

# MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

FIFTY-SEVENTH LEGISLATURE

OF THE

STATE OF MAINE.

1878.

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Published by the Secretary of State, agreeably to Resolves of June 28, 1820,  
February 18, 1840, and March 16, 1842.

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AUGUSTA:

SPRAGUE, OWEN & NASH, PRINTERS TO THE STATE.

1878.

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PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE.

1878.

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SECT. 2. The records of said school district number eighteen are hereby made valid, notwithstanding any errors that may appear in the same. CHAP. 25.  
Records legalized

Approved February 6, 1878.

### Chapter 25.

An act additional to "an act to establish the Atlantic and St. Lawrence Railroad Company."

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

SECT. 1. The capital stock of the Atlantic and St. Lawrence Railroad Company is hereby increased four thousand eight hundred and forty shares, of the par value of one hundred dollars each, so that the capital stock shall consist of not less than ten thousand nor more than fifty-four thousand eight hundred and forty shares, for the purpose of capitalizing an equal amount of the funded debt of the company falling due the present year. Atlantic & St.  
Lawrence R. R.  
Co., stock in-  
creased.  
  
—purpose.

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

Approved February 7, 1878.

### Chapter 26.

An act in relation to the Police Court for the city of Belfast.

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

SECT. 1. The police court of the city of Belfast, in the county of Waldo, shall be hereafter styled the Belfast municipal court. The present judge of said court shall continue in office until the end of the term for which he was appointed. The salary of the judge shall be six hundred dollars per year, to be paid out of the county treasury of the county of Waldo, in quarterly payments, on the first day of January, April, July and October. Belfast municipal  
court.  
  
Term of judge.  
—salary.

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 Increased juris-  
diction.

CHAP. 26. 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 Waldo; 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.

Defendant may have action removed to S. J. court.

—proceedings.

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 defense to said action, and intends in good faith to make such defense 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.

Terms, first Tuesday of each month.

Temporary disability of judge provided for.

—permanent disability.

SECT. 4. Said municipal court shall hold a term at Belfast, in the county of Waldo, 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 said judge may be interested.

Taxable costs regulated.

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 Waldo, 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 or at his request; 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 for Waldo county, ex-officio recorder.

—may appoint a deputy.

—duties and powers.

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.

Payment of fees, fines and costs, to be made to recorder, and how accounted for.

—compensation.

—excess to be paid to county treasurer.

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.

Service of writs.

SECT. 9. Persons convicted of assault and battery in said court, may be sentenced by said court to pay a fine not

Sentence for assault and battery.

CHAP. 26. exceeding thirty dollars, or to be imprisoned not exceeding thirty days.

Order of trial of appeals.

SECT. 10. All appeals from any judgment of said court shall be in order for trial at the first term of the supreme judicial court next after said appeal is taken.

Processes to be under teste of judge.

SECT. 11. All processes from said municipal court may be under the teste of the judge thereof, and signed by the recorder thereof.

Processes, when returnable.

SECT. 12. All processes returnable on any day after this act goes into effect shall be returned at the term next after said day.

Actions, suits, &c., to be transferred and returned to said court.

SECT. 13. All actions, suits, matters and things, which may be pending before the police court for the city of Belfast, and all suits, executions, warrants, recognizances and other processes, returnable to said court at the time this act takes effect, shall be transferred and returned to, and shall be entered, prosecuted, heard, determined and executed in and by the municipal court for said city established by this act, the same as if originated therein; and said court hereby established shall be the depository of all records of, and shall have full power and authority to issue and renew executions, and to carry into effect any judgment of, and to complete all processes and proceedings commenced in or by said court heretofore existing in said city, and to certify and duly authenticate the records of said court as effectually in all respects as said court heretofore existing could have done had this act not been passed.

—powers and duties.

City of Belfast to provide rooms.

SECT. 14. The city of Belfast shall provide suitable rooms for said municipal court, and shall suitably furnish the same.

Inconsistent acts repealed.  
To take effect April 1, 1878.

SECT. 15. 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-eight.

Approved February 7, 1878.