

# MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

FIFTY-FIFTH LEGISLATURE

OF THE

STATE OF MAINE.

1876.

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PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE.

1876.

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voters of the corporation called to accept this charter, and the annual election shall be in the month of March.

CHAP. 297.

Annual election.

SECT. 10. The clerk shall keep a record of all the doings and proceedings at the meetings of said corporation.

Duties of clerk.

SECT. 11. At the first meeting of said corporation called agreeably to the eighth section of this act, the legal voters shall vote by ballot on the question of accepting this charter, and if a majority shall vote in favor of its acceptance, then this act shall take effect, and the corporation shall then proceed to organize and choose its officers.

Acceptance of charter.

SECT. 12. This act shall take effect from and after its approval by the governor, so far as to empower the said first meeting to be called, and if the charter shall be accepted as provided in section eleven of this act; then the same shall take and have complete effect in all its parts.

When to take effect.

Approved February 18, 1876.

### Chapter 297.

An act to amend the charter of the Yearly Meeting of Friends for New England.

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

SECT. 1. The third section of "an act to incorporate the Yearly Meeting of Friends for New England," passed February seventeenth, in the year eighteen hundred and seventy-five, is hereby amended by striking out the proviso, which is in the following words: "Provided, that real and personal estate held by said corporation, shall not be exempt from taxation," and said proviso is hereby repealed.

Act of 1875, sec. 3, amended.

Proviso repealed.

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

Approved February 18, 1876.

### Chapter 298.

An act in relation to the Ellsworth Police Court.

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

SECT. 1. The police court of the city of Ellsworth, in the county of Hancock, shall be hereafter styled the Ellsworth municipal court. The present judge of said court shall continue in office until the end of the term for which he was elected. The

Corporate name of court, changed.

Judge, term of.

**CHAP. 298.**

Judge, salary of.

salary of the judge shall be six hundred dollars per year, to be paid out of the county treasury of the county of Hancock in quarterly payments, on the first day of January, April, July and October.

Additional jurisdiction.

SECT. 2. In addition to its present jurisdiction, the said court shall further have concurrent jurisdiction with the supreme judicial court in all personal actions where the debt or damage claimed is over twenty dollars, and not over one hundred dollars, and the defendant, or either of the defendants, is resident in said county of Hancock; but this jurisdiction shall not include proceedings under the divorce laws, complaints under the mill act, so called, nor proceedings under the bastardy act.

Exceptions.

Actions, how may be removed to S. J. court.

SECT. 3. If any defendant, in any action in said court where the amount claimed in the writ exceeds twenty dollars, or his agent or attorney, shall, on the return day of the writ, file in said court an affidavit that he has a good defence to said action, and intends in good faith to make such defence and claim a jury trial, and shall at the same time file his plea, and deposit with the recorder or judge the sum of three dollars for copies, to be taxed in his costs if he prevails, the said action shall be removed into the supreme judicial court for said county, and the recorder shall forthwith cause certified copies of the writ, officer's return, and defendant's affidavit and pleas, to be filed in the clerk's office of said supreme court; and said action shall be entered on the docket of the term next preceding said filing, and shall be in order for trial at the next succeeding term. If no such affidavit is filed, the said municipal court shall proceed and determine said action, subject to the right of appeal in either party, as now provided by law. The pleadings in such cases shall be the same as in the supreme judicial court.

—appeal.

—pleadings.

Court, when held.

SECT. 4. Said municipal court shall hold a term at Ellsworth, in the county of Hancock, on the first Tuesday of each month, beginning at ten o'clock in the forenoon. In case the judge shall be temporarily unable to attend said court, the recorder may enter new actions returnable at said term, and enter up judgment in all defaulted actions, and may then by proclamation adjourn the court to a day certain, or to the next term. In case of the more permanent disability of the judge or his being interested in any suit, the recorder may notify the chief justice, who may designate a trial justice in said county, who upon being duly sworn, may hold said court until such disability is removed, or try said suit in which the regular judge may be interested.

Powers and duties of recorder when judge is unable to attend.

Chief justice may designate trial justice to hold court in certain cases.

Costs of court.

SECT. 5. In any action in which the plaintiff recovers not over twenty dollars debt or damage, the costs to be taxed shall be the same as before a trial justice, except that plaintiff shall recover two dollars for his writ. Where the defendant prevails in any

action in which the sum claimed in the writ is not over twenty dollars, he shall recover two dollars for his pleadings and other costs as before trial justices. In actions where the amount recovered by plaintiff, exclusive of costs, exceeds twenty dollars, or the amount claimed exceeds twenty dollars, where the defendant prevails, the costs shall be the same as in the supreme judicial court, except the costs to be taxed for attendance shall be two dollars and fifty cents for each term.

SECT. 6. The clerk of the supreme judicial court, for the county of Hancock, shall be ex-officio recorder of said municipal court, and shall give bond as such to the county treasurer, in the sum of one thousand dollars for the faithful performance of the duties of his office. He may, in writing, appoint a deputy, who shall have and exercise all the powers and perform all the duties of recorder in his absence; and for whose acts and omissions the recorder shall be responsible; but no such appointment shall be valid unless approved by the judge, and such approval may be revoked at any time. The recorder shall perform in said court all the duties and have all the powers exercised in the supreme judicial court by the clerk thereof. He shall receive complaints and issue warrants thereon, where sufficient cause is shown. He shall attend at the hearing of all criminal cases.

Clerk of S.J. court of Hancock Co. ex officio recorder  
—shall give bond.

May appoint deputy.

—to be approved by judge.  
Powers and duties of recorder.

SECT. 7. All fees, fines and costs in said court shall be paid to the recorder, and he shall keep a correct account thereof, and shall quarterly, on the first day of January, April, July and October, make a detailed statement thereof, on oath, to the county treasurer. He shall be entitled to retain, for his own use, the statute fees provided for the duties to be performed by him, until the same shall amount to four hundred dollars for the year. All fines and costs not accruing to him, he shall pay over to the county treasurer at the time of making his report, and at the end of each year he shall pay over the excess of his own fees over four hundred dollars.

Fees, fines and costs, how to be appropriated.

SECT. 8. Writs returnable to said court shall be duly served not less than fourteen, nor more than sixty days before the return day thereof.

Writs, when to be served.

SECT. 9. The city of Ellsworth shall provide suitable rooms for said court, and shall suitably furnish the same, including a fire-proof safe.

Rooms, &c., how to be provided.

SECT. 10. All processes returnable on any day after this act goes into effect shall be returned at the term next after said day.

Certain processes, when returnable.

SECT. 11. All acts and parts of acts inconsistent with this act are hereby repealed, and this act shall go into effect on the first day of April, in the year of our Lord one thousand eight hundred and seventy-six.

Conflicting acts repealed.  
When to take effect.