

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, 1830, February 26, 1840,  
and March 16, 1842.  
~~~~~

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

PUBLIC LAWS

OF THE

STATE OF MAINE.

1856.

Chapter 206.

CHAP. 206.

An act for the removal of paupers having no settlement within this state.

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

Upon complaint, as provided in the forty-seventh section of the thirty-second chapter of the revised statutes, justices of the peace may cause such paupers as are mentioned in said section to be conveyed to any places beyond the limits of this state, where such paupers belong, in the manner and under the limitations prescribed in said section.

Paupers may be conveyed beyond the limits of the state under certain limitations. R. S., ch. 42.

[Approved February 26, 1856.]

Chapter 207.

An act to establish a police court in the city of Bangor.

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

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

Police court established in the city of Bangor. Judge, how commissioned, qualified, &c.

SECT. 2. Said judge shall, except where interested, exercise jurisdiction over all such matters and things, civil and criminal, within the county of Penobscot, as justices of the peace may exercise, and under similar restrictions and limitations; and concurrent jurisdiction with justices of the peace and quorum in cases of forcible entry and detainer in said county; and exclusive jurisdiction in all such matters or things when both parties interested, or the plaintiff and the person or persons summoned as trustees, shall be inhabitants of, or residents in said city of Bangor.

Jurisdiction.

Exclusive jurisdiction in certain cases.

SECT. 3. The said judge shall have jurisdiction in all cases of simple larceny where the property alleged to have been stolen shall not exceed in value the sum of twenty dollars, and on conviction award such sentence as is provided by law, for such offenses; and have exclusive jurisdiction of all offenses against the ordinances and by-laws of said city of Bangor, though the penalty therefor may accrue to said city; and in the prosecutions on any such ordinances or by-laws, or any special law of the state relating to said city, such by-law, ordinance,

Jurisdiction in cases of simple larceny.

Sentence.

Exclusive jurisdiction of offenses against city ordinances, &c.

Complaint, allegations of.

CHAP. 207.

or special law need not be recited in the complaint or process, nor the allegations therein be more particular than in prosecutions on a public statute.

Jurisdiction of cases of fraud, &c.

SECT. 4. The said judge shall have jurisdiction of all cases of cheating by false pretences, where the property, money, or other thing alleged to have been fraudulently obtained, shall not exceed in value the sum of twenty dollars, and shall have power to try the same and award sentence upon conviction, by fine not exceeding twenty dollars, or imprisonment in the county jail, or in the house of correction to hard labor for a term not exceeding ninety days. The same proceedings may be had in the same manner, against persons keeping houses of ill-fame for the purpose of lewdness or prostitution, on complaint, as before a justice of the peace.

May award sentence.

Nature and term of sentence.

Houses of ill fame.

Right of appeal.

SECT. 5. 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. 6. All fines and penalties awarded by said judge shall be accounted for, and paid over, as in cases of those awarded by justices of the peace.

Time and place of holding court.

Civil processes.

Judge may adjourn the court from day to day.

Authorized to perform the duties of justices of the peace, &c.

Expenses of the court-room defrayed by the city.

Other expenses paid from the county treasury.

SECT. 7. Said judge shall hold a court weekly for the trial of civil causes, on Monday at ten of the clock in the forenoon, at such place as shall be provided by the city of Bangor, and all civil process shall be made returnable accordingly, and the judge may adjourn the court from day to day if necessary. He shall be authorized to perform all the duties which are usually exercised by justices of the peace or justices of the peace and quorum. The said city shall raise and assess moneys for providing a suitable place for said court; all other expense of said court shall be paid from the treasury of the county of Penobscot.

Blank writs, price of.

SECT. 8. The price of blank writs with the seal of the court, signed by the judge shall be four cents each. In other respects the fees in civil and criminal cases shall be the same as are taxable by a justice of the peace.

Provision in case of non-attendance of the judge.

SECT. 9. In case of the death, sickness or 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; and in the cases before mentioned the criminal jurisdiction shall devolve on the justices of the peace for the county, residing in said Bangor, during the continuance of such disability, and until such proceedings as are instituted during its continuance shall have final adjudication of such justices.

SECT. 10. The several justices of the peace in the city of Bangor shall continue to have and exercise all the power and authority vested in them by the laws of the United States; but no such justice shall exercise any civil or criminal jurisdiction otherwise, unless in civil cases, where the said judge is interested, under a penalty of twenty dollars for each offense, to be recovered by indictment in any court proper to try the same. But nothing in this act shall be construed to prevent said justices administering oaths, taking acknowledgements of deeds and other writings, acting as arbiters and referees or doing any business other than that especially devolving upon said court.

SECT. 11. It shall be the duty of said judge to make and keep his records, and he shall not act as counsel or attorney in any case within the jurisdiction of the court, nor in any cause, matter or thing, which may depend upon or relate to any cause cognizable by said court. Said judge shall have power to make such rules as may be necessary to regulate and facilitate the business of said court, not in violation of law, and he may punish for contempt as other courts are authorized to do. And he may alter the forms of writs and other process to make the same consistent with the style, organization, and jurisdiction of said court. The requisite records, books, stationary and other necessary articles for the use of said court, shall be provided by the county of Penobscot.

SECT. 12. Said judge shall receive for his services the sum of nine hundred dollars per year, to be paid quarter yearly from the county treasury for the county of Penobscot. And he shall pay over to the county treasurer of said county, quarter yearly, all costs and fees taxable in said court, by him received, except fees for copies by him furnished. And he shall give a bond to said treasurer, with sufficient sureties, to be by said treasurer approved, in the penal sum of one thousand dollars, conditioned that he will duly account for, and pay over all sums which he is required to pay as aforesaid.

SECT. 13. The municipal court of Bangor established by an act approved March seventeenth, eighteen hundred and fifty-five, is hereby abolished. All fines, forfeitures and fees that

CHAP. 207.

Justices of the peace to perform the duties of the court in certain cases.

Justices of the peace, powers under U. S. laws.

Restrictions on justices of the peace in Bangor.

—their rights.

Records to be kept by the judge.

Judge not to act as counselor or attorney.

Authorized to make rules for court.

May punish for contempt.

Records, books, &c., to be furnished by the co. of Penobscot.

Salary.

How paid.

Costs and fees to be paid over to the co. treasurer.

Bond.

Municipal court abolished.

CHAP. 207.

Fees, &c., that have accrued therein, to be paid over to the treasurer of the city of Bangor.

have accrued, or may accrue in cases which have been commenced in said municipal court, and which shall hereafter come to the hands of the county treasurer, shall be paid by the county treasurer to the treasurer of said city. But the sum so paid to the city shall not exceed the amount incurred by the city of Bangor for the expenses of said court.

Civil actions pending in the municipal court, to be returned to the supreme judicial court.

SECT. 14. All civil actions which shall at the time this act takes effect be pending in said court, or be returnable thereto, wherein the debt or damage demanded exceeds the sum of twenty dollars, and all actions, suits and processes, whether civil or criminal, wherein an appeal shall have been taken from the judge of said municipal court, and wherein a verdict has not been rendered by the jury in said municipal court, shall thereupon be returnable to, have day in, and be fully acted upon by the supreme judicial court for the county of Penobscot; and all other actions, suits, matters and things which may then be pending in said municipal 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 police court established by this act; and the said police court shall have full power and authority to grant any execution to carry into effect any judgment rendered in the said municipal court, in the same manner as the said municipal court might have done had not this act been passed.

Other actions pending in municipal court, to be returned to the police court.

Judgment rendered in the municipal court, to be carried into effect by the police court.

Records, where kept.

SECT. 15. The records of the said municipal and of the police court formerly existing in Bangor, shall, upon the abolition of the said municipal 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. All acts and parts of acts inconsistent with this act are hereby repealed.

SECT. 16. This act shall take effect the first day of March, in the year of our Lord eighteen hundred and fifty-six.

[Approved February 28, 1856.]