

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

FIFTY-FOURTH LEGISLATURE

OF THE

STATE OF MAINE.

1875.

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1875.

PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE.

1875.

CHAP. 134.**Chapter 134.**

An act to incorporate the Canaan Masonic Hall Association.

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

- Corporators. SECT. 1. George W. Johnson, W. S. Gardiner, E. S. Foster, David Nason, Daniel M. Foster, R. F. Holt, E. H. Elliot, Ivory Love, S. P. Penny, Sewall Brown, C. F. Packard, A. B. Penny, J. G. Brown, Llewellyn Morrill, S. H. Gowen, William Foster and William Goodridge, their associates and successors, are hereby constituted a body politic and corporate under the name of the
- Corporate name. Canaan Masonic Hall Association, and by that name shall have power to prosecute and defend suits at law, to hold, for the
- May hold real and personal estate. objects of their association, by gift, grant, bequest, purchase or otherwise, any estate, real or personal, the annual income of which shall not exceed one thousand dollars, and to sell or convey any estate, real or personal, which the interests of said association may require to be sold or conveyed.
- Rules, regulations and by-laws. SECT. 2. Said association may adopt rules, regulations, laws and by-laws, not repugnant to the laws of the state, and elect such officers as they may deem expedient.
- First meeting, how called. SECT. 3. Any two corporators named in this act shall have power to call the first meeting, by giving notice to the other corporators, at least seven days before the time of holding said meeting.
- SECT. 4. This act shall take effect when approved.

Approved February 17, 1875.

Chapter 135.

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

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

- Municipal court established. SECT. 1. A municipal court is hereby established in and for the city of Auburn, to be denominated the municipal court of the
- judge of. city of Auburn, which shall consist of one judge, who shall be elected or appointed as provided in the constitution, and who shall be, *ex-officio*, a justice of the peace and of the quorum, and
- jurisdiction of. have and exercise concurrent authority and jurisdiction with trial justices over all matters and things by law within their jurisdiction, and such authority and jurisdiction additional thereto as is conferred upon him by this act.
- SECT. 2. Said municipal court shall have jurisdiction as follows :

CHAP. 135.

First. Exclusive original jurisdiction of all offences against the ordinances and by-laws of said city, and of all such criminal offences and misdemeanors committed therein as are cognizable by trial justices, and concurrent jurisdiction with trial justices and the municipal court of the city of Lewiston of all other offences within their concurrent jurisdiction; *provided* that when the judge of said court is necessarily absent, warrants upon complaints for offences committed in said city of Auburn, may be issued by, returned before and disposed of by the judge of the municipal court of said city of Lewiston, with like effect as if within his ordinary jurisdiction.

Jurisdiction of court.

Proviso.

Second. Original jurisdiction, concurrent with the supreme judicial court and the municipal court of the city of Lewiston, of the larcenies described in sections one, six, seven, eight and nine of chapter one hundred and twenty of the revised statutes, when the value of the property is not alleged to exceed thirty dollars; of the assaults and batteries described in section twenty-eight of chapter one hundred and eighteen of the revised statutes; and of the offence described in section six of chapter one hundred twenty-four of the revised statutes, and may punish for either of said offences by fine not exceeding fifty dollars, and by imprisonment in the county jail not exceeding three months.

Court, original and concurrent jurisdiction of.

Third. Exclusive original jurisdiction of all civil actions wherein the debt or damages demanded do not exceed twenty dollars, and both parties, or any plaintiff and a person summoned as a trustee, reside in the city of Auburn, including prosecutions for penalties in which said city is interested, and of all actions of forcible entry and detainer arising therein; and concurrent jurisdiction with trial justices and the municipal court of the city of Lewiston of all other civil actions within their concurrent jurisdiction.

—exclusive jurisdiction of.

Fourth. Original jurisdiction, concurrent with the supreme judicial court and the municipal court of the city of Lewiston, of all civil actions in which the debt or damages demanded do not exceed one hundred dollars, and both parties, or the defendant and a person summoned as a trustee, reside within the county of Androscoggin. *Provided* that any action, civil or criminal, in which the judge is interested, but which would otherwise be within the exclusive jurisdiction of said court, may be brought in and disposed of by the Lewiston municipal court in the same manner and with like effect as other actions therein.

—original and concurrent jurisdiction with other courts in certain cases.

Proviso.

SECT. 3. Nothing in this act shall be construed to give said court jurisdiction of any civil action in which the title to real estate, according to the pleading, or brief statement filed therein by either party is in question, and all such actions brought therein

Court, jurisdiction of, in real actions, excepted.

CHAP. 135.

shall be removed to the supreme judicial court or otherwise disposed of, as in like cases before a trial justice.

Court for civil business, when held.

SECT. 4. Said court shall be held on the fourth Tuesday of each month, except August, at ten o'clock in the forenoon, for the transaction of civil business, at such place within said city as the judge shall determine, but the city government may at any time provide a court-room, in which case the court shall be held therein, and all civil processes shall be made returnable accordingly, and it may be adjourned from time to time by the judge, at his discretion; but it shall be considered in constant session for the cognizance of criminal actions. Provided that, if said judge is prevented by any cause from attending at the time said court is to be held for civil business, it may be adjourned from day to day by a constable of the city, without detriment to any action then returnable or pending, until he can attend, when said actions may be entered or disposed of with the same effect as if it were the first day of the term; and it may be so adjourned without day when necessary, in which event, pending actions shall be considered as continued, and actions then returnable may be returned and entered at the next term, with the same effect as if originally made returnable at said term.

—for criminal actions, to be considered in constant session. Proviso.

Court records.

SECT. 5. It shall be the duty of the judge of said court to make and keep the records thereof, or cause the same to be made and kept, and to perform all other duties required of similar tribunals in this state; and copies of said records, duly certified by said judge, shall be legal evidence in all courts.

—appeal from judgment of.

SECT. 6. Any party may appeal from any judgment or sentence of said court, to the supreme judicial court, in the same manner as from a judgment or sentence of a trial justice.

Writs, &c., form and service of.

SECT. 7. Writs and processes issued by said court shall be in the usual forms, and shall be served as like precepts are required to be served when issued by trial justices, except that writs in which the debt or damages demanded exceed twenty dollars shall be served at least fourteen days before the sitting of the court at which they are made returnable; and no writ shall be made returnable at a term of the court to begin more than three months after the commencement of the action.

Statutes applicable to actions brought in this court.

SECT. 8. All the provisions of the statutes of the state relative to attachment of real and personal property and the levy of executions, shall be applicable to actions brought in this court, and executions on judgments rendered therein; *provided* that property may be attached in addition to the *addamnum* sufficient to satisfy the costs of suit.

Proviso.

Actions, when entered.

SECT. 9. Actions in said court shall be entered on the first day of the term, and not afterwards, except by special permission.

CHAP. 185.

When a defendant, legally served, fails to enter his appearance, by himself or his attorney, on the first day of the return term, he shall be defaulted, but if he afterwards appear during the term, the court may for sufficient cause permit the default to be taken off. Pleas on abatement must be filed on or before the day of the entry of the action. The defendant may file his pleadings, which shall be the general issue, with a brief statement of special matters of defence, on the return day of the writ, and must file them on or before the first day of the next term, or he shall be defaulted, unless the court, for good cause, enlarge the time, for which it may impose reasonable terms. Actions in which the defendant files his pleadings on the return day, and all actions of forcible entry and detainer seasonably answered to, shall be in order for trial at the return term, and shall remain so until tried or otherwise finally disposed of, unless continued by consent, or on motion of either party, for good cause, in which latter case the court may impose such terms as it deems reasonable; but all other actions, unless defaulted or otherwise finally disposed of, shall be continued as of course, and be in order for trial at the next term.

Default.

—and pleadings.

Actions in order
for trial.

—continuance of.

SECT. 10. The judge of said court may demand and receive the same fees allowed to trial justices in like cases, except that he shall be entitled to one dollar for a complaint and warrant in criminal actions, fifty cents for the entry of a civil action, one dollar for the trial of an issue, civil or criminal, and two dollars for every day after the first, occupied in such trial, to be paid by the plaintiff in civil actions, and recovered by him as costs if he prevail in the suit; and the fees so received by said judge shall be payment in full for his services; *provided* that the city council may, at any time, determine, by vote, to pay him a salary, which may be accepted by him instead of said fees, in which case he shall pay all fees of office by him received into the city treasury.

Fees of judge.

Proviso.

SECT. 11. The judge of said court may demand and receive the same fees allowed to trial justices for like services, except that he may demand and receive for a complaint and warrant in criminal cases, one dollar, for the entry of a civil action, fifty cents, and for the trial of an issue, civil or criminal, two dollars for the first day, and one dollar for each day after the first, occupied in such trial, to be paid to him by the plaintiff, in civil cases, before trial, who shall recover the same as costs if he prevail in the suit; and the fees so received by said judge shall be payment in full for his services; *provided* that the city council may at any time, by vote, determine to pay him a salary, which may be accepted by him instead of said fees, in which case he shall pay all fees of office by him received into the city treasury.

Fees of judge.

Proviso.

CHAP. 136.Jurisdiction of
trial justices.

SECT. 12. Trial justices are hereby restricted from exercising any jurisdiction in the city of Auburn over any matter or thing, civil or criminal, except such as are within the jurisdiction of justices of the peace and of the quorum, and except that they may issue warrants on complaints for criminal offences, to be returned before said municipal court; *provided* that said restrictions shall be suspended until the judge of said court shall enter upon the duties of his office.

Proviso.

SECT. 13. This act shall take effect on the eighth day of March next after it is approved.

Approved February 17, 1875.

Chapter 136.

An act to authorize William Conary to extend and maintain a wharf into tide waters at Bluehill.

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

Authorized to
extend wharf.

SECT. 1. William Conary, his heirs and assigns, are hereby authorized and empowered to extend and maintain a wharf into tide waters at Bluehill, in front of his own land.

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

Approved February 18, 1875.

Chapter 137.

An act to incorporate the Wayne Cheese Factory Company.

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

Corporators.

SECT. 1. P. F. Pike, G. M. True, William H. Roberts, Silas A. Manter, William H. Burgess, Luther S. Maxim, Henry A. Dexter, Edward G. Dexter, Willard M. Besse, Charles R. Besse, Hiram N. Jennings, Tudor Jennings, S. T. Bishop, James M. Wing, H. A. Lowell, L. C. Leadbetter, A. D. Wing, Josiah Norris, John M. Gott, Sewell Pettengill, J. S. Perry, Freeman Manter, Obed Wing, Alfred Johnson, J. C. Stinchfield, S. W. Bishop, William G. Pease, H. J. Ridley, Richard Berry and H. H. Pulsifer, their associates and successors, are hereby constituted a corporation by the name of the Wayne Cheese Factory Company.

Corporate name.