

# MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

PASSED BY THE

THIRTIETH LEGISLATURE

OF THE

STATE OF MAINE,

A. D. 1850.

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Published by the Secretary of State, agreeably to Resolves of June 28, 1820, February 26, 1840,  
and March 16, 1842.  
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**Augusta:**  
WILLIAM T. JOHNSON, PRINTER TO THE STATE.

1850.

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PUBLIC LAWS

OF THE

STATE OF MAINE.

1850.

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CHAP. 195.

sum thus allowed and paid, shall be charged against the state, in the same manner as other bills of cost arising in criminal prosecutions in behalf of the state.

Judge to notify state treasurer.

SECT. 2. The judge making such allowance, shall immediately notify the treasurer of state of the same, who shall deduct such amount allowed from the salary of such county attorney, and the provisions of this section shall not be held to apply to any allowance which may be made by any judge for services rendered prior to the passage of this act.

[Approved August 28, 1850.]

Chapter 195.

An act to establish a municipal court in the town of Brunswick, in the county of Cumberland.

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

Court established.

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

Appointment of judge.

His jurisdiction, as justice of the peace, concurrent or exclusive.

SECT. 2. The justice 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 Cumberland, 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 all larcenies when the property alleged to have been stolen, shall not exceed in value the sum of twenty dollars, and on conviction may 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 of Brunswick; and it shall also be lawful for said justice at his discretion, to commit to the jail of said

county, or to the house of correction of said town, on such terms as may be agreed upon by said town or the selectmen of said town and the county commissioners of said county, and in prosecutions on the by-laws of said town, 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 aggrieved by any sentence or judgment awarded by said justice, may appeal therefrom in the same manner as if sentence or judgment were awarded by a justice of the peace, and under such recognizance as said court may require.

Right to appeal.

SECT. 5. It shall be the duty of the justice 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 justice, 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 justice shall direct, and all civil processes shall be made returnable accordingly; and the justice may adjourn the court from day to day if necessary.

Time of holding courts.

SECT. 7. In case of the inability of the justice 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 justice is able to attend.

Provision in case of inability of justice to attend.

SECT. 8. The justice may at his own expense, appoint a recorder for said court, during his pleasure, who shall be a justice of the peace for said county, and a citizen of said town, who may make the records of said court, and in case of the sickness or absence of said justice, shall have all the powers, and exercise all the duties of said judge, except the trial of issues in civil actions.

Judge may appoint a recorder.

His powers.

SECT. 9. The fees of said justice shall be the same as those now allowed to justices of the peace, except in cases hereinafter specified, to wit: said judge may demand and receive for every warrant issued by him, the sum of one dollar for the trial of each civil or criminal case, with the addition of one dollar for each and every day occupied by said justice in said civil or criminal trials, over and above the first day, and for copies of all papers which he may by law be required to return to the supreme judicial court, or to the district court for said county, double the amount now by law allowed to justices of the peace for similar services.

Fees.

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Fees to be accounted for.

**SECT. 10.** All fees and penalties awarded by said justice shall be accounted for and paid over, as if the same had been awarded by the sentence of any justice of the peace.

Provision, when office of judge is vacant.

**SECT. 11.** When the office of justice in said court shall be vacant in consequence of resignation or death, the justices of the peace residing in the town of Brunswick, may perform all acts and duties appertaining to the office of justice of the peace during the continuance of such vacancy and until such proceedings as are instituted during such continuance, shall be completed.

Justices in Brunswick may take cognizance of actions, in certain cases.

**SECT. 12.** Any justice of the peace in said town of Brunswick may take cognizance of any action, matter or thing within the jurisdiction of a justice of the peace, wherein the said justice, or recorder, is a party or interested.

Restrictions on justices of the peace, in said town.

**SECT. 13.** No justice of the peace, residing in the town of Brunswick, shall in any manner, except as is mentioned in the preceding sections, take cognizance of, or exercise jurisdiction over any crime or offense or in any civil action, 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 Cumberland, for any offense committed in said town of Brunswick, shall be made returnable before said municipal court for the town of Brunswick, 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 justices of the peace residing in said town of Brunswick from exercising all the power and jurisdiction given them by any law of the United States.

Exception, under the laws of the United States.

Expenses of the court defrayed by the town.

**SECT. 14.** The said town of Brunswick shall provide and furnish a suitable court room, for the purpose of holding said court therein, and shall furnish at the expense of said town, fuel, lights, stationery and all other necessary articles to be used in and about said court room, and the inhabitants of said town are hereby authorized and empowered to raise by taxation, all moneys necessary for the purposes aforesaid.

Judge not to act as counselor, or attorney, &c.

**SECT. 15.** The justice of said court shall not in any case act as counselor or attorney in any case which may come before said court.

When to take effect.

**SECT. 16.** This act shall be in force from and after its acceptance, by ballot, by the legal voters of said town of Brunswick at any legal meeting of the inhabitants of said town.

[Approved August 28, 1850.]