and emoluments pertaining to said office ; and he shall account for and pay over to the treasurer of said town, all fees received by him in said capacity, except the fees for blank writs signed by him, the price of which shall be two cents each, and no more. The said town shall provide a suitable room for holding said court, and furnish the same in an appropriate manner, and shall also pay all other necessary expenses of said court.

Expenses of the court defrayed by the town.

Judge not to act as counselor or attorney.

SECT. 12. The judge shall not, in any case, act as counselor or attorney in any court.

SECT. 13. This act shall take effect in fourteen days from and after its approval by the governor.

[*Approved July 26, 1849.*]

Chapter 111.

An act additional to an act entitled an act concerning the assessment of taxes.

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

Taxes on the funds of any religious society.

Liability of persons having charge of such funds.

Whenever any taxes have been or may be legally assessed on the funds of any religious society, and the treasurer or person or persons having charge of such funds, shall fail after thirty days notice to pay such taxes, such treasurer, or person or persons having charge of such funds, shall be personally liable for such taxes, to be collected in the same manner as their own taxes are collected.

[*Approved July 26, 1849.*]