

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

PASSED BY THE

THIRTY-EIGHTH LEGISLATURE

OF THE

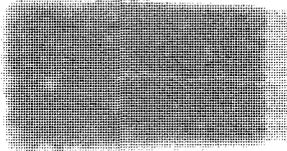
STATE OF MAINE.

1859.

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1859.



PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE.

1859.

CHAP. 358.

Powers, privileges, &c.

Proviso.

and subject to all the liabilities of inhabitants of other towns, and the town of Presque Isle thus created shall take the effects belonging to the towns of Presque Isle and Maysville, and shall also assume all the obligations of said towns; *provided however*, that the provisions of this section shall not take effect unless a majority of the people of each of the towns of Presque Isle and Maysville present at the annual election on the second Monday of September next, shall vote in favor of accepting the same.

SECT. 5. This act shall take effect from and after its approval by the governor.

[Approved April 4, 1859.]

Chapter 358.

An act additional to an act to increase the capital stock of the Long Reach Bank, approved March twenty-second, in the year of our Lord one thousand eight hundred and fifty-nine.

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

When to take effect.

SECT. 1. The act to which this act is additional, shall be deemed to have taken effect from and after its approval by the governor.

SECT. 2. This act shall take effect when approved by the governor.

[Approved April 4, 1859.]

Chapter 359.

An act to establish a municipal court in the town of Lewiston in the county of Androscoggin.

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

Municipal court in the town of Lewiston established.

— to consist of one justice.

SECT. 1. There shall be and hereby is established in and for the town of Lewiston in the county of Androscoggin, a municipal court to be called the municipal court for the town of Lewiston, and said court shall always consist of one justice, a citizen of said town, who shall be appointed by the governor with the advice of the council, who shall hold his office until the Monday following the next annual spring meeting in said town.

Judge, powers and jurisdiction of.

SECT. 2. The justice of said court shall, except when interested, exercise concurrent jurisdiction, with justices of the peace over all

such matters and things, civil and criminal, within said county of Androscoggin, as are by law within the jurisdiction of justices of the peace, also concurrent jurisdiction with justices of the peace and quorum in cases of forcible entry and detainer in said county and exclusive jurisdiction in all civil actions if otherwise cognizable by a justice of the peace in which both parties interested, or plaintiff and a person summoned as trustee, are inhabitants of, or residents in said town, also exclusive jurisdiction in all cases of forcible entry and detainer in said town.

SECT. 3. The said court may take cognizance of all larcenies when the property alleged to have been stolen, shall not exceed in value the sum of twenty dollars, and on conviction may award such sentence as is by law provided for such offences, and shall have exclusive jurisdiction of all offences against the by-laws of said town of Lewiston; and it shall also be lawful for said justice at his discretion to commit to the jail of said county, or to the house of correction of said town on such terms as may be agreed upon by said town, or the selectmen of said town and the county commissioners of said county, and in prosecutions on the by-laws of said town, they need not be recited in the complaint, nor the allegations therein be more particular, than in prosecutions on a public statute.

Further jurisdiction.

SECT. 4. Any person aggrieved by any sentence or judgment awarded by said justice, may appeal therefrom, in the same manner as if sentence or judgment were awarded by a justice of the peace, and under such recognizance as said court may require.

Appeal.

SECT. 5. It shall be the duty of the justice of said court to make and keep his records and perform all the duties which are usually exercised by justices of the peace, and copies of the records of such court duly certified by the justice shall be legal evidence in all courts.

Judge, duties of.

SECT. 6. The court shall be held weekly on Monday at nine of the clock in the forenoon at such place as the justice shall direct, and all civil processes shall be made returnable accordingly; and the justice may adjourn the court from time to time if necessary.

Court, when and where to be holden.

SECT. 7. In case of the inability of the justice to attend at the place appointed on any court day to transact business, such court shall stand adjourned to the succeeding Monday, and so from week to week, until the justice is able to attend.

— to stand adjourned in case of disability of justice.

SECT. 8. The justice may at his own expense appoint a recorder for said court during his pleasure, who shall be a justice of the peace for said county, and a citizen of said town, who may make the records of said court, and in case of the sickness, or absence of

Recorder, appointment and duties of.

CAAP. 359.

said justice, shall have all the powers, and exercise all the duties of said justice, except the trial of issues in civil actions.

Fees.

SECT. 9. The fees of said justice shall be the same as those now allowed to justices of the peace, except in cases hereinafter specified, to wit: said judge may demand and receive one dollar for every warrant issued by him, and one dollar for the trial of each criminal case, and one dollar additional for each day the trial may continue beyond the first; and said justice shall keep an account of said fees and pay the same, quarterly to the treasurer of said town of Lewiston.

Fees, how disposed of.

SECT. 10. All fees and penalties awarded by said justice, shall be accounted for and paid over as if the same had been awarded by the sentence of any justice of the peace.

Vacancy in office justices of the peace may perform duties.

SECT. 11. When the office of justice in said court, shall be vacant in consequence of resignation or death, the justices of the peace residing in the town of Lewiston may perform all acts and duties appertaining to the office of justice of the peace during the continuance of such vacancy and until such proceedings as are instituted during such continuance, shall be completed.

Justice of the peace to act in certain cases.

SECT. 12. Any justice of the peace in said town of Lewiston may take cognizance of any action, matter or thing within the jurisdiction of a justice of the peace wherein the said justice or recorder is a party, or interested.

Justice of the peace not to act except in certain cases.

SECT. 13. No justice of the peace residing in the town of Lewiston shall in any manner except as is mentioned in the preceding sections, take cognizance of, or exercise jurisdiction over any crime or offence, or in any civil action, or accept or receive any fee or reward therefor, and all warrants issued by any justice of the peace within and for the county of Androscoggin for any offence committed in said town of Lewiston shall be made returnable before said municipal court for the town of Lewiston, and any justice of the peace who shall violate this section shall forfeit twenty dollars to be recovered on indictment, but nothing in this section shall be construed as prohibiting justices of the peace residing in said town of Lewiston from exercising all the power and jurisdiction given therein by any law of the United States.

Violation, penalty.

Town to furnish court room, &c.

SECT. 14. The said town of Lewiston shall provide and furnish a suitable court room for the purpose of holding said court therein and shall furnish at the expense of said town fuel, lights, stationery and all other necessary articles to be used in and about said court room; and the inhabitants of said town are hereby authorized and empowered to raise by taxation all moneys necessary for the purposes aforesaid.

SECT. 15. The justice of said court shall not in any case act as counselor or attorney in any case which may come before said court.

CHAP. 360.

Justice shall not act as counselor, &c.
Salary.

SECT. 16. And the justice of said court shall receive an annual salary of three hundred dollars, until a different salary shall be fixed by the selectmen of Lewiston, payable quarterly out of the treasury of said town, and said salary shall be in full compensation for all services, fees, costs and copies, both in criminal and civil cases.

SECT. 17. This act shall be in force from and after its acceptance by ballot, by the legal voters of said town of Lewiston, at any legal meeting of the inhabitants of said town.

Act when to take effect.

[Approved April 4, 1859.]

Chapter 360.

An act to incorporate the Maine State Society for improving horses.

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

SECT. 1. George W. Ricker, William S. Grant, Thomas S. Lang and John K. Russell, their associates, successors and assigns are hereby incorporated by the name of the Maine State Society for improving horses, for the purpose of improving the breed and quality of horses in this state, by means of public exhibitions and the distribution of premiums, and otherwise as in their judgment will best secure the purpose aforesaid; and said society may choose all needful officers, and have power to purchase and hold property real and personal to an amount not exceeding five thousand dollars, and pass any regulations and by-laws not inconsistent with the laws of this state which they may deem necessary for the management of their own affairs.

Corporators.

Corporate name.

Officers.

May hold real and personal estate.

By-laws.

SECT. 2. Said society shall have all the police powers at their public exhibitions, conferred on agricultural societies by sections seventeen, eighteen and nineteen of chapter fifty-eight of the revised statutes.

Powers.

SECT. 3. This act shall take effect from and after its approval by the governor.

[Approved April 4, 1859.]