

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-EIGHTH LEGISLATURE

OF THE

STATE OF MAINE.

1879.

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

AUGUSTA:
E. F. PILLSBURY & CO., STATE PRINTERS.
1879.

PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE.

1879.

which has been assessed to said member, and advertise the same for sale at public auction, by posting up in some conspicuous place in Gardiner, a notice of such sale, stating therein the names of the persons taxed, with the marks assessed and the amount of assessment unpaid, ten days at least before the day of sale, and unless such assessments, with all expense incurred, are previously paid, he may then proceed to sell to the highest bidder a sufficient quantity of such logs or other timber to pay such assessment, with all proper costs and interest from the date of such assessment. Said sale to be in the city of Gardiner, or at any other place where said logs or other timber may be found.

SECT. 6. The private property of each member of said company, shall be holden to pay all debts contracted by said company, in default of company property whereon execution may be satisfied.

SECT. 7. The first meeting of said company may be called by any one of the corporators named in this act, by written notice to each member. Annual meetings shall be called by the clerk on the first Wednesday of February in each year, or at such times as the company may vote, by giving fourteen days' notice in some newspaper published in Kennebec or Somerset county; special meetings may be called by order of the directors, with like notice.

SECT. 8. This act shall take effect when approved.

Approved February 28, 1879.

CHAP. 180.

Advertise and sell.
Notice, how given and contents.

Sale.

Where sale is to be had.

Private property holden for debt of company.

First meeting, how called.

Annual meetings.

Notice.

Special meetings.

Chapter 180.

An Act to establish the Police Court of the City of Belfast, and to abolish the Belfast Municipal Court.

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

SECT. 1. A police court shall be and hereby is established in and for the city of Belfast, in the county of Waldo, to be denominated the Police Court of the City of Belfast, which shall be a court of record, and have a seal, and consist of one judge, who shall reside in said Belfast, and be appointed and commissioned in the manner provided by the constitution, who shall have original and exclusive jurisdiction in all civil actions wherein the debt or damages do not exceed twenty dollars, except where he is interested, in which both parties interested, or in which the party plaintiff and the person or persons summoned as trustees shall be inhabitants of said Belfast, including prosecutions for penalties in which said city is interested, and actions of forcible entry and detainer and all violations of the by-laws of said city, and concurrent jurisdiction with trial justices, within said county, in all other matters civil and

Police court of the City of Belfast established.

Seal.
Judge.

Jurisdiction, original and exclusive.

Concurrent jurisdiction.

CHAP. 180.

Original concurrent jurisdiction.

Not to include divorce and bastardy proceedings.

Appeal.

Jury trial claimed and plea filed and deposit made—action to be removed to supreme court.

Certified copies to be filed in office of clerk of supreme court.

Action entered.

No affidavit filed, judge to proceed.

Pleadings.

Records to be made and kept.

Records and certified copies of same when evidence.

When court shall be holden.

Where.

Process returnable.

Fees.

Blank writs, 2 cents.

Fines etc., to be paid over.

Inability of judge to attend, court to be adjourned without costs.

criminal, which are by law within the jurisdiction of trial justices, in said county, and original concurrent jurisdiction with the supreme judicial court in all personal actions where the debt or damages do not exceed fifty dollars, and is over twenty dollars, and the defendant or defendants are resident in said county of Waldo, but this jurisdiction shall not include proceedings under the divorce laws, complaints under the mill act, nor proceedings under the bastardy act. And any person aggrieved by any judgment awarded by said judge, may appeal therefrom to the supreme judicial court for said county in like manner as in trial justice courts.

SECT. 2. 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 judge one dollar 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 judge 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. If no such affidavit is filed, the said police 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.

SECT. 3. It shall be the duty of said court to make and keep its own records, which records shall be such as would be legal records in a trial justice's court. And certified copies of the records of said court shall be evidence in the courts of this state. And said court shall be holden on the first and third Mondays of each month, at nine o'clock in the forenoon, at such place in the city of Belfast as said city shall provide for the transaction of civil business; and all civil processes shall be made returnable accordingly. And the fees in all actions wherein the debt or damages exceed twenty dollars shall be one-half only allowed by law in the supreme judicial court; and in all criminal matters and civil actions where the debt or damages do not exceed twenty dollars shall be the same as legally taxable by trial justices; provided, that the price of blank writs signed by said judge shall be two cents, and no more. And all fines, penalties and costs awarded by said judge in criminal cases shall be accounted for and paid over by said judge in the same manner as required of trial justices.

SECT. 4. In case of death or sickness or other disability of the said judge to attend at the time and place mentioned in the preceding section for transaction of civil business, said court shall stand adjourned until the next term, and so from term to term,

without costs to either party until the judge is able to attend. And during such disability all warrants issued by said judge may be returned by the officer having the same before any trial justice in said county, and said justices are hereby authorized to hear and determine the same in like manner as though the same had been originally returnable before said justice.

SECT. 5. The city of Belfast shall have the power, and it shall be its duty to raise money to provide a suitable room in which to hold said court, and to furnish a seal for said court, and said judge may collect and retain all fees arising in said court, which shall be in full payment for his services.

SECT. 6. All actions, suits, matters and things, which may be pending before the Belfast municipal court wherein the debt or damages do not exceed fifty dollars, except where real estate has been attached, and all writs, executions, warrants, recognizances and processes wherein the debt or damages claimed do not exceed fifty dollars, except wherein real estate is or was attached on the original writ, returnable to the Belfast municipal court when this act takes effect, shall be transferred and returned to, and be entered, prosecuted, determined and executed in and by the police court of the city of Belfast established by this act, the same as if originated therein. And all civil actions, suits, matters or things pending in the Belfast municipal court and all writs, executions and processes where the debt or damages claimed exceed fifty dollars, and all civil actions, suits, matters or things pending in said municipal court and all writs, executions and processes where the debt or damages exceed twenty dollars in which real estate is or was attached upon the original writ, shall be transferred and returned to and shall be entered, prosecuted, determined and executed in and by the supreme judicial court within said county in the same manner and with the same effect as if the same had originated in said supreme court. And the said court hereby established shall be the depository of all records of the police court heretofore existing in said city, and of the records of the Belfast municipal court heretofore existing in said city of all criminal matters and all civil matters where the debt or damages do not exceed fifty dollars, except where real estate was attached upon the original writ, and shall have full power and authority to issue and renew executions and carry into effect any judgment of and to complete all processes and proceedings commenced in or by said courts as aforesaid, and to certify and duly authenticate the records of said courts, as effectually in all respects as said courts heretofore existing could have done, had this act not been passed. And the supreme judicial court in said county shall have like control, possession and power over the records, executions, processes and proceedings of the said Belfast municipal court, wherein the debt or

CHAP. 180.

Warrants returnable before trial justices, during disability of judge.

City to provide courtroom, and furnish seal.

Judges fees.

Certain actions to be transferred from municipal to police court, and certain process made returnable to said police court.

Certain actions pending in municipal court to be transferred to, and certain process issued made returnable to the S. J. court.

The court hereby established made depository of certain records.

To issue and renew execution.

To certify records.

S. J. court to have like control and power over papers.

CHAP. 181. damages exceed fifty dollars or wherein the debt or damages exceed twenty dollars and real estate was attached upon the original writ.

Writs served,
how.

SECT. 7. Writs returnable to said police court wherein the debt or damages do not exceed twenty dollars shall be duly served not less than seven days, nor more than sixty days before the return day, and where the debt or damages exceed twenty dollars, not less than fourteen days, nor more than sixty days before the return day.

Title to real es-
tate.

SECT. 8. In all cases where the title to real estate is raised by the pleadings, the same proceedings shall be had as before trial justices.

Ch. 26 private
laws of 1878 re-
pealed.

SECT. 9. Chapter twenty-six of the private and special laws of the year eighteen hundred and seventy-eight, relating to the police court of the city of Belfast is hereby repealed.

This act takes
effect—when.

SECT. 10. This act shall go into effect on the twelfth day of April in the year of our Lord one thousand eight hundred and seventy-nine.

Approved February 28, 1879.

Chapter 181.

An Act allowing Charles W. Stimpson, Jr., to extend a wharf into tide waters in the Georges River.

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

Charles W.
Stimpson, Jr.,
authorized to
extend wharf.

Charles W. Stimpson, Jr., is hereby authorized to extend a wharf into the tide waters of the Georges river, at Stimpson's Point, so called, in the town of Cushing, not exceeding one hundred feet from low water mark.

Approved February 28, 1879.