

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

PASSED BY THE

THIRTY-FOURTH LEGISLATURE

OF THE

STATE OF MAINE,

1855.

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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:
STEVENS & BLAINE, PRINTERS TO THE STATE.

1855.

PUBLIC LAWS

OF THE

STATE OF MAINE.

1855.

CHAP. 160.

Precepts, &c.,
how tested.

SECT. 22. All precepts, warrants, venirens and processes issued from said police court, shall be tested in like manner as similar processes in the supreme judicial court, and shall be made under the seal of the police court, and signed by its recorder.

City marshal
shall attend
court.

SECT. 23. The city marshal, either himself or by one or more deputies or other officers, shall be in attendance at each session of the police court, and under its direction.

Recorder, salary
of.

SECT. 24. Said recorder shall receive for his services the sum of eight hundred dollars per year, to be paid quarter-yearly from the city treasury, and said judge shall receive in full for his services the sum of twelve hundred dollars per year, to be paid quarter-yearly from the city treasury. Neither the judge nor recorder shall act as counsel or attorney in any case within the jurisdiction of said court, nor in any suit, matter or thing which may depend on, or have relation to any cause, matter or thing depending or cognizable in said court.

Judge, salary of.

—not to act as
counsel.

Judge may ap-
point recorder.

SECT. 25. Whenever a vacancy shall occur in the office of recorder of said court, or the recorder shall from any cause be unable to attend to his duties, the judge shall appoint a recorder to hold office till another is appointed by the governor, or the disability is removed.

Municipal court
abolished.

SECT. 26. The municipal court now existing in the city of Portland, is hereby abolished, and the act establishing the same is hereby repealed: *provided, also*, that the municipal court now existing in said city shall continue in force until a judge shall be appointed and qualified under this act.

Proviso.

SECT. 27. This act shall take effect from and after the first day of May, in the year of our Lord one thousand eight hundred and fifty-five.

[Approved March 16, 1855.]

Chapter 160.

An act additional to chapter one hundred and seventy of the revised statutes.

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

Magistrates or
officers not
liable, if precept
be in due form
of law.

SECT. 1. Whenever a suit shall have been brought against any magistrate for issuing any warrant, precept or order, or against any officer having authority to serve or execute such warrant, precept or order, for serving or executing the same, it shall be a sufficient

defense, for such magistrate to shew, that such warrant, precept or order is in due form of law, that it is issued in accordance with the provisions or authority of some statute or law of this state, in the proper exercise of his duty as a magistrate; and on the part of such officer to shew that it was issued by some magistrate in manner aforesaid, and was by him served or executed in a lawful manner; unless it shall also appear, that before such warrant was issued, or before it was served, the provisions of the act under which it was issued, have been declared to be void, by a final judgment of some court having jurisdiction of this subject matter, and that such magistrate or such officer, before such warrant, precept or order was issued, or was served or executed, had notice thereof, or by using due diligence might have had notice thereof.

Exceptions.

SECT. 2. No judgment for damages, or costs, or for damages and costs, shall be rendered against any magistrate for issuing, or any officer or his assistants for executing, any lawful warrants, precept or order in a lawful manner, by reason of any technical error or defect, provided the subject matter thereof is so substantially set forth therein, that the same may be readily understood; and that the same was issued and executed in good faith and without intention of doing any wrongful act.

Magistrates not liable for damages or costs.

Proviso.

SECT. 3. This act shall take effect and be in force from and after its approval by the governor, and the same may be pleaded in bar or in arrest of judgment in any action pending at the date of its approval.

This act may be pleaded in bar.

[Approved March 16, 1855.]

Chapter 161.

An act concerning the liability of railroad corporations and other passenger carriers for loss of life in certain cases.

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

SECT. 1. If by reason of the gross negligence, carelessness or unfitness of the servants or agents of any railroad corporation in the state, or over any drawbridge which crosses any stream or harbor in this state, while engaged in the business of such corporations, or by reason of the negligence or carelessness of such corporation, or of the proprietor or proprietors of any steamboat, stage-coach or of common carriers of passengers, or by the unfitness or gross negligence or carelessness of their servants or agents, in this state, while

Railroad corporations, &c., liable for misconduct of agents, &c.