

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

ACTS AND RESOLVES

PASSED BY THE

THIRTY-FIFTH LEGISLATURE

OF THE

STATE OF MAINE,

A. D. 1856.

~~~~~  
Published by the Secretary of State, agreeably to Resolves of June 28, 1820, February 26, 1840,  
and March 16, 1842.  
~~~~~

Augusta:  
FULLER & FULLER, PRINTERS TO THE STATE.  
1856.

---

PUBLIC LAWS

OF THE

STATE OF MAINE.

1856.

---

of youth," approved April twentieth, one thousand eight hundred and fifty-four, shall not apply to any action or suit pending at the time of the passage of said act.

SECT. 2. This act shall be in force from and after its approval by the governor.

[Approved February 14, 1856.]

**Chapter 203.**

An act to prevent the destruction of fish in Brewer pond.

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

SECT. 1. No persons shall set or place any net, seine, weir, or other obstruction in Brewer pond, or Little pond, so called, in Orrington, or in any of the streams emptying into, or issuing out of either of said ponds, for the purpose of taking or preventing the free passage of fish through said waters, under a penalty of ten dollars for each offense.

Fish, taking of prohibited.

Penalty.

SECT. 2. Any person who shall, at any time, take or destroy any fish in said waters except by spears or hooks, shall forfeit and pay a fine of five dollars for every fish so taken or destroyed.

Manner or taking prescribed.

Penalty.

SECT. 3. All fines and penalties arising from a violation of this act, may be recovered by an action of debt, in the name of any person who shall sue for the same, one moiety thereof to the use of the town school fund of Orrington, and the other moiety thereof to the person who may sue for the same.

Fines, how recovered.

How appropriated.

[Approved February 14, 1856.]

**Chapter 204.**

An act to establish a municipal court in the city of Portland.

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

SECT. 1. There is hereby established a municipal court for the city of Portland, to consist of one judge, who shall be appointed, commissioned and qualified, in the manner provided by the constitution of this state.

Court established—one judge.

SECT. 2. He shall, except where interested, exercise jurisdiction over all such matters and things within the county of

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

CHAP. 204. Cumberland, as justices of the peace may exercise, and under similar restrictions and limitations; and concurrent jurisdiction with justices of the peace and quorum in case of forcible entry and detainer in said county; and exclusive jurisdiction where both parties interested, or the plaintiff and a person sued as trustee, are inhabitants of Portland.

Not to act as counselor or attorney.

SECT. 3. He shall not, in any case, act as counselor or attorney in any court.

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

SECT. 4. The said court may take cognizance of simple larcenies, when the property alleged to be stolen shall not exceed in value twenty dollars, and on conviction award such sentence as is by law provided for such offenses; and have exclusive jurisdiction of all offenses against the by-laws of said city; 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.

Houses of ill fame.

SECT. 5. The same proceedings may be had in the same manner, against persons keeping houses of ill fame, for the purposes of lewdness or prostitution, on complaint, as before a justice of the peace.

Right of appeal.

SECT. 6. Any person may appeal from a sentence, or judgment against him, to the then next term, for civil or criminal business, as the case may require, of the court having jurisdiction within said county, by appeal from justices of the peace; and such appeal shall be taken and prosecuted in the same manner as from a sentence or judgment of a justice of the peace.

Fines to be accounted for.

SECT. 7. All fines and penalties awarded by said judge, shall be accounted for and paid over, as in case of those awarded by a justice of the peace.

Jurisdiction, though the penalty accrue to the city.

SECT. 8. The court shall have jurisdiction, though the penalty demanded in any action or prosecution accrues to the city of Portland.

Time of holding courts.

SECT. 9. The municipal court shall be held on Monday and Thursday of each week, at nine of the clock in the forenoon, and no civil process shall be returnable at any other time.

Recorder, his appointment, duties and fees.

SECT. 10. There shall be a recorder of the court, who shall always be a justice of the peace, and duly qualified as such, and he shall be appointed by the governor, by and with the advice of the council; he shall be duly sworn as recorder, and shall keep a fair record of the proceedings of the court, and deliver copies, when required, for the same fees which are allowed to justices of the peace.

SECT. 11. When the judge is absent, it shall be the duty of the recorder, and he shall have authority to exercise all the powers of the judge, excepting the trial of issues in civil actions.

Recorder's powers in absence of judge.

SECT. 12. If the judge and recorder are both necessarily absent, the judge may designate some justice of the peace duly qualified, to perform the duties of his office; or if the judge should not so designate a justice of the peace, the recorder may do it.

Justice of the peace substituted in absence of the judge and recorder.

SECT. 13. When the office of judge shall be vacant, the recorder shall finish the business pending before the court; and during the continuance of such vacancy, the justices of the peace residing in the city of Portland may perform all acts and duties appertaining to the office of justice of the peace.

Provisions when office of judge is vacant.

SECT. 14. No justice of the peace residing in the city of Portland, except during the vacancy in the office of the judge of said court, as mentioned in the preceding section, shall in any manner take cognizance of, or exercise jurisdiction over any crime or offense, or in any civil action, wherein the judge is not a party interested; nor accept or receive any fee or reward therefor; and any such justice of the peace, by violating this section, shall forfeit twenty dollars, to be recovered on indictment.

Restrictions on justices of the peace in Portland.

SECT. 15. But nothing in the preceding section shall be construed as prohibiting the justices of the peace, residing in Portland, from exercising at all times, all the power and jurisdiction given them by any laws of the United States.

Exception under the laws of the United States.

SECT. 16. When the judge is occasionally absent from the room or office in which the court is held, the recorder shall have power, on proper complaint, to issue warrants for the apprehension of persons charged with any criminal offense, or breach of the peace; and such warrants shall have the same authority as if issued by the judge.

When recorder may issue warrants.

SECT. 17. The judge of said court shall receive an annual salary of one thousand dollars, and the recorder an annual salary of five hundred dollars, which salaries shall be paid in the manner provided by the one hundred and fiftieth chapter of the revised statutes, in respect to the judge and recorder of the municipal court, formerly existing in Portland.

Salary of judge.

Salary of recorder.  
How paid.

SECT. 18. As soon as the judge first appointed under this act shall be commissioned and qualified, he shall cause a copy of his commission and qualification, certified by the magistrate before whom he shall take the oath of office, to be filed in the office of the clerk of the judicial courts for Cumberland county,

Judge shall file a copy of his commission in the office of clerk of supreme judicial courts for Cumberland county

## CHAP. 205.

Police court,  
when abolished.

Civil actions, ex-  
ceeding twenty  
dollars, to be re-  
turned to the  
supreme judicial  
court.

All writs, war-  
rants, &c., pend-  
ing in the police  
court, to be re-  
turned to the  
municipal court.

Municipal court,  
jurisdiction of.

Records, where  
deposited.

Judge, duties of.

and thereupon the police court of Portland, established by an act approved March sixteenth, eighteen hundred fifty-five, shall be abolished. All civil actions which shall then be pending in said police court, or be returnable thereto, wherein the debt or damage demanded exceeds the sum of twenty dollars, shall thereupon be returnable to, have day in, and be fully acted upon by the supreme judicial court for the county of Cumberland; and all other actions, suits, matters and things which may then be pending in said police court, and all writs, warrants, recognizances and processes returnable to, and which would have had day therein had not this act been passed, shall thereupon be returnable to, have day in, and be fully acted upon by the municipal court established by this act; and the said municipal court shall have full power and authority to grant any execution to carry into effect any judgment rendered in the said police court, in the same manner as the said police court might have done, had not this act been passed.

SECT. 19. The records of the said police court, and of the municipal court formerly existing in Portland, shall, upon the abolition of the said police court, be deposited with, and kept by the judge of the court established by this act; and he shall grant and certify copies thereof, when required, which shall be evidence of the contents of such records in any legal proceeding.

SECT. 20. This act shall take effect upon its approval by the governor.

[Approved February 20, 1856.]

### Chapter 205.

An act to authorize the increase of pay to the register of probate in Penobscot county.

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

Increase of pay  
authorized.

SECT. 1. The salary of the register of probate for Penobscot county shall hereafter be eight hundred dollars a year, instead of the sum now established by law.

SECT. 2. This act shall take effect from and after its approval by the governor.

[Approved February 20, 1856.]