

# MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

PASSED BY THE

THIRTY-FIRST LEGISLATURE

OF THE

STATE OF MAINE,

A. D. 1852.

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1852.

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PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE.

1852.

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An act to amend an act entitled "an act to incorporate the city of Calais,"

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

Section 11,  
amendments  
of.

SECT. 1. The act incorporating the city of Calais, is hereby amended by inserting in section eleven, after the words "by-laws of said city," the words, "and all warrants issued upon complaints for any offense committed in said city, shall be made returnable before the municipal court of said city, and no justice of the peace residing in said city, shall take cognizance of, or exercise jurisdiction over any crime, offense, or misdemeanor, or any civil action, except in cases where said judge is a party, or interested in any such suit or prosecution, and except as hereinafter provided, under a penalty of twenty dollars for every violation thereof, to be recovered by indictment; but nothing in this act, shall be construed as prohibiting any justice from exercising at all times, all the powers and jurisdiction given them by the laws of the United States, and in all matters and things pertaining to the disclosures of poor debtors; nor shall this act affect any process pending at the time it shall go into effect." So that said section eleven as amended shall read

Section 11, as  
amended.

"A police court shall be, and hereby is established in and for the city, to be denominated the municipal court for the city of Calais, to consist of one judge, who shall be appointed and commissioned in the manner provided by the constitution, who shall have concurrent jurisdiction with justices of the peace, in all matters, civil and criminal, under twenty dollars within the county of Washington, and original and exclusive jurisdiction in all civil actions in which both parties interested, or in which the party, plaintiff, and the person or persons summoned as trustees shall be inhabitants of or residents of said city of Calais, excepting all actions in which said judge may be interested; and said court shall also have concurrent jurisdiction with justices of the peace and quorum, in all cases of forcible entry and detainer, arising in said county, and original and exclusive jurisdiction in all such cases arising in the city, and shall also have original and exclusive jurisdiction of all violations of the by-laws of said city; and all warrants issued upon complaints for any offense committed in said city, shall be made returnable before the municipal court of said city, and no justice of the peace residing in said city, shall take cognizance of, or exercise jurisdiction over any crime, offense, or misdemeanor, or in any civil action, except in cases where said judge is a party, or in-

Judge, concurrent jurisdiction with justices of the peace.

Exclusive jurisdiction.

Exceptions.

Concurrent jurisdiction with justices of the peace in certain cases.

Exclusive jurisdiction in certain cases.

Warrants, when returnable, &c.

Justices of the peace not to exercise jurisdiction in certain cases, &c.

Exceptions.

CHAP. 611.

terested in any such suit, or prosecution, and except as is hereinafter provided, under a penalty of twenty dollars for every violation thereof, to be recovered by indictment; but nothing in this act, shall be construed as prohibiting any justice from exercising at all times, all the powers and jurisdiction given them by the laws of the United States, and in all matters and things pertaining to the disclosures of poor debtors, nor shall this act affect any process pending at the time it shall go into effect. And any person aggrieved by any judgment awarded by said court, may appeal therefrom to the district court for said county, in like manner as if the same had been awarded by any justice of the peace, or justices of the peace and quorum."

Justices of the peace not prohibited from acting under authority of the U. S., &c.

Parties aggrieved by judgment, may appeal, &c.

SECT. 2. Section twelve of said act is also amended by inserting after the words "courts of the state," the words, "the said judge may appoint a clerk who shall be a justice of the peace, duly qualified, and who shall be sworn, and who shall keep the records of said court when requested so to do by the judge, and in case of the absence or sickness of said judge, shall have and exercise, in his said capacity of justice of the peace, all the powers of the judge, except the trial of civil causes; and for all such services rendered he shall be paid therefor by the said judge." So that section twelve as amended shall read, "it shall be the duty of said court to make and keep its own records, which records shall be such as would be legal records in a court of a justice of the peace; and copies of the records of said court, duly certified, shall be evidence in the other courts of the state. The said judge may appoint a clerk who shall be a justice of the peace, duly qualified, and who shall be sworn, and who shall keep the records of said court, when requested so to do by the judge, and in case of the absence or sickness of said judge shall have and exercise, in his said capacity of justice of the peace, all the powers of the judge, except the trial of civil causes; and for all such services rendered he shall be paid therefor by the said judge. Said court shall be holden on the first and third Monday of each month, at nine of the clock in the forenoon, at such place as the city shall provide for the purpose, for the transaction of civil business; and all civil process shall be made returnable accordingly. And the fees in all cases, civil and criminal, shall be the same as are now taxable by justices of the peace; *provided*, that the price of blank writs signed by said judge shall be one cent and no more. And all fines, penalties and costs which may be awarded by said court, in the administration of its criminal jurisdiction,

Sec. 12, amended of.

Section 12, as amended.

Records, how kept, &c.

Clerk, appointment of, and duty.

May act as judge in certain cases.

Time of holding said court.

Fees, &c.

Fines, &c., how disposed of.

CHAP. 611.

Account of moneys received, when rendered, &c.

shall be accounted for, and paid over by said judge, in the same manner, as if the same had been awarded by the sentence of a justice of the peace; and said judge shall once in three months render an account of, and pay over to the treasurer of said city, all sums of money, by him received for copies of papers, and all fees of said office."

Sec. 13, amendment of.

SECT. 3. Section thirteen is also amended by inserting after the words "duties of his office," the words "and of failure or neglect to appoint a clerk as provided in the preceding section." Said section is also further amended by adding at the close as follows; "in case of a vacancy in the office of judge, the justice of the peace in and for said county, may exercise jurisdiction in civil and criminal matters until such vacancy is filled, and until all matters instituted during such vacancy shall have received the final adjudication of said justices." So that section thirteen as amended shall read, "in case of death, or sickness or other disability of said judge, to attend at the time and place as provided in the preceding section for the transaction of civil business, the said court shall stand adjourned until the next term of said court, and so from term to term, without costs to either party, until the judge is able to attend. And in

Disability, &c., of judge, court to stand adjourned.

Justices of the peace, jurisdiction of in case of disability of judge.

case of disability as aforesaid, to perform the other duties of his office, and of failure or neglect to appoint a clerk as provided in the preceding section, the criminal jurisdiction of said court shall devolve upon the justices of the peace for the county of Washington, during the continuance of said disability, and until such proceedings as are instituted during the continuance of said disability, shall have received the final adjudication of said justices. In case of a vacancy in the office of judge, the justice of the peace in and for said county may exercise jurisdiction in civil and criminal matters until such vacancy is filled, and until all matters instituted during such vacancy shall have received the final adjudication of said justices."

Jurisdiction in case of vacancy in office of judge.

Sec. 14, amendment of.

SECT. 4. The fourteenth section of said act is also amended by striking out the words "such amount as the city council shall vote and determine" and inserting the words "three hundred and fifty dollars." So that section fourteen as amended shall read, "the city of Calais shall have the power, and it shall be its duty to raise money to provide a suitable room in which to hold said court, and to furnish the same in an appropriate manner. The judge of the said municipal court, shall receive from the said city of Calais, in quarter yearly payments, an annual salary of three hundred and fifty dollars, which shall be

Court room to be furnished.

Salary of judge.

in full of all fees and emoluments pertaining to said office. And the said judge shall not act as counsel or attorney, in any case within the jurisdiction of said court, nor in any suit, matter or thing which may depend on, or have relation to any case, matter or thing depending or cognizable in said court.”

CHAP. 612.

Judge not to  
act as counsel.

SECT. 5. This act shall take effect in ten days after its approval by the governor.

[Approved April 19, 1852.]

### Chapter 612.

An act to incorporate the Bath Savings Institution.

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

SECT. 1. William M. Reed, William Torrey, Johnson Rideout, William D. Sewall, William E. Payne, Zina Hyde, A. R. Mitchell, Charles Clapp, junior, Davis Hatch, F. H. Morse, Charles Davenport, John B. Swanton, Benjamin Randall, Freeman Clark, Oliver Moses, William N. Moses, and David C. Magoun, their associates and successors, be and hereby are incorporated into a body politic and corporate by the name of the Bath Savings Institution, with all the rights and privileges incident thereto, and with power by that name to prosecute and defend suits at law and equity—to have and use a common seal—elect all necessary officers for the transaction of business, receive deposits and use and invest the same for the best advantage of the depositors—make, establish and enforce by-laws for the management of the concerns of the corporation, not repugnant to the laws of the state—and said corporation shall be established in the city of Bath.

Corporators.

Corporate  
name.Powers and  
privileges.

SECT. 2. The first meeting of said corporation may be held at such time and place as the first five corporators may designate by giving notice thereof ten days previously in the Northern Tribune, a paper published in Bath—at which meeting, by-laws may be ordained—all necessary officers elected, and other corporation business transacted—and at said meeting and every subsequent annual meeting, new members may be elected by ballot.

First meeting.

SECT. 3. All deeds of conveyance, or other instruments made in behalf of the corporation shall be sealed with the corporate seal—and when made in pursuance of any vote of the

Instruments to  
be sealed.