

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

SIXTY-FIRST LEGISLATURE

OF THE

STATE OF MAINE.

1883.

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1883.

PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE.

1883.

CHAP. 204 return to the treasurer of the state for the purpose of taxation as are required from saving banks.

Bank examiner to visit and examine annually.

SECT. 8. Said corporation shall be subject to examination by the bank examiner, who shall visit it at least once in every year, and as much oftener as he may deem expedient. At such visits he shall have free access to its vaults, books and papers, and shall thoroughly inspect and examine all the affairs of said corporation, and make such inquiries as may be necessary to ascertain its condition and ability to fulfill all its engagements. He shall preserve in a permanent form a full record of his proceedings, including a statement of the condition of said corporation. A copy of said statement shall be published by said corporation immediately after the examination of the same, in some newspaper published in Portland.

SECT. 9. This act shall take effect when approved.

Approved February 9, 1883.

Chapter 204.

An Act to establish a municipal court in the town of Westbrook.

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

Westbrook municipal court, established

SECT. 1. A municipal court is hereby established in and for the town of Westbrook, to be denominated the municipal court of the town of Westbrook, and to consist of one justice who shall be an inhabitant of said town and a person of sobriety of manuers. Said judge shall be appointed as provided in the constitution for the appointment of judges of municipal and police courts ; and shall be, ex-officio, a justice of the peace and of the quorum for the state, and have and exercise concurrent jurisdiction with trial justices of the county of Cumberland over all matters and things within their jurisdiction, and such authority and jurisdiction additional thereto as are conferred upon him by this act.

Appointment, qualification and authority of judge.

Jurisdiction.

SECT. 2. Said court shall have exclusive original jurisdiction of all offenses against the ordinances and by-laws of said town, and of all such criminal offenses and misdemeanors committed therein, as are cognizable by trial justices ; and of

all civil actions wherein the debt or damages demanded do not exceed twenty dollars, and both parties reside in said town; except when the judge of said court is interested in any such action as party or attorney.

SECT. 3. Nothing in this act shall be construed to give said court jurisdiction of any civil action in which the title to real estate, according to the pleadings or brief statement filed therein by either party, is in question; and all such actions brought therein shall be removed to the supreme judicial court, or otherwise disposed of as in like cases before a trial justice.

Not to have jurisdiction when title to real estate is in question.

SECT. 4. Said court shall be held on the first Saturday of each month, except July and August, at nine o'clock in the forenoon for the transaction of civil business at such place within said town as said judge shall determine; but the selectmen of said town may at any time, provide a court room in which case the court shall be held therein, and all civil processes shall be made returnable accordingly; and it may be adjourned from time to time, by the judge at his discretion; but it shall be considered in constant session for the cognizance of criminal actions.

Terms, first Saturday of each month.
—exceptions.

Town may provide court room.

Adjournment.

SECT. 5. If said judge is prevented by any cause from attending at the time said court is to be held for civil business, it may be adjourned from day to day by a constable of said town, or any deputy sheriff residing therein, without detriment to any action then returnable or pending, until he can attend, when said action may be entered or disposed of with the same effect as if it were the first day of the term; and it may be so adjourned without day when necessary, in which event, pending actions shall be considered as continued, and actions then returnable may be returned and entered at the next term with the same effect as if originally made returnable at said term.

May be adjourned by constable or sheriff when judge does not attend.

SECT. 6. Said judge may establish a seal for said court, or use the seal in common use by trial justices; and in addition to the judicial duties imposed upon him by this act, he shall keep the records of said court or cause them to be made and kept; and perform all other duties required of similar tribunals in this state; and copies of such records duly certified by said judge shall be legal evidence in all courts. All writs and processes issuing from said court shall be in the

Judge may establish seal.

—duties.

Copies of record, evidence.
Writs and processes, form and service.

CHAP. 204

usual forms, bear the teste of the judge, and be signed by him; and shall be served as like precepts are required to be served when issued by trial justices. But warrants in criminal cases issuing from said court shall be made returnable before the same; and no writ in a civil action shall be made returnable at a term of said court to begin more than two calendar months after the commencement of the action.

Actions to be
entered on first
day of term.

Proceedings.

SECT. 7. Actions in said court shall be entered on the first day of the term, and not afterwards, except by special permission. When a defendant, legally served, fails to enter his appearance by himself or his attorney, on the first day of the return term, he shall be defaulted; but if he afterwards appears during the term, the court may, for sufficient cause, permit the default to be taken off. Pleas in abatement must be filed on or before the day of the entry of the action. The defendant may file his pleadings, which shall be the general issue with a brief statement of special matters of defense, on or before the return day of the writ, and must file them on or before the first day of the next term, or he shall be defaulted, unless the court for good cause, enlarge the time for which it may impose reasonable terms. Actions in which the defendant files his pleadings on the return day, and all actions of forcible entry and detainer, seasonably answered to, shall be in order for trial at the return term, and shall remain so until tried or otherwise finally disposed of, unless continued by consent or on motion of either party for good cause, in which latter case, the court may impose such terms as it deems reasonable; but all other actions, unless defaulted or finally disposed of, shall be continued as of course, and be in order for trial at the next term.

Fees of judge.

SECT. 8. The judge of said court may demand and receive the same fees as are allowed to trial justices in similar cases, except that he shall be entitled to fifty cents for a complaint and warrant in criminal actions, twenty-five cents for the entry in a civil action, and one dollar for the trial of an issue, civil or criminal, and two dollars for every day after the first, occupied in such trial, to be paid by the plaintiff in civil actions and recovered by him as costs, if he prevail in the suit; and the fees so received by the said judge shall be payment in full for his services.

SECT. 9. The costs and fees allowed to parties, attorneys and witnesses, in all actions in said court, shall be the same as allowed by trial justices in actions before them; except that the plaintiff, if he prevail, shall be allowed one dollar for his writ, and the defendant, if he prevail, one dollar for his pleadings.

CHAP. 205

Costs and fees to parties, attorneys and witnesses, how regulated.

SECT. 10. Any party may appeal from a sentence or judgment of said court to the then next term for civil or criminal business, as the case may require, of the court having jurisdiction within the county of Cumberland, by appeal from trial justices; and such appeal shall be taken and prosecuted in the same manner as from a sentence or judgment of a trial justice.

Appeals.

SECT. 11. Trial justices are hereby restricted from exercising any jurisdiction in said Westbrook over any matter or thing, civil or criminal, except such as are within the jurisdiction of justices of the peace and of the quorum, and except that they may issue warrants on complaints for criminal offenses returnable before said court; or in case of the death, disability or long continued absence from the state, of the judge, before themselves or some other trial justice within and for said county; *provided* that said restrictions shall be suspended until the said judge shall be appointed and enter upon the duties of his office.

Jurisdiction of trial justices, restricted.

Approved February 13, 1883.

Chapter 205.

An Act to prevent the taking of trout from Tuft's Pond and Grindstone Pond, in the town of Kingfield for the term of three years.

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

SECT. 1. All persons are forbidden to take trout, in any manner, from Tuft's pond and Grindstone pond, in the town of Kingfield, in the county of Franklin, for the term of three years from the passage of this act.

Taking of trout from Tuft's and Grindstone ponds prohibited.

SECT. 2. Any person violating the provisions of this act shall forfeit and pay not less than five nor more than ten dollars, to be recovered by complaint before any trial justice,

Penalty for violation of act.