

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

FIFTY-FIRST LEGISLATURE

OF THE

STATE OF MAINE.

1872.

Published by the Secretary of State, agreeably to Resolves of June 28, 1820,
February 26, 1840, and March 16, 1842.

AUGUSTA:

SPRAGUE, OWEN & NASH, PRINTERS TO THE STATE.

1872.

PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE.

1872.

Chapter 177.

CHAP. 177.

An act to amend chapter six hundred and thirty-six of the private laws of eighteen hundred and seventy-one, establishing a municipal court in the city of Lewiston.

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

SECT. 1. Chapter six hundred and thirty-six of the private laws of eighteen hundred and seventy-one, establishing a municipal court for the city of Lewiston, is hereby amended.

First. By adding to section three the words, 'all writs and processes in civil matters shall be in the name of the state, bearing the test of said judge, under the seal of said court, and shall be signed by its clerk, and be obeyed and executed throughout the state.'

Writs, &c., to be made in name of and executed throughout the state.

Second. By inserting after the word "month," in the second line of section four, the words, 'except the month of August,' and after the word "action" in the fourth line of said section, the words, 'and whenever said judge is prevented from attending at the time when a court is to be held for civil business, the city marshal or his deputy, may by oral proclamation adjourn said court from day to day until said judge can attend, and in case of necessity, without day, and when so adjourned, actions brought for that term shall be entered by the clerk, and they with all other actions on the docket not otherwise disposed of, shall be continued to the next term.'

In case of disability of judge to attend, city marshal may adjourn court.

Actions brought, continued to next term.

Third. By striking out section five and inserting the following section in its stead.

'Sect. 5. When a defendant legally served does not appear by himself or attorney, within the three first days of the return term, he shall be defaulted as in the supreme judicial court, but the court may take off the default for sufficient cause. The defendant shall file his pleadings on the first day of the next term after the entry of the action, which shall be the same as now required by law in the supreme judicial court. If the defendant does not so file his pleadings, he shall be defaulted unless the court, for good reasons shown, grants him leave to plead or otherwise lawfully disposes of the action. All actions answered to shall be in order for trial at the next term after entry, but the court may for good reasons shown order the pleadings in any action of forcible entry and detainer to be filed, and said action to be tried at the first term.'

Parties failing to appear in court may be defaulted.

Pleadings to be filed on first day of term.

If defendant fail to file pleadings he shall be defaulted.

All actions answered to in order for trial next term.

Fourth. By adding to section sixth the words, 'and the provisions of law relating to practice and proceedings in the supreme judicial court in civil causes, are hereby made applicable and extended to said municipal court in all respects, except so far as they are modified by the provisions of this act, and all acts relating

Practice in supreme court applicable to municipal court.

CHAP. 177. to courts and judicial proceedings shall be modified so far as to give full effect to this act.'

Fifth. By striking out section twelve and inserting the following section in its stead :

Clerk to be appointed by governor and council.
Term of office.
Oath and bond.

'Sect. 12. The governor, by and with the advice of the council, shall appoint a clerk of said court, who shall be a citizen of said Lewiston, and who shall hold his office for the term of four years, who shall be sworn and who shall give bond to the treasurer of said city in the sum of two thousand dollars, to be approved by said judge ; and who shall be entitled to demand and receive for his services, the same fees allowed by law to trial justices in matters relating to civil business, except the trial fee ; *provided*, that for the entry of an action and recording the same, he shall be allowed sixty cents. In case of the absence of said clerk, or vacancy in said office, the judge of said court may appoint a clerk, who shall be sworn by said judge, and act during said absence or till the vacancy is filled.'

Fees.

Proviso.

Judge may appoint clerk in case of absence or vacancy.

Sixth. By striking out section thirteen, and inserting the following section in its stead :

Duties of clerk.

'Sect. 13. Said clerk shall record the doings of said court, may administer oaths, and shall have such powers and perform such duties as are possessed and performed by the clerks of the supreme judicial court. Whenever said judge shall be engaged in the transaction of civil business, or be absent from the court room, said clerk shall have and exercise the same powers and perform the same duties which said judge possesses, and is authorized to perform in the transaction of criminal business. All processes issued by said clerk in criminal matters, shall bear the seal of said court and be signed by said clerk, and have the same authority as if issued and signed by said judge.'

Clerk to exercise the powers of judge during his absence.

Processes issued by clerk to bear seal of court.

Seventh. By striking out section fourteen, and inserting the following section in its stead :

Fines, costs and fees, to be paid to the clerk.

'Sect. 14. All fines, penalties and costs paid into said court upon convictions and sentences in criminal matters, together with all fees allowed to the judge of said court by law in the transaction of criminal business, shall be paid to said clerk ; *provided*, that there shall be allowed for every warrant issued, one dollar, and for the trial of an issue in criminal cases, two dollars ; and provided that there shall be paid to said clerk by the plaintiff in civil cases, a trial fee of two dollars, and one dollar for each day occupied in hearing the case after the first, to be taxed with his costs if he prevail.'

Proviso.

Fees to be paid to the clerk.

Eighth. By inserting after the word "parties" in the first line of section fifteen the word 'witnesses.'

Ninth. By striking out section sixteen and inserting the following section in its stead :

'Sect. 16. All fines and penalties received by said clerk shall be accounted for and paid over in the same manner as is required by law of trial justices, and all fees allowed to said judge by law in criminal cases and received by said clerk, including the trial fee in civil cases, shall be accounted for and paid over by him to the treasurer of said city of Lewiston quarterly, and all other fees received by him shall be paid to the persons entitled by law to the same as if received by a trial justice.'

CHAP. 178.
Fines and penalties received by clerk to be accounted for.

Fees received by clerk to be accounted for.

Tenth. By adding to section one the words 'and the same for each subsequent year unless the city council shall fix a different sum.'

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

Approved February 29, 1872.

Chapter 178.

An act to incorporate the Augusta Hotel Company.

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

SECT. 1. Benjamin H. Cushman, Elias Milliken, Darius Alden, Daniel T. Pike, and Ai Staples, their associates and successors, are hereby incorporated and made a body politic by the name of the Augusta Hotel Company, for the purpose of erecting, owning and maintaining a hotel in the city of Augusta; said corporators to have the right to select such fellow corporators as they may choose at their first meeting for organization.

Corporators.

Corporate name.

May select fellow corporators.

SECT. 2. Said corporation may hold real and personal estate to the amount of one hundred thousand dollars in value, and shall have all the powers and privileges and be subject to all the duties and liabilities of similar corporations as defined by the laws of this state.

May hold real and personal estate.

Powers, duties and liabilities.

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

Approved February 29, 1872.

Chapter 179.

An act to incorporate the Deer Isle and Castine Telegraph Company.

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

SECT. 1. Sylvanus G. Haskell, Mark H. Lufkin, Seth Webb, Charles A. Spofford, Daniel M. Means, Samuel Herrick, W. G.

Corporators.