

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

ACTS AND RESOLVES

OF THE

FIFTY-SEVENTH LEGISLATURE

OF THE

STATE OF MAINE.

1878.

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

AUGUSTA:

SPRAGUE, OWEN & NASH, PRINTERS TO THE STATE.

1878.

PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE.

1878.

the city of Bath, shall hereafter be annually appointed by the mayor, by and with the advice and consent of the aldermen.' CHAP. 92.

SECT. 5. This act shall take effect when approved.

Approved February 21, 1878.

Chapter 92.

An act to authorize Abial D. Knapp and Woodbury S. Knapp to navigate Androscoggin pond and Dead river, in the towns of Wayne and Leeds, Wing's pond in Wayne, Lovejoy's pond in Wayne, Readfield and Fayette, Crotched pond in Readfield, Fayette and Mount Vernon, by Steam.

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

SECT. 1. Abial D. Knapp and Woodbury S. Knapp, and their associates and assigns, are hereby vested with the sole and exclusive right to navigate by steam the Androscoggin pond and Dead river, in the towns of Wayne and Leeds, Wing's pond in Wayne, Lovejoy's pond in Wayne, Readfield and Fayette, Crotched pond in Readfield, Fayette and Mount Vernon, for the term of twenty years; *provided*, that if the said Abial D. Knapp and Woodbury S. Knapp, their associates and assigns, shall neglect for the term of five years to connect the above named ponds by horse railway, then this act shall be void.

A. D. & W. S. Knapp authorized to navigate certain waters.

Proviso.

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

Approved February 21, 1878.

Chapter 93.

An act to establish a Municipal Court in the town of Farmington.

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

SECT. 1. A municipal court is hereby established in and for the town of Farmington, to be denominated the Municipal Court of the Town of Farmington, which shall consist of one judge, who shall be an inhabitant of the county of Franklin, of sobriety of manners and learned in the law, who shall be

Farmington municipal court, established.

CHAP. 93.

Appointment,
qualifications
and authority of
judge.

appointed as provided in the constitution, and who shall have and exercise concurrent authority and jurisdiction with trial justices, justices of the peace, and justices of the peace and of the quorum, 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.

Jurisdiction.

SECT. 2. Said municipal court shall have jurisdiction as follows :

First. Original jurisdiction, concurrent with the supreme judicial court, 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 offenses described in section six of chapter one hundred and twenty-four of the revised statutes, and may punish for either of said offenses by fine not exceeding fifty dollars, and by imprisonment in the county jail not exceeding three months.

Second. 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 town of Farmington, including prosecutions for penalties in which said town is interested, and of all actions of forcible entry and detainer arising therein ; and concurrent jurisdiction with trial justices of all other civil actions within their concurrent jurisdiction.

Third. Original jurisdiction, concurrent with the supreme judicial court, 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 Franklin. *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 before and disposed of by any trial justice within said county, in the same manner and with like effect as other actions before such tribunals.

Proviso.

Not to have
jurisdiction
when title to real
estate is in ques-
tion.

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 shall be removed to the supreme judicial

court, or otherwise disposed of, as in like cases before a trial justice. CHAP. 93.

SECT. 4. Said court shall be held on the fourth Tuesday of each month, except in September, when it shall be held on the third Tuesday, at ten o'clock in the forenoon, for the transaction of civil business, at such place within said town as the judge shall determine, but the town 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 town, 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.

Terms, fourth Tuesday of each month.
—exception.

Town may provide court room.

Adjournment.

Proviso.

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.

Duty of judge.

Copies of record, evidence.

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.

Appeals.

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.

Writs and processes, form and service.

CHAP. 93.

Statutes relative to attachments and levy of executions, applicable to court. Proviso.

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 ad damnum sufficient to satisfy the costs of suit.

Actions to be entered on first day of term.

Proceedings.

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

Costs and fees to parties, attorneys and witnesses, how regulated.

SECT. 10. The costs and fees allowed to parties, attorneys and witnesses, in all actions in said court in which the debt or damages recovered does not exceed twenty dollars, and in actions of forcible entry and detainer, shall be the same as allowed by trial justices in actions before them, except that the plaintiff, if he prevail, shall be allowed one dollar for his writ; and the defendant, if he prevail, one dollar for his pleadings. But in cases where the amount recovered exceeds twenty dollars, costs and fees of parties, attorneys and witnesses, shall be the same as in the supreme judicial court, except that the defendant, if he prevail, shall be allowed two dollars for his pleadings.

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 legal voters of said town 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 town treasury.

CHAP. 94.
Fees of judge.

SECT. 12. Trial justices are hereby restricted from exercising any jurisdiction in the town of Farmington 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 offenses, 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.

Jurisdiction of trial justices, restricted.

Proviso.

SECT. 13. Nothing in this act shall be construed to interfere with actions already commenced before trial justices in the town of Farmington, but all such actions shall be disposed of by such trial justices, the same as if this act had not passed.

Not to effect pending actions.

SECT. 14. This act shall take effect when approved.

Approved February 21, 1878.

Chapter 94.

An act to amend chapter three hundred and sixty-three of the Special Laws of eighteen hundred and seventy-seven, relating to the throwing of refuse into the Piscataquis river.

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

The act entitled "an act to prevent the throwing of refuse wood, timber or fibrous materials created by the sawing of