

# MAINE STATE LEGISLATURE

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# DOCUMENTS

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# THE LEGISLATURE

OF THE

# STATE OF MAINE,

A. D. 1859.



AUGUSTA:

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1859.

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# THIRTY-EIGHTH LEGISLATURE.

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HOUSE.]

[No. 42.

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## STATE OF MAINE.

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IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED AND  
FIFTY-NINE.

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### AN ACT for the appointment of Trial Justices.

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

SECTION 1. The governor, with the advice and consent of the council, shall appoint and commission suitable persons in each county, to be trial justices in the county for which they are respectively appointed, who shall hold their offices for the term of seven years from the date of their commissions.

SECT. 2. The said trial justices, before entering upon the duties of their office, shall respectively take and subscribe the oaths or affirmations required to be taken by persons appointed to civil office, by the governor, with the advice and consent of the council, under the constitution and laws of the State.

SECT. 3. Said trial justices shall have and exercise  
2 all the jurisdiction, power and authority that justices  
3 of the peace and justices of the peace and quorum, in  
4 the respective counties, now have and exercise, under  
5 and by virtue of the laws of this State; and all the  
6 provisions in the laws of this State shall apply to said  
7 trial justices, and to their jurisdiction, acts and pro-  
8 ceedings, in like manner as they now apply to justices  
9 of the peace and justices of the peace and quorum,  
10 and their respective jurisdiction, acts and proceedings.

SECT. 4. Such provisions of the laws of this State  
2 as give jurisdiction in the trial of civil actions, and  
3 the issuing of writs and entering of judgments therein,  
4 to justices of the peace, and also such provisions as  
5 give jurisdiction in criminal cases in the examination  
6 and trial of offenders, to justices of the peace, are  
7 hereby repealed, so far as the jurisdiction, power and  
8 authority of justices of the peace therein are concern-  
9 ed, saving and excepting that justices of the peace  
10 may have and exercise the same jurisdiction, power  
11 and authority to receive complaints and issue warrants  
12 (other than search warrants,) in criminal cases, as  
13 they now have and exercise; but said warrants shall  
14 require that the officer serving such process shall  
15 bring the party therein charged before any of the trial  
16 justices for the same county, and the subsequent pro-

17 ceedings shall be conducted before the trial justice, in  
18 like manner as though the warrant had been issued  
19 by any of the trial justices.

SECT. 5. Such provisions of law as give jurisdiction,  
2 power and authority to justices of the peace, under  
3 the acts for the maintenance of bastard children, and  
4 under the acts for taking recognizances for debts, are  
5 hereby repealed, so far as the jurisdiction, power and  
6 authority therein, of justices of the peace are concerned.

SECT. 6. Nothing in this act contained shall affect  
2 the jurisdiction, power and authority of any police  
3 court, duly established by law in any city or town of  
4 this State; and justices of the peace and justices of  
5 the peace and quorum shall continue to have and ex-  
6 ercise the same jurisdiction, power and authority as  
7 they now have and exercise, excepting so far as their  
8 jurisdiction, power and authority are abridged by the  
9 provisions of the fourth and fifth sections of this act.

SECT. 7. This act shall not affect any cases or pro-  
2 ceedings now commenced, or that shall be hereafter  
3 commenced before this act shall take effect; and the  
4 justice of the peace before whom any such cases or  
5 proceedings may be commenced or pending, at the  
6 time this act shall take effect, shall have the same  
7 jurisdiction, power and authority in respect to them,  
8 as they now have in like cases.

## TRIAL JUSTICES.

SECT. 8. The time set for the trial of any cause in  
2 any writ returnable before any of the trial justices  
3 shall not be earlier than nine o'clock in the forenoon,  
4 nor later than four o'clock in the afternoon.

SECT. 9. No judgment of any trial justice shall be  
2 considered regular, unless he shall be present with the  
3 plaintiff's writ, at the place appointed for trial, with-  
4 in one hour after the time set in such writ; or unless  
5 the case be continued by some justice, pursuant to the  
6 provisions of the revised statutes.

SECT. 10. One hour from the time set in a writ for  
2 the trial of a civil action, is allowed to the parties to  
3 appear; at the expiration of which time, judgment  
4 may be entered by such trial justice, on nonsuit or  
5 default, against the party who shall not appear.

SECT. 11. Within twenty-four hours after judgment,  
2 on nonsuit or default, as provided in the preceding  
3 section, the trial justice rendering such judgment may,  
4 in his discretion, on motion of either party, strike off  
5 such nonsuit or default, and revive the action, on such  
6 terms as he may judge reasonable.

SECT. 12. This act shall take effect from and after  
2 the first day of July next; but the governor shall  
3 have power, by and with the advice and consent of  
4 the council, to appoint said trial justices, and said  
5 trial justices may be duly qualified at any time after  
6 the passing of this act.

STATE OF MAINE.

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HOUSE OF REPRESENTATIVES, March 30, 1859.

On motion of Mr. GILBERT of Bath, laid on the table, and 350 copies of the same ordered to be printed for the use of the Legislature.

GEO. W. WILCOX, *Clerk.*