

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

112

PASSED BY THE

FORTIETH LEGISLATURE

OF THE

STATE OF MAINE.

1861.

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1861.

PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE.

1861.

Chapter 77.

An act to change the names of certain persons.

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

Names
changed.

SECT. 1. Edward Fenderson of Biddeford, shall be allowed to take the name of Edward Jason Fenderson ; Alfred Thomas Williams of Readfield, shall be allowed to take the name of John Merrill Williams ; Job Nelson Blake of Brooksville, shall be allowed to take the name of Nelson Blake ; Jane Murphy of Exeter, shall be allowed to take the name of Jane Murrey ; William Coombs of Bangor, shall be allowed to take the name of William Lincoln Coombs ; Andrew Wadsworth of Hiram, shall be allowed to take the name of Llewellyn Andrew Wadsworth ; Newell H. Mink of Waldoborough, shall be allowed to take the name of Newell H. Cushman ; Job S. Cleveland of Embden, shall be allowed to take the name of Jere Cleveland ; Andrew J. Keaser of Stetson, shall be allowed to take the name of George Forrest ; Edward A. Googins of Franklin county, shall be allowed to take the name of Edward Lincoln.

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

[Approved March 14, 1861.]

Chapter 78.

An act to establish a police court in the city of Rockland.

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

Police court in
the city of
Rockland,
established.

SECT. 1. There is hereby established in the city of Rockland, a court to be denominated the police court for the city of Rockland, to consist of one judge, who shall be appointed, commissioned and qualified in the manner provided by the constitution of this state, and be a citizen of said city, and so continue while he remains in office.

Jurisdiction.

SECT. 2. Said judge shall, except where interested, exercise jurisdiction over all such matters and things, civil and criminal, within the county of Knox, as justices of the peace or trial justices may exercise, and under similar restrictions and limitations, and concurrent jurisdiction with justices of the peace and quorum and trial justices in cases of forcible entry and detainer in said county ; and exclusive jurisdiction in all such matters or things where both parties interested, or the plaintiff and the person or persons summoned as trustees, shall be inhabitants of or residents in said city ;

Exclusive
jurisdiction in
certain cases.

and said court shall also have exclusive jurisdiction over all such criminal offences committed within the limits of said city, as are cognizable by justices of the peace or trial justices, and under similar restrictions and limitations.

SECT. 3. Said judge shall have jurisdiction in all cases of simple larceny, where the property alleged to have been stolen shall not exceed in value the sum of twenty dollars, and on conviction award such sentence as is provided by law for such offences, and shall have exclusive jurisdiction of all offences against the ordinances and by-laws of said city though the penalty therefor may accrue to said city; and in the prosecutions on any such ordinances or by-laws, or any special law of the state relating to said city, such by-law, ordinance or special law need not be recited in the complaint or process, nor the allegations therein be more particular than in prosecutions on a public statute.

Jurisdiction in cases of simple larceny.

Sentence.

Exclusive jurisdiction of offences against city ordinances, &c.

Complaint, allegations of.

SECT. 4. Said judge shall have jurisdiction of all cases of cheating by false pretences, where the property, money or other thing alleged to have been fraudulently obtained shall not exceed in value the sum of twenty dollars, and shall have power to try the same and award sentence upon conviction, by fine not exceeding twenty dollars, or imprisonment in the county jail, or in the house of correction to hard labor for a term not exceeding ninety days. The same proceedings may be had before said court, and in the same manner against persons keeping houses of ill-fame resorted to for the purposes of prostitution or lewdness, on complaint as before a justice of the peace or trial justice.

Jurisdiction of cases of fraud, &c.

May award sentence. Nature and term of sentence.

Houses of ill fame.

SECT. 5. All warrants issued upon complaints for offences committed within the limits of said city shall be issued by the judge of said court, and shall be made returnable before said court, and no justice of the peace or trial justice in said county of Knox, shall in any manner take cognizance of, or exercise jurisdiction over any crime or offence committed within the limits of said city except as hereinafter provided.

Warrants issued upon complaints within the limits of the city.

SECT. 6. The several justices of the peace in said city shall continue to have and exercise all the power and authority vested in them by the laws of the United States; but no such justice of the peace, nor any trial justice for said Knox county, shall exercise any civil or criminal jurisdiction otherwise, except as hereinafter provided, unless in civil cases where the said judge is interested, under a penalty of twenty dollars for each offence, to be recovered by indictment in any court proper to try the same; but nothing in this act shall be construed to prevent said justices of the peace or trial justices administering oaths, taking acknowledgements of deeds and other writings acting as arbiters and referees, or doing any business other than that especially devolving upon said court.

Justices of the peace, powers of.

Penalty, how recovered.

—may administer oaths, &c.

CHAP. 78.

Right of
appeal.

SECT. 7. Any person may appeal from a sentence or judgment against him to the then next term for civil or criminal business, as the case may require, of the court having jurisdiction within said county, by appeal from justices of the peace or trial justices; and such appeal shall be taken and prosecuted in the same manner as from a sentence or judgment of a justice of the peace or trial justice, and under such recognizance as said judge may require.

Fines, &c., to
be accounted
for.

SECT. 8. All fines and penalties awarded by said judge shall be accounted for and paid over as in cases of those awarded by justices of the peace or trial justices.

Time of holding
court.

SECT. 9. Said police court shall be holden on the first Tuesday of each month, at nine of the clock in the forenoon, for the transaction of civil business, and all civil processes shall be made returnable accordingly; and said court may be adjourned from time to time at the discretion of the judge. Said court to be held at such

Civil processes.

Court may be
adjourned from
time to time.Place of hold-
ing court.Record, how to
be kept.Copies of
record to be
legal evidence.

Fees.

Proviso.

place as said city shall provide for that purpose. It shall be the duty of the judge of said court to make and keep the records of said court, or cause the same to be done, and to perform all other duties required of similar tribunals; and copies of the records of said court duly certified by the judge shall be legal evidence in any court of this state. The fees in all cases, civil and criminal, before said court, shall be the same as are now taxable by justices of the peace or trial justices; *provided*, that the price of blank writs, which shall be signed by the judge of said court and bear the seal of said court, shall be two cents; and said judge shall keep an account of said fees, and pay the same quarterly into the treasury of said city.

In case of
vacancy of
judge, &c.

SECT. 10. When the office of judge of said court shall be vacant in consequence of resignation, death, or removal of the judge's residence from said city, the trial justices of said city, if it have any, or if not, the trial justices of the adjoining towns, may perform all acts and duties appertaining to the office of trial justice during the continuance of such vacancy; and all the proceedings instituted during such vacancy shall be finally determined by the trial justice instituting the same; and when such a vacancy occurs, all the proceedings and business pending in said court shall stand continued to the first Tuesday of the month next after such vacancy shall be filled.

In case of
vacancy of
judge, proceed-
ings shall stand
continued.In case of
sickness, &c.

SECT. 11. In case of sickness, absence from said city, or other disability of the judge to attend at the regular times of holding said court, for the transaction of civil business, as provided in section nine, the said court shall stand adjourned till the next term, and so from term to term, without cost to either party, until the judge is able to attend; and during such sickness, absence or other disability, any person that the judge may appoint, may enter actions at the regular term, and make such entries under them as

—entries, how
made.

CHAP. 78.

necessary. If the judge is unable to perform the other duties of his office, the criminal jurisdiction of said court shall devolve exclusively upon the trial justices mentioned in section ten, and all proceedings instituted during that time shall be finally determined by the trial justices instituting the same.

—criminal jurisdiction to devolve on trial justices.

SECT. 12. The writs and processes in civil actions, issued from said court, shall be the same as now provided by law, and shall be served at least seven days, and if the defendant or trustee be a corporation, thirty days before the return day; and the costs and fees allowed to parties and attorneys in actions in this court, shall be the same as allowed by law in actions before justices of the peace or trial justices.

Civil actions, writs, &c., in.—service, how made.

Costs and fees.

SECT. 13. Said city of Rockland shall have 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, including stationery, record books, fuel, lights and other things, necessary to accommodate said court. The judge of said court shall receive from said city, in quarter yearly payments, at the close of each quarter, an annual salary of such amount as the mayor and aldermen shall determine, which shall be in full for all fees pertaining to said office; and the judge of said court shall not act as counsel or attorney in any case within the jurisdiction of said court, nor in any such matter or thing which may depend on or have relation to any case, matter or thing depending or cognizable in said court.

Court room, &c., to be provided by the city.

Salary of judge, how established.

Judge not to act as counsel, &c.

SECT. 14. The judge of said court may, if he chooses, 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 Rockland, who may make the records of said court.

Recorder may be appointed by the judge.

SECT. 15. Any trial justice of said city, if it has any, and if not, of either of the adjoining towns, may take cognizance of any action, matter or thing within the jurisdiction of a trial justice, wherein the judge of said court or recorder is a party or interested.

Trial justices may act when judge or recorder is a party, &c.

SECT. 16. The municipal court of said city of Rockland, established by an act approved April seventeen, eighteen hundred fifty-four, is hereby abolished.

Municipal court abolished.

SECT. 17. All civil actions which shall at the time this act takes effect, be pending in said municipal court, or be returnable thereto, and all other actions, suits, matters and things which may then be pending in said municipal court, and all writs, warrants, recognizances and processes returnable to, and which would have had day therein, had not this been passed, shall thereupon be returnable to, have day in, and be fully acted upon by the police court established by this act; and the said police court shall have full power and authority to grant any execution to carry into effect any judgment rendered in the said municipal court, in the same manner as the

All actions pending in the municipal court shall be returnable to the police court.

Police court, power and authority of.

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Records, &c.,
where to be
kept.

Inconsistent
acts repealed.

said municipal court might have done had not this act been passed.

SECT. 18. The records and papers of the said municipal court shall upon the abolition of said municipal court, be deposited with and kept by the judge of the court established by this act, and he shall grant and certify copies of said records when required, which shall be evidence of the contents thereof in any legal proceeding. All acts and parts of acts inconsistent with this act are hereby repealed.

SECT. 19. This act shall take effect upon its approval by the governor.

[Approved March 14, 1861.]

Chapter 79.

An act additional to and amendatory of an act to supply the people of Rockland with pure water, passed August twenty-second, eighteen hundred and fifty.

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

Act of incorpora-
tion ap-
proved Aug.
22, 1850,
amended.

SECT. 1. That the Rockland Water Company provided for by said act is hereby authorized and empowered to take, hold and convey in the manner provided for therein, as well the water of Oyster river pond in Camden, as of said Tolman's pond into and through the city of Rockland and town of Thomaston, and also from said city of Rockland into the towns of Camden and South Thomaston, not exceeding one mile from the boundary line of said Rockland; and the said corporation shall have the same rights, powers and privileges and be subject to the same liabilities, limitations and conditions and be answerable to parties injured thereby in the same manner in respect to taking and conveying the said waters, as are provided for in said act, in respect to taking and appropriating the water of Tolman's pond. And instead of the remedies for the recovery of damages provided in this act, any party injured by the taking, using or appropriating by said company of the waters of Oyster river pond or Oyster river stream or any land or material hereafter taken or used or flowed by the erection or making any of the works of said company, to draw or use the water from Oyster river pond or Oyster river stream, may have and pursue the same remedies as is provided by chapter ninety-two of the revised statutes in the case of flowing lands and diverting water to supply mills and the mode of obtaining damages thereof.

Rights, pow-
ers, privileges,
&c.

Damages, how
determined.

Authorized to
take water from
certain ponds.

SECT. 2. The said corporation is hereby empowered to take, use and appropriate water from both or either of said ponds, for sup-