

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

FIFTIETH LEGISLATURE,

OF THE

STATE OF MAINE.

1871.

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1871.

PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE.

1871.

Chapter 636.

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

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

Court, municipal,
established.

Shall consist of
one judge.

Tenure of office.

Salary.

Jurisdiction.

SECT. 1. A municipal court is hereby established for the city of Lewiston, which shall be a court of record, and have a seal, and shall consist of one judge, who shall be a member of the bar in Androscoggin county, who shall be appointed, elected, qualified and hold his office as provided in the constitution, who shall reside during his continuance in office in said city of Lewiston, and who shall receive from said city, in quarterly payments, an annual salary of such amount as the city council of said city shall vote and determine, which shall be in full for all fees pertaining to his office; *provided*, that the salary of said judge for the first year shall be fifteen hundred dollars.

SECT. 2. Said municipal court shall have exclusive jurisdiction in all civil actions in which the debt or damages demanded do not exceed twenty dollars, and both parties or one of the parties and a person summoned as trustee, reside in the city of Lewiston; and shall also have exclusive jurisdiction over all offences committed against the ordinances and by-laws of said city, and over all such criminal offences committed within the limits of the same as are cognizable by trial justices; *provided*, that warrants may be issued upon complaints for offences committed in said city of Lewiston by any trial justice in said county, but all such warrants shall be made returnable before said court, and no trial justice shall take cognizance over any crime or offence committed in said city or any civil action where said court has exclusive jurisdiction. Said court shall have concurrent jurisdiction with trial justices, justices of the peace, justices of the peace and quorum, and the municipal court of the city of Auburn, over all such matters, civil and criminal, within the county of Androscoggin as are by law within their jurisdiction; and shall also have original concurrent jurisdiction with the supreme judicial court in all civil actions where the debt or damages demanded, exclusive of costs, do not exceed one hundred dollars, and the plaintiff or defendant resides in the county of Androscoggin; *provided*, that said court shall have no jurisdiction over actions in which the title to real estate according to the pleadings filed in the case by either party is in question.

Writs and pro-
cesses, forms and
service of.

SECT. 3. All writs and processes issued by said court shall be of the usual forms, and all writs in which the debt or damages demanded do not exceed twenty dollars, shall be served as now provided by law in case of writs issued by trial justices, and all writs in which the debt or damages demanded exceed twenty

dollars, shall be served in time and manner as now provided by law in case of writs issued by the supreme judicial court.

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SECT. 4. Said court shall be held on the first Tuesday of each month for the transaction of civil business, and all actions shall be made returnable at one of the two terms next begun and held after the commencement of the action. Said court may be adjourned from time to time, but shall be considered as in constant session for the trial of criminal offences.

Court, when to be holden.

SECT. 5. All actions shall be entered during the first day of the term at which they are returnable, and not after, without special permission. When a defendant legally served, does not appear within the first two days of the term, he shall be defaulted, but the court may take off the default for sufficient cause. All pleas in abatement must be filed within the first two days. The defendant shall file his pleadings within fourteen days after entry of the action, which shall consist of the general issue with a brief statement of special matter of defence. If the defendant does not file his pleadings as before provided, he shall be defaulted on the first day of the next term after entry, unless the court for good reason grants him leave to plead or otherwise lawfully dispose of the case. All actions duly answered to shall be in order for trial at the next term after entry.

Adjournments.

Actions, entry of.

Default.

Abatement.

Pleadings.

Actions, order of, for trial.

SECT. 6. Said municipal court is hereby authorized to administer oaths, render judgment, issue executions, punish for contempt, and compel attendance as in the supreme judicial court, and to make all such rules and regulations not repugnant to law as may be necessary and proper for the administration of justice.

Court authorized to administer oaths, &c.

May punish for contempt, and make rules and regulations for proper administration of justice.

SECT. 7. All the provisions of law relative to the attachment of real and personal property and the levy of executions on the same shall be applicable to actions brought in this court, which shall have authority to issue executions to be satisfied in the same manner as though issuing from the supreme judicial court; *provided* that property may be attached equal to the amount of the *ad damnum* and in addition thereto sufficient to satisfy the costs of suit.

Attachment of property and levy of executions

SECT. 8. All actions may be tried by the judge of said court, without the intervention of a jury, subject to the right of appeal and to exceptions in matters of law.

May try actions without intervention of jury.

SECT. 9. Any party may appeal from any judgment or sentence of said court to the supreme judicial court, in the same manner as from a judgment or sentence of a trial justice.

Appeal and exceptions.

SECT. 10. Exceptions may be alleged and cases certified on agreed statement of facts, or upon evidence reported by the judge, in all civil cases, as in the supreme judicial court, and the same shall be entered, heard and determined at the next law term held in the western district, or by agreement of parties, may be certified at once to the chief justice of the supreme judicial court, and

Exceptions and statement of facts.

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when so certified, to be argued in writing on both sides within thirty days; and the supreme judicial court, sitting as a court of law, shall have the same jurisdiction of all questions of law arising on said exceptions, statements and reports, as if they had originated in the supreme judicial court for the county of Androscoggin; and all provisions of law and rules of the supreme judicial court relative to the transfer of actions and other matters from the supreme judicial court for said county, shall apply to the transfer of actions from said municipal court to said law court. Decisions of the law court on all questions from said municipal court shall be certified to the judge of said municipal court with the same effect as in cases originating in the supreme judicial court in said county.

Decisions of law court may be certified to judge of municipal court

Writs of error and petitions for review.

SECT. 11. Final judgments in said municipal court may be re-examined in the supreme judicial court on a writ of error or on a petition for review, and when the judgment is reversed, the supreme judicial court shall render such judgment as said municipal court should have rendered, and when a review is granted it shall be tried in said supreme judicial court.

Records.

SECT. 12. It shall be the duty of the judge of said court to make and keep the records thereof, or to cause the same to be made and kept, and to perform all other duties required by similar tribunals in this state, and copies of the records of said court, duly certified by said judge, shall be legal evidence in all courts.

Copies of records to be legal evidence.

Judge may appoint a recorder.

SECT. 13. The judge of said court may appoint a recorder, to be paid by the judge, who shall be a trial justice of the county of Androscoggin and a citizen of said city, who shall be sworn by said judge, who shall keep the records of said court when requested to do so by the judge; and in case of absence from the court room or sickness of the judge or when the office of judge shall be vacant, the recorder shall have and exercise all the powers of the judge and perform all the duties required by said judge by this act, except the trial of civil causes, and shall be empowered to sign and issue all processes and papers and to do all acts as fully and with the same effect as the judge could do were he acting in the premises, and the signature of the recorder as such, shall be sufficient evidence of his right to act instead of the judge.

Oath and duties.

Recorder may act as judge in certain cases.

Fees of judge.

SECT. 14. The judge of said court may demand and receive the same fees allowed to trial justices, justices of the peace, justices of the peace and quorum and clerks of the supreme judicial court, except that he may demand and receive for trial of an issue, civil or criminal, two dollars, and one dollar for every day occupied in the hearing of any case after the first day; for every warrant issued by him, one dollar; for the entry of an action, fifty cents.

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SECT. 15. Costs and fees allowed to parties and attorneys in all actions before said court in which the debt or damage recovered does not exceed twenty dollars, shall be the same allowed in actions before trial justices, except that the plaintiff, if he recover, shall be allowed one dollar for his writ, and the defendant, if he recover, shall be allowed one dollar for his pleadings; but in cases where the amount recovered exceeds twenty dollars, costs and fees shall be the same allowed in the supreme judicial court, except that the defendant, if he recover, shall be allowed two dollars for his pleadings.

Costs and fees allowed to parties and attorneys.

SECT. 16. All fines and penalties received by said judge shall be accounted for and paid over as if the same had been received by a trial justice; and all fees received by him shall be accounted for and paid over to the treasurer of said city of Lewiston quarterly.

Fines and penalties.

SECT. 17. Said court shall be held at such place as the city of Lewiston shall provide; and said city shall have power and it shall be its duty to raise money to pay the salary of said judge, to purchase blanks, blank-books, seals, dockets and all things necessary for the use of said court, to provide a suitable room for said court and to furnish the same in an appropriate manner.

City shall provide place for court; shall pay salary of judge and purchase blanks, blank-books, seals, dockets, &c.

SECT. 18. The city marshal of said city, or one of his deputies, shall be in attendance on said court when requested to do so by the judge, for the purpose of preserving order, and who shall execute all legal orders and processes to him directed by the court.

City marshal to attend court when requested by judge. Duties.

SECT. 19. All actions, suits, matters and things, which may be pending before the municipal court for the city of Lewiston, and all suits, executions, warrants, recognizances and other processes, returnable to said court at the time this act takes effect, shall be transferred and returned to, and shall be entered, prosecuted, heard, determined and executed in and by the municipal court for said city established by this act, the same as if originated therein; and said court hereby established shall be the depository of all records of, and shall have full power and authority to issue and renew executions and to carry into effect any judgment of, and to complete all processes and proceedings commenced in or by said court heretofore existing in said city, and to certify and duly authenticate the records of said court, as effectually in all respects as said municipal court heretofore existing could have done had this act not been passed.

Actions pending before municipal court shall be transferred to court established by this act.

SECT. 20. Sections eleven, twelve, thirteen, fourteen and fifteen, of chapter one hundred and five of the private laws of Maine, incorporating the city of Lewiston, approved March fifteen, eighteen hundred and sixty-one; sections one and two of chapter two hundred and twenty-one of the private laws amending the foregoing chapter, approved February nineteen, eighteen hundred and

Repealed sections

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Act when to take effect.

SECT. 21. This act, except section twenty, shall take effect and be in force from and after the first Wednesday after the second Monday of March, in the year of our Lord one thousand eight hundred and seventy-one. Section twenty of this act shall take effect and be in force on the second Monday of said March.

Approved February 17, 1871.

Chapter 637.

An act to incorporate the North Penobscot Mutual Fire Insurance Company.

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

Corporators.

SECT. 1. Timothy Fuller, William R. Ayer, Asa Smith, James Butterfield, Abner B. Chase, R. S. Kingman, W. R. Ayer, Alvin Haynes, Alexander Webb, John Treat, Shepard Bean, Charles A. Cushman, William C. Clark, Jeremiah Page, Thomas W. Porter, Philip C. Jones, Timothy Heald, F. E. Nute, F. A. Reed, J. W. Porter, O. N. Bradbury, D. S. Plumly and H. G. Coburn, and all others who may hereafter become members of said company, are hereby incorporated and made a body politic by the name of the North Penobscot Mutual Fire Insurance Company, for the purpose of insuring in the northern and eastern portion of Penobscot county and the county of Aroostook, their respective dwelling-houses, stores, shops, barns and other buildings, household furniture, merchandise and other property, the contents of any building in said town, against loss or damage by fire, whether the same happen by accident, lightning, or by any other means, except that of design in the insured; and may purchase and hold such real and personal estate as may be necessary to effect the object of this association, and may sell and convey the same at pleasure.

Name.

Purpose.

By-laws.

SECT. 2. Said company may make, establish and put in execution such by-laws, not contrary to the laws of the state, as may seem necessary or convenient for the regulation and management of its affairs, and do and execute all such acts as may be necessary to carry into effect the purposes intended by this act.

First meeting, how called.

SECT. 3. The first meeting may be called by any three persons named in this act, by notice, in writing, to each of the corporators by mail, giving the time, place, and the business to be acted upon, at least ten days before such meeting; at which time and place