

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

112

PASSED BY THE

FORTIETH LEGISLATURE

OF THE

STATE OF MAINE.

1861.

Published by the Secretary of State, agreeably to Resolves of June 23, 1820,
February 26, 1840, and March 16, 1842.

AUGUSTA:
STEVENS & SAYWARD, PRINTERS TO THE STATE.
1861.

PUBLIC LAWS

OF THE

STATE OF MAINE.

1861.

CHAP. 29.

person arrested for forgery, counterfeiting, burglary, selling lottery tickets or gambling, shall be safely kept by the direction of the court or magistrate having cognizance of the case so long as may be necessary for their being used as evidence on any trial, and as soon as may be afterward, they shall be burnt or otherwise destroyed by order of such court or magistrate, or of a justice of the supreme court.

[Approved March 13, 1861.]

Chapter 29.

An act additional to chapter one hundred and thirteen of the revised statutes for the relief of poor debtors.

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

Ch. 113, sec. 23,
R. S., amended.

SECT. 1. Chapter one hundred and thirteen of the revised statutes is amended in the twenty-third section, by inserting in the fifth line of said section after the words, "civil suit," the words "or by delivering himself into the custody of the jailer," so that the sentence will read, or if he is in jail on an execution in a civil suit or by delivering himself into the custody of the jailer he may apply.

Application of
poor debtor.

SECT. 2. This act shall take effect on its approval by the governor.

[Approved March 13, 1861.]

Chapter 30.

An act punishing the unlawful taking of horses, cattle and other property.

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

Unlawful
taking of
horses, &c.

Whoever wilfully, mischievously, and without right, takes or uses any boat or vehicle, or takes, drives, rides or uses any horse, ox, or any draft animal, the property of another, without the consent of the owner or other person having the legal custody, care or control of the same, shall be punished by fine, not exceeding three hundred dollars, or by imprisonment for a term not exceeding one year; *provided*, that nothing in this section shall be so construed as to apply to any case where the taking of the property of another is with the intent to steal the same, or, when it is taken under

Penalty.

Proviso.

a claim of right, or with the presumed consent of the owner or other person having the legal control, care or custody thereof.*

CHAP. 31.

[Approved March 13, 1861.]

Chapter 31.

An act in relation to county officers.

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

No person shall be eligible to, or hold any county office unless he is a resident in said county.

Not to hold county office, unless resident of county.

[Approved March 13, 1861.]

Chapter 32.

An act to restrict the jurisdiction of justices of the peace to trial justices.

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

SECT. 1. The criminal jurisdiction of justices of the peace and justices of the peace and quorum is hereby taken from such magistrates, and shall apply to trial justices and be restricted to their jurisdiction, reserving to any person aggrieved at a sentence of such magistrate the right of appeal therefrom, as provided in section fifteen and sixteen of chapter one hundred thirty-two of revised statutes, and such provisions of the laws of this state as give jurisdiction in and cognizance of crimes, offences, and misdemeanors to justices of the peace and justices of the peace and quorum are hereby repealed.

Justices of the peace, &c., criminal jurisdiction taken from.
—and restricted to trial justices.
—right of appeal.

SECT. 2. Trial justices shall be subject to all the provisions of section seven of chapter one hundred thirty-six of the revised statutes, and for any neglect thereof, shall suffer the penalties therein set forth, and it shall be the duty of trial justices to keep a true and correct docket of all examinations and trials had before them of persons accused of crime, offences or misdemeanors, setting forth therein a true account of all fines and forfeitures by them imposed, or received, upon convictions and sentences; and once in a year shall exhibit said docket to the county commissioners for the county in which such trial justice resides, at one of the regular sessions of said commissioners for their inspection, whose duty it shall be to examine such trial justice together with such docket

Trial justices subject to the provision of ch. 136, sec. 7, R. S.

—shall keep docket.

—and exhibit docket to county commissioners.

Duty of commissioners.