

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

FIFTY-THIRD LEGISLATURE

OF THE

STATE OF MAINE.

1874.

Published by the Secretary of State, agreeably to Resolves of June 28, 1820,
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1874.

PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE.

1874.

CHAP. 626. with the county commissioners of the county through which the same shall pass, on or before the thirty-first day of December, in the year of our Lord one thousand eight hundred and seventy-six, this act shall be null and void.

Somerset Railroad Company, extension of.

SECT. 11. If the Somerset Railroad Company, at a meeting of the stockholders duly called, notified and held, within six months from the passage of this act, shall by a majority stock vote elect to extend their road over the route hereinbefore described, and shall notify in writing any three of the incorporators named in this act of such election in thirty days thereafter, then said Somerset Railroad Company shall have the power to so extend their road with the same rights, privileges and immunities and subject to the same duties, obligations and liabilities as are provided by their existing charter and the general laws relating to similar corporations; *provided*, said company shall locate said extension by actual survey of the route, and file such location with the county commissioners of Kennebec county within one year from the passage of this act; and in case said Somerset Railroad Company shall so elect, notify, locate and file within the times aforesaid, then the charter hereby granted to the Messalonskee and Kennebec Railroad Company shall be null and void.

Proviso.

Charter, when void.

Not authorized to locate over road-bed of other railroads.

SECT. 12. Nothing in this act shall be construed to authorize this corporation to locate its road over the road-bed of any other railroad, or take its property except to cross the same.

SECT. 13. This act shall take effect when approved.

Approved March 4, 1874.

Chapter 626.

An act to amend acts relating to a Municipal Court for the city of Lewiston.

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

Ch. 636, laws '71, amendment of.

SECT. 1. Chapter six hundred and thirty-six of the private and special laws of the year eighteen hundred and seventy-one, establishing a municipal court for the city of Lewiston, is hereby amended by striking out the words "plaintiff or" in the twenty-first line of section two of said chapter; also by adding after the word "Androscoggin," in the twenty-second line thereof the words "said court shall have concurrent jurisdiction with the supreme judicial court in the county of Androscoggin of the offenses described in chapter one hundred and twenty, sections one, six, seven, eight and nine of the revised statutes, when the value of the property is not alleged to exceed fifty dollars, and

may punish by fine not exceeding one hundred dollars, or by imprisonment for a time not exceeding six months;’ and also of the offenses described in chapter one hundred and thirty-two, section four of the revised statutes, and may punish by fine not exceeding fifty dollars, or by imprisonment for a time not exceeding three months; and also of the offenses described in chapter one hundred and eighteen, section twenty-eight of the revised statutes, and may punish by fine not exceeding fifty dollars, or by imprisonment for a time not exceeding three months; and also of the offenses described in chapter one hundred and twenty-four and section six of the revised statutes; and by adding to said section after the word “question” in the last line thereof the words, ‘except as is provided in chapter ninety-four, sections six and seven of the revised statutes;’ so that said section as amended, shall read as follows:

‘SECT. 1. 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 offenses committed against the ordinances and by-laws of said city, and over all such criminal offenses committed within the limits of the same as are cognizable by trial justices; *provided*, that warrants may be issued upon complaints for offenses 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 offense 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 defendant resides in the county of Androscoggin; said municipal court shall also have concurrent jurisdiction with the supreme judicial court in the county of Androscoggin, of the offenses described in chapter one hundred and twenty, sections one, six, seven, eight and nine of the revised statutes when the value of the property is not alleged to exceed fifty dollars, and may punish by fine not exceeding one hundred dollars, or by imprisonment for a time not exceeding six months; and also of the offenses described in chapter one hundred and thirty-two, section four of the revised statutes, and may punish by fine not exceeding fifty dollars, or by imprisonment for a term

Municipal court,
exclusive juris-
diction of.

Proviso.

—concurrent
jurisdiction.

—original
concurrent
jurisdiction.

CHAP. 626. not exceeding three months; and also of the offenses described in chapter one hundred and eighteen, section twenty-eight of the revised statutes, and may punish by fine not exceeding fifty dollars, or by imprisonment for a time not exceeding three months; also of the offenses described in chapter one hundred and twenty-four, and section six of the revised statutes; *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, except as is provided in chapter ninety-four, sections six and seven of the revised statutes.'

Proviso.

Sec. 4, amendment of.

By adding to section four after the word "action" in the fourth line thereof the words, '*provided, however*, that said court shall be held on every Tuesday of each month except the month of August, for the entry and trial of actions of forcible entry and detainer, and judgment in such actions may be entered on the day when the same is heard and determined.' As amended said section shall read as follows:

Term of court, when to be held.

'SECT. 2. Said court shall be held on the first Tuesday of each month, except the month of August, 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;

Proviso.

Judgment, when entered.

provided, however, that said court shall be held on every Tuesday of each month except the month of August, for the entry and trial of actions of forcible entry and detainer; and judgment in such actions may be entered on the day when the same is heard and determined; and whenever said judge is prevented from attending at the time when a court is to be held for civil business, the city marshal or his deputy may by oral proclamation adjourn said court from day to day, until said judge can attend, and in case of necessity, without day; and when so adjourned, actions brought for that term shall be entered by the clerk, and they, with all other actions on the docket not otherwise disposed of, shall be continued to the next term.'

Non-attendance of judge, city marshal may adjourn court.

Sec. 15, amendment of.

Said chapter is further amended by striking out section fifteen thereof, and inserting the following section in its stead:

Costs and fees.

'SECT. 15. Costs and fees allowed to parties, witnesses and attorneys in all actions in said court in which the amount of debt or damages claimed in the plaintiff's declaration does not exceed twenty dollars, shall be the same allowed in actions before trial justices, except that the plaintiff, if he prevail, shall be allowed two dollars for his writ, and the defendant, if he prevail, shall be allowed two dollars for his pleading; but in all actions in which the debt or damages demanded in the plaintiff's declaration exceeds twenty dollars, the costs and fees allowed to parties and attorneys shall be the same allowed in the supreme judicial court, except that the defendant, if he prevail, shall be allowed two

dollars for his pleadings ; witnesses in such cases shall be allowed for their attendance one dollar per day and travel, as in other cases.'

Section twelve, specification five of the private and special laws of the year eighteen hundred and seventy-two, of chapter one hundred and seventy-seven, is hereby amended by inserting after the word "cents," in the tenth line thereof, the words 'for taxing costs and recording judgment in each criminal case, forty cents ; for each recognizance of persons charged with crime, for their appearance at the supreme judicial court, and for certifying and returning the same with or without sureties, twenty-five cents ; for making and recording each libel of liquors seized, fifty cents ; for making each process of commitment, twenty-five cents ; said fees to be allowed and paid in the same manner as fees in criminal matters on approval of the judge of said court,' so that said section as amended shall read as follows :

Sec. 12, specification 5, ch. 177, laws of 1872, amendment of.

SECT. 12. The governor, by and with the advice of the council, shall appoint a clerk of said court, who shall be a citizen of said Lewiston, and who shall hold his office for the term of four years, who shall be sworn, and who shall give bond to the treasurer of said city in the sum of two thousand dollars, to be approved by said judge ; and who shall be entitled to demand and receive for his services the same fees allowed by law to trial justices in matters relating to civil business, except the trial fee ; *provided*, that for the entry of an action and recording the same he shall be allowed sixty cents ; for taxing costs, recording judgment in each criminal case, forty cents ; for each recognizance of persons charged with crime for their appearance at the supreme judicial court, and for certifying and returning the same, with or without sureties, twenty-five cents ; for making and recording each libel for liquors seized, fifty cents ; for making each process of commitment, twenty-five cents ; said fees to be allowed and paid in the same manner as fees in criminal matters on approval of the judge of said court. In case of the absence of said clerk, or vacancy in said office, the judge of said court may appoint a clerk, who shall be sworn by said judge, and act during said absence, or till the vacancy is filled.

Clerk of court, appointment of.

—bond of.

—compensation of.

Proviso—fees.

Judge may appoint clerk in certain cases.

SECT. 13. Specification six of chapter one hundred and seventy-seven of the private and special laws of the year eighteen hundred and seventy-two is hereby amended by inserting after the word "court" in the fourth line thereof the words, 'said clerk shall hear complaints in all criminal matters, accusations in bastardy, draw all complaints and sign all warrants, and make and sign all processes of commitment, but the same shall be heard and determined as now provided by law, but such complaints, accusations, warrants, or processes of commitment drawn and signed by the

Specification 6, amendment of.

CHAP. 626. judge of said court shall be equally valid,' so that said section as amended shall read as follows :

Clerk, duties of.

'SECT. 5. Said clerk shall record the doings of said court, may administer oaths, and shall have such powers and perform such duties as are possessed and performed by the clerks of the supreme judicial court. Said clerk shall hear complaints in all criminal matters, accusations in bastardy, draw all complaints and sign all warrants, and make and sign all processes of commitment, but the same shall be heard and determined as now provided by law, but such complaints, accusations, warrants or processes of commitment, drawn and signed by the judge of said court shall be equally valid. Whenever said judge shall be engaged in the transaction of civil business, or be absent from the court-room, said clerk shall have and exercise the same powers and perform the same duties which said judge possesses, and is authorized to perform in the transaction of criminal business. All processes issued by said clerk in criminal matters shall bear the seal of said court and be signed by said clerk, and have the same authority as if issued and signed by said judge.'

—to perform duties of judge in certain cases.

Processes issued to bear seal of court.

Specification 7, amendment of.

SECT. 14. Specification seven, of chapter one hundred and seventy-seven of the private and special laws of the year eighteen hundred and seventy-two is hereby amended by striking out all of said section after the word "dollars," in the sixth line thereof, so that said section as amended shall read as follows :

Fines, penalties and fees, to be paid to clerk.

'SECT. 6. All fines, penalties and costs paid into said court upon convictions and sentences in criminal matters, together with all fees allowed to the judge of said court by law in the transaction of criminal business, shall be paid said clerk; *provided*, that there shall be allowed for every warrant issued, one dollar, and for the trial of an issue in criminal cases, two dollars.'

Proviso.

Specification 9, amendment of.

SECT. 16. Specification ninth of said chapter is amended by inserting in the first line thereof after the word "clerk," the words 'except the fees allowed for taxing costs and recording judgments in criminal matters, taking recognizances of persons charged with crime, making and recording libels of liquors seized, and for processes of commitment,' so that said section as amended shall read as follows :

Fines, penalties, &c., how disposed of.

'All fines and penalties received by said clerk, except the fees allowed for taxing costs and recording judgments in criminal matters, taking recognizances of persons charged with crime, making and recording libels of liquors seized and for processes of commitment, shall be accounted for and paid over in the same manner as is required by law of trial justices, and all fees allowed to said judge by law in criminal cases, and received by said clerk, including the trial fee in civil cases, shall be accounted for and paid over by him to the treasurer of said city of Lewiston quarterly, and all

other fees received by him shall be paid to the persons entitled CHAP. 627.
by law to the same, as if received by a trial justice.'

All acts and parts of acts inconsistent herewith are hereby repealed.

Approved March 4, 1874.

Chapter 627.

An act to incorporate the Unity Cheese Manufacturing Company.

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

SECT. 1. William Taber, Benjamin Bartlett, H. B. Rice, Gorham Clough, E. F. Thompson, Joseph Mitchell, N. D. Webb, their associates, successors and assigns are hereby constituted a corporation by the name of the Unity Cheese Manufacturing Company for the purpose of manufacturing cheese and carrying on all branches of trade connected therewith, in Unity village, county of Waldo, with all the rights and privileges, and subject to all the requirements provided or imposed upon similar corporations by the laws of this state.

Corporators.

Corporate name.

SECT. 2. The capital of said corporation shall not exceed three thousand dollars and shall be divided into shares of ten dollars each.

Capital.

SECT. 3. Said corporation may purchase and hold real and personal estate to an amount not exceeding three thousand dollars, with full power to manage, control and sell the same.

May purchase and hold real and personal estate.

SECT. 4. Any two persons named in this act may call the first meeting by posting two or more notices in some public place in said town of Unity seven days at least before the meeting.

First meeting, how called.

SECT. 5. This act shall take effect when approved.

Approved March 4, 1874.

Chapter 628.

An act to enable certain towns in the county of Knox to vote upon the proposition for a court house loan.

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

SECT. 1. In any town in the county of Knox, where at the annual meeting of the present year for the choice of town officers, a legal vote fails or has failed to be taken upon the proposition for

Towns in Knox county enabled to vote on proposition for a court house loan.