

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

PASSED BY THE

FORTY-SIXTH LEGISLATURE

OF THE

STATE OF MAINE.

1867.

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1867.

PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE.

1867.

CHAP. 346. teen hundred and sixty-seven ; and provided further, that the proceeds of such sale shall be invested by said trustees for the use and benefit of the minister of said parish and his successors forever, according to the tenor of the original grant.

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

Approved February 23, 1867.

Chapter 346.

An act to establish a municipal court in the city of Saco.

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

Municipal court established.

Shall have a seal and be a court of record.

Shall consist of one justice.

How elected, qualified, &c.

Shall exercise concurrent jurisdiction, &c.

In what case to have exclusive jurisdiction.

In what cases to have original

SECTION 1. A municipal court shall be and hereby is established in and for the city of Saco, to be denominated the municipal court of the city of Saco, which shall have a seal, and shall be a court of record, except for and in its proceedings wherein the amount or value sued for, or in controversy, are within the jurisdiction of trial justices. Said court shall consist of one judge, who shall be a member of the bar in York county, and shall reside during his continuance in said office in said city of Saco, and who shall be elected, qualified, and hold his office as provided in the constitution, and shall, except when interested, exercise concurrent jurisdiction with justices of the peace, justices of the peace and quorum, trial justices, and the municipal court of Biddeford over all such matters and things civil and criminal within the county of York, as are by law within the jurisdiction of justices of the peace, justices of the peace and quorum, and trial justices in said county, except in actions civil and criminal, over which said municipal court of the city of Biddeford has, or may have, by law, exclusive jurisdiction.

SECT. 2. Said municipal court of the city of Saco shall have exclusive jurisdiction in all civil actions in which the debt or damages demanded by the plaintiff does not exceed twenty dollars, and both parties thereto have their residence in said city of Saco, or in which some person residing in said Saco is in good faith and on probable grounds summoned as trustee of a party defendant residing in the county of York, and shall also have exclusive jurisdiction over all offences committed against the ordinances and by-laws of said city of Saco, and over all such criminal offences committed within the limits of said Saco as are cognizable by trial justices.

SECT. 3. Said court shall have original jurisdiction, concurrent with the supreme judicial court, in all civil actions where the debt

or damages demanded does not exceed fifty dollars, in which the defendant, or one of the defendants, if more than one, resides in said Saco or in the city of Biddeford, and in actions in which a person residing in said Saco or Biddeford is in good faith summoned as trustee; and said court shall have original jurisdiction, concurrent with the supreme judicial and with the municipal court of the city of Biddeford, over crimes, offences and misdemeanors committed in said county of York, which are, by law, punishable by fine not exceeding twenty dollars, and by imprisonment in the county jail not exceeding three months, or by sentence to the reform school.

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jurisdiction
concurrent
with supreme
judicial court.

SECT. 4. Any party may appeal from any judgment or sentence of said court to the supreme judicial court, in the same manner as from a sentence or judgment of a trial justice.

Appeals
allowed.

SECT. 5. The judge of said court shall not act as attorney or counsel in any action, matter or thing within the jurisdiction of said court.

Judge shall not
act as attorney
or counsel.

SECT. 6. Warrants may be issued upon complaints for offences committed in said city of Saco, by the judge of said court, by the judge of the municipal court of the city of Biddeford, or by any trial justice in said county, but all such warrants shall be made returnable before said municipal court of the city of Saco; and no justice of the peace, trial justice or judge of the municipal court of the city of Biddeford, shall take other cognizance over any crime, offence or misdemeanor committed in said city of Saco, or in any civil action where said court has exclusive jurisdiction; nor shall any trial justice residing in said city of Saco issue any civil or criminal process within said county other than warrants as aforesaid, nor take any cognizance thereof, except in cases where the judge of said court is a party or interested in such suit or prosecution, or except in disclosures of poor debtors. Any trial justice or other judicial officer who shall violate any of the provisions of this act shall forfeit fifty dollars for each and every violation thereof, to be recovered on indictment; but nothing in this act shall be construed to prohibit any justice of the peace or trial justice from acting in a ministerial capacity, or from exercising at all times all the power and jurisdiction given him by any law of the United States.

Warrant upon
complaints,
how issued and
returnable.

Powers of
magistrates,
how restricted.

Forfeiture of
judicial officers
for violation of
this act.

Justices of the
peace and trial
justices may do
ministerial
acts.

SECT. 7. The court shall be held on the second and fourth Tuesdays of each month, at nine o'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, but shall be considered as in constant session for the trial of criminal offences.

Court when to
be holden.
Shall be con-
sidered in
constant session
for trial of
criminal
offences.

SECT. 8. It shall be the duty of the judge of said court to make and keep the records thereof, or to cause the same to be

Records.

CHAP. 346.

Copies.

made and kept, and to perform all other duties required of similar tribunals in this state; and copies of the records of said court, duly certified by said judge, shall be legal evidence in all courts.

Judge shall appoint a recorder.

SECT. 9. The judge shall appoint a recorder, who shall be a trial justice for the county of York, duly qualified, who shall be sworn by said judge, who shall keep the records of said court when requested so to do by the judge; and in case of absence from the court room, or sickness of the judge, or when the office of judge shall be vacant, the recorder shall have and exercise all the powers of the judge, and perform all the duties required of said judge by this act, and shall be empowered to sign and issue all processes and papers, and to do all acts as fully and with the same effect as the judge could do were he acting in the premises; and the signature of the recorder, as such, shall be sufficient evidence of his right to act instead of the judge. When the office of judge is vacant, the recorder shall be entitled to the fees; in all other cases he shall be paid by the judge.

Duties of same. When recorder may exercise powers of judge.

Fees.

SECT. 10. All fines and penalties awarded and received by said judge shall be accounted for and paid over, as if the same had been awarded and received by a trial justice.

All fines and penalties to be accounted for by judge.

Fees of judge.

SECT. 11. The fees of the judge which he may demand and receive for his services shall be as follows: for every blank writ signed by him, four cents; for entry of each civil action, forty cents; for every warrant issued by him, seventy-five cents; for the trial of an issue in a civil or criminal case, one dollar, and the same for every day occupied in the hearing of a case after the first day; and all fees not herein specified, he shall receive the sums allowed for similar services to trial justices.

City to provide place for court, record books, seals and dockets.

SECT. 12. Said court shall be held at such place as the city shall provide; and the city of Saco shall have power, and it shall be its duty to raise money to purchase blank books of record, seals and dockets necessary for the use of said court, to provide a suitable room for said court, and to furnish the same in an appropriate manner.

Form of writs and service of same.

SECT. 13. The forms of writs and processes in civil actions issued by said court, shall be the same as now provided by law, and shall be served at least seven days, and if the defendant party, or any trustee, be a corporation, thirty days before the return day.

Actions may be referred as in supreme judicial court.

SECT. 14. Actions pending in this court may be referred in the same manner as in the supreme judicial court, and on report of the referees to said municipal court, judgment may be rendered in the same manner, and with like effect, as in the supreme court.

Fees allowed to parties and witnesses.

SECT. 15. Costs and fees allowed to parties and attorneys in all actions before said court, in which the debt or damages recovered does not exceed twenty dollars, shall be the same as are allowed in actions before trial justices; but in cases where the damages do

exceed twenty dollars, the fees and costs shall be the same as in the supreme judicial court. CHAP. 347.

SECT. 16. All the provisions of the statutes of this state in relation to attachments of real and personal property, and the levy of executions on the same, shall be applicable to actions brought in this court, which shall have authority to issue executions to be satisfied in the same manner as though issuing from the supreme judicial court, except that no such execution shall be levied on real estate unless the debt or damage therein shall exceed the sum of twenty dollars.

Laws relating to attachment and execution, applicable to actions in this court.

Exception.

SECT. 17. The municipal court of the city of Biddeford, and trial justices in the county of York, shall have power and jurisdiction over all actions and suits pending before them at the time this act shall take effect, or commenced previous to that time and returnable before them on a day subsequent thereto, to the same extent as if this act had not passed; and in like manner shall have the same authority and jurisdiction to issue any execution on any judgment recovered, or which shall be recovered before them as aforesaid, in any action, as if this act had not passed.

Jurisdiction of municipal court of Biddeford and of trial justice in actions now pending, &c.

SECT. 18. The municipal court of the city of Biddeford, or any trial justice in the city of Saco, may take cognizance of any action, matter or thing within their jurisdiction, wherein the judge or recorder of said municipal court of the city of Saco is a party or interested.

Municipal court of Biddeford or any trial justice may take cognizance, &c.

SECT. 19. This act shall take effect and be in force from and after its approval.

Approved February 23, 1867.

Chapter 347.

An act additional to, and to collate certain provisions of former acts relating to the Kennebec and Wiscasset Railroad Company, and to amend the same.

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

SECT. 1. The Kennebec and Wiscasset Railroad Company is hereby authorized to construct its road from some point at or near tide water, in the town of Wiscasset, to a point on the west side of Kennebec river, between the south line of Bath and the north line of Richmond, and there to connect with the Portland and Kennebec Railroad; and may construct bridges, with suitable draws therein, as may be prescribed by the railroad commissioners, over any tide waters on the line of said road; *provided* said road shall be located and constructed before the thirty-first day of December,

Location.

Connection.

Right of construction.

Proviso.