

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

FORTY-SEVENTH LEGISLATURE

OF THE

STATE OF MAINE.

1868.

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1868.

PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE.

1868.

CHAP. 524.**Chapter 524.**

An act to make valid certain doings of the town of Crawford, and of its assessors.

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

Doings in dividing and fixing limits of school districts, legalized.

SECT. 1. The doings of the town of Crawford, at its annual meeting in March, eighteen hundred and fifty-nine, in dividing the town into three school districts, and in fixing the limits and boundaries of the same, are hereby made valid.

Doings in assessing tax to construct school house, legalized.

SECT. 2. The doings of the assessors of the town of Crawford, in assessing the tax to build a school house, voted on the seventh day of April, eighteen hundred and sixty-six, by school district number one, are hereby made valid.

SECT. 3. This act shall take effect when approved.

Approved February 18, 1868.

Chapter 525.

An act additional to an act to incorporate the Quantabacook Water Company, approved February eighteen, eighteen hundred sixty-seven.

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

Section 2 of former act, amended.

SECT. 1. Section second of the act entitled "An act to incorporate the Quantabacook Water Company," approved February eighteen, eighteen hundred sixty-seven, is hereby amended by adding to said section the words following: 'and to acquire by purchase or otherwise, and maintain the aqueduct already laid and existing from said spring to said village.'

Organization and doings of corporation made valid.

SECT. 2. The organization and doings of said company under said act are hereby made legal and valid; *provided however*, that nothing herein shall affect any action already commenced.

SECT. 3. This act shall take effect when approved.

Approved February 18, 1868.

Chapter 526.

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 of city charter, relating to police court, amended.

SECT. 1. The act incorporating the city of Calais, approved August twenty-fourth, in the year of our Lord one thousand eight hundred and fifty, is hereby amended by inserting in section eleven,

after the word "Calais," in the third line, the words 'which shall be a court of record with a seal,' and after the word "judge" in said line, the words 'who shall be a member of the bar in Washington county, and shall reside in said city of Calais during his continuance in said office,' and by striking out all of said section eleven after the word "constitution" in the fourth line, and inserting the words 'and shall, except when interested, exercise concurrent jurisdiction with justices of the peace, justices of the peace and quorum, and trial justices, over all such matters and things civil and criminal within the county of Washington, as are by law within the jurisdiction of justices of the peace, justices of the peace and quorum, and trial justices in said county,' so that said section eleven as amended shall read: 'A police court shall be, and hereby is, established in and for the city of Calais, to be denominated the municipal court of the city of Calais, which shall be a court of record with a seal, to consist of one judge, who shall be a member of the bar in Washington county, and shall reside in said city of Calais during his continuance in said office, who shall be appointed and commissioned in the manner provided in the constitution, and shall, except when interested, exercise concurrent jurisdiction with justices of the peace, justices of the peace and quorum, and trial justices, over all such matters and things civil and criminal within the county of Washington, as are by law within the jurisdiction of justices of the peace, justices of the peace and quorum, and trial justices in said county.'

Shall be a court of record with seal.

Judge of court, where resident.

How appointed.

His powers and jurisdiction.

SECT. 2. Said municipal court of the city of Calais 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 Calais, or in which some person residing in said Calais is in good faith and on probable grounds summoned as trustee of a party defendant residing in the county of Washington, and shall also have exclusive jurisdiction over all offences committed against the ordinances and by-laws of said city of Calais, and over all such criminal offences committed within the limits of said Calais, as are cognizable by trial justices.

Exclusive jurisdiction of court in certain civil actions and criminal cases in Calais.

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 both parties reside in said county of Washington, or in which the defendant, or one of the defendants, if more than one, resides in said Calais, or in which some person residing in said Calais is in good faith and on probable grounds summoned as trustee of a party defendant residing in said county of Washington; and said court shall have original jurisdiction concurrent with the supreme judi-

Concurrent jurisdiction with S. J. Court in certain civil actions and criminal cases in county of Washington.

CHAP. 526.

cial court over crimes, offences and misdemeanors committed in said county of Washington 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.

Appeals.

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.

Judge restricted from acting as attorney in certain cases.

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.

Warrants for offences in city of Calais returnable before municipal court.

SECT. 6. Warrants may be issued upon complaint for offences committed in said city of Calais, by the judge of said court, or by any trial justice in said county, but all such warrants shall be made returnable before said municipal court of the city of Calais; and no justice of the peace or trial justice shall take other cognizance over any crime, offence or misdemeanor committed in said city of Calais, or in any civil action where said court has exclusive jurisdiction; nor shall any trial justice residing in said city of Calais 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 on 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.

Justices of peace and trial justices not to take cognizance of matters where municipal court has exclusive jurisdiction.

Penalties for violation of foregoing.

Certain powers of justices exempt from foregoing restrictions.

Times when court shall be holden.

Adjournments.

Records.

Recorder and duties of same.

SECT. 7. The court shall be held on the first and third Mondays 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.

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 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.

SECT. 9. The judge shall appoint a recorder, who shall hold his office during the pleasure of the judge aforesaid, and who shall be a trial justice for the county of Washington, 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 ab-

sence 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.

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.

Fines and penalties.

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 the entry of each civil action, forty cents; for every warrant issued by him, seventy-five cents; for the trial of and 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 in civil cases where the demand exceeds twenty dollars; and all fees not herein specified, he shall receive the sums allowed for similar services to trial justices.

Fees of judge.

SECT. 12. Said court shall be held at such place as the city shall provide; and the city of Calais 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.

City to provide court room and furnish the 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.

Writs and processes, how formed and served.

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.

Actions referred.

SECT. 15. Costs and fees allowed to parties and attorneys in all actions before said court, in which the debts 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.

Provisions as to costs and fees allowed parties and attorneys.

SECT. 16. All 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

Provisions of R. S. made applicable to actions in this court.

CHAP. 527.

Executions.

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.

Trial justices may take cognizance of cases when judge or recorder are parties interested.

Certain provisions in former acts repealed.

SECT. 17. Any trial justice in the city of Calais 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 Calais is a party or interested.

SECT. 18. Sections twelve, thirteen and fourteen of said act incorporating the city of Calais, also an act to amend an act entitled "An act to incorporate the city of Calais," approved April nineteenth, in the year of our Lord one thousand eight hundred and fifty two, are hereby repealed.

Approved February 18, 1868.

Chapter 527.

An act to make valid the acts of the selectmen and assessors of the town of Leeds.

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

Acts of town officers for 1867 made valid.

SECT. 1. The acts of the selectmen, assessors and overseers of the poor of the town of Leeds for the year eighteen hundred and sixty-seven are hereby declared valid ; and the assessment of all taxes by said selectmen, assessors and overseers, and all other acts in their official capacity, whether performed by only two of said board, and without the taking of the necessary oath of office by any member of said board of selectmen, assessors and overseers of the poor aforesaid.

SECT. 2. This act shall take effect when approved.

Approved February 18, 1868.

Chapter 528.

An act to amend section two, chapter two hundred and nine, private and special laws of eighteen hundred and sixty-seven, entitled "An act to incorporate the Hinckly Knitting Machine Company."

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

Location changed from

SECT. 1. Section two, chapter two hundred and nine of private and special laws of eighteen hundred and sixty-seven, is hereby