

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

SIXTY-FIRST LEGISLATURE

OF THE

STATE OF MAINE.

1883.

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1883.

PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE.

1883.

Chapter 324.

CHAP. 324

An Act to extend the charter of the Livermore Bridge Corporation.

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

SECT. 1. The charter of the Livermore Falls bridge, approved March eighteen, eighteen hundred and fifty-six, is hereby extended twenty-five years from the time of its expiration, with all the rights, privileges and liabilities therein granted, provided the towns of Livermore, East Livermore, and the county of Androscoggin, or one or two of them, shall have the right, at any time, upon payment to said corporation of the sum of nine thousand dollars, to acquire all the franchises of said corporation, its toll bridge, gates, toll house, approaches to the bridge, and all other appurtenances of said bridge; and said corporation, by accepting or assenting to the renewal of its charter, as aforesaid, agrees and is holden to convey the franchises and property aforesaid, upon the receipt of said sum. Any mortgage, attachment or other incumbrances, which may hereafter be put upon said franchises or property, shall be subject to the provisions of this section, and shall not prevent said towns or county from acquiring an unincumbered title; and said towns and county, and each of them, which may desire to acquire said franchise and property, are hereby authorized to appropriate and expend the money aforesaid, for the purposes aforesaid, and to maintain said bridge and appurtenances, after the same is acquired, and to determine whether to maintain it as a free bridge or toll bridge.

Charter of Livermore Falls bridge, extended.

Livermore and East Livermore, authorized to purchase.

Future mortgages on the franchises, to be subject to provisions of this act.

Towns authorized to appropriate money for purchase of bridge.

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

Approved March 7, 1883.

Chapter 325.

An Act to revise and amend the charter of the city of Calais.

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

SECT. 1. The inhabitants of Calais shall continue to be a body politic and corporate by the name of the city of Calais, and as such shall have, exercise and enjoy all the rights,

Corporate name.

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Rights, powers
and privileges.

May ordain by-
laws and regula-
tions.

Municipal affairs
vested in mayor,
aldermen and
common council.

Mayor to be chief
executive magis-
trate.

Duties and pow-
ers of mayor.

Salary fixed.

Laws, etc., to be
approved by
mayor.

immunities, powers, privileges and franchises, and shall be subject to all the duties and obligations now appertaining to or incumbent upon said city, or the inhabitants or municipal authorities thereof; and may ordain reasonable by-laws and regulations for municipal purposes, and impose penalties for the breach thereof, not exceeding one hundred dollars, to be recovered for such uses as the municipal authorities may appoint.

SECT. 2. The administration of all the fiscal, prudential and municipal affairs of said city, with the government thereof, shall be vested in one principal magistrate to be styled the mayor, and one council of seven to be denominated the board of aldermen, all of whom shall be inhabitants of said city, which board shall constitute and be called the city council; and shall be sworn or affirmed in the form prescribed by the constitution of the state for state officers.

SECT. 3. The mayor of said city shall be the chief executive magistrate thereof. It shall be his duty to be vigilant and active in causing the laws of the state and ordinances and regulations of the city to be executed and enforced; to exercise a general supervision over the conduct of all subordinate officers, and to cause violations or neglect of duty on their part to be punished. He shall, from time to time, communicate to the city council such information, and recommend such measures as the interests of the city may require. He shall preside at all meetings of the mayor and aldermen, but shall have only a casting vote. He shall be compensated for his services by a salary to be fixed by the city council, payable at stated periods, and shall receive therefor no other compensation, which salary, however, shall not be increased or diminished during his year of office.

SECT. 4. Every law, act, ordinance, resolve or order of the city council, excepting rules and orders of a parliamentary character, shall be presented to the mayor. If not approved by him he shall return it, with his objections, at the next stated session of the city council, which shall enter the objections at large on its journal and proceed to reconsider the same. If, upon such reconsideration, it shall be passed by vote of two-thirds of all the members, it shall have the same force as if approved by the mayor. In case of vacancy in

the mayor's office, this section shall not apply to any act of the council. CHAP. 325

SECT. 5. The executive powers of said city generally, and the administration of police and health departments, with all the powers of selectmen, and all the powers of establishing watch and ward, now vested by the laws of the state in the justices of the peace and municipal officers or inhabitants of towns, are vested in the mayor and aldermen, so far as relates to said city; and they are authorized to unite the watch and police departments into one department and establish suitable regulations for the government of the same. The officers of police shall be one chief, to be styled the city marshal, so many deputy marshals as the city council may by ordinance prescribe, and so many watchmen and policemen as the mayor and aldermen may from time to time appoint. All powers relating to the fire department shall be vested in the council, which may establish all needful regulations in relation thereto. The council shall keep a record of all its proceedings, judge of the election of its members and in case of any vacancy in the office of mayor or alderman, new elections shall be ordered, as other elections are, to be held within twenty days after the vacancy occurs.

Powers vested in mayor and aldermen.

City marshal and deputies.

Powers relating to fire department vested in council.

Vacancies, how filled.

SECT. 6. The compensation of all subordinate city officers whatsoever, shall be fixed by the city council. All officers of the police and health departments shall be appointed by the mayor and aldermen, and may be removed by them for good cause. All other subordinate officers shall be elected by the city council, and may be removed by them for cause. Except as otherwise provided in this act, all subordinate officers shall be elected annually, on the second Monday of April, or as soon thereafter as may be, and their term of office shall be for one year and until their successors are chosen and qualified. All vacancies in subordinate offices may be filled by the council.

Election or appointment of subordinate officers and compensation.

May be removed for cause.

SECT. 7. No money shall be paid out of the city treasury except upon orders signed by the mayor, designating the fund or appropriation from which payment is to be made; nor unless the same shall first have been granted or appropriated by the council; and the city council shall secure a prompt and just accountability, by requiring bonds with sufficient penalty and surety, or sureties, from all persons

Payment of money from treasury, etc.

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City buildings and property, custody and management of.

Shall publish annually an account of receipts and expenditures.

Assessors, their election, powers and duties.

Assessment and collection of taxes.

Overseers of poor, election of.

Wards.

Warden, clerk and constable, election of.

entrusted with the receipt, custody or disbursement of money ; they shall have the care and superintendence of the city buildings and the custody and management of all city property, with power to let or sell what may be legally let or sold, and to purchase and take in the name of the city, real and personal property, for municipal purposes, to an amount not exceeding two hundred thousand dollars in addition to that now held by the city. And shall, as often as once a year, caused to be published, for the information of the inhabitants, a particular account of receipts and expenditures and a schedule of city property.

SECT. 8. The assessors shall continue to be elected on the second Monday in March. At the first election thereof under this act, three persons shall be elected assessors, one of whom shall be elected for one year, and one for two years and one for three years, and at each subsequent election one assessor shall be elected for three years, each of whom shall continue in office until some other person shall have been elected and qualified in his place. The city council may, in their discretion, elect an assistant assessor in each ward, whose duty it shall be to furnish the assessors with all the necessary information relative to persons and property taxable in his ward ; he shall be sworn or affirmed to the faithful performance of his duty. All taxes shall be assessed, apportioned and collected in the manner prescribed by the laws of this state relative to town taxes, except as herein modified ; and the city council may establish further, or additional provisions, for the collection thereof and of interest thereon. There shall be elected at the elections of subordinate officers, under this act, not more than three persons for overseers of the poor and work-house.

SECT. 9. The city shall remain divided into seven wards, and ward seven shall remain as now divided into district number one and district number two, and the council may, once in ten years, revise, and if needful, alter the ward and district lines so as to preserve, as nearly as may be, an equal number of voters in each ward. In each of said wards and districts, at the annual city election, there shall be elected a warden, clerk and constable, who shall be sworn by any justice of the peace, or person presiding at said ward meeting, and a certificate thereof shall be entered by the clerk on

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the ward records. The wardens shall preside at all ward meetings with the powers of moderators of town meetings. If, at any meeting, the warden is not present, or does not preside, the clerk, or in his absence, or on his refusal to act, any voter in said ward or district, may call the meeting to order and preside until the vacancy is filled by election of a warden or clerk *pro tempore*. The clerk shall record all proceedings and certify the votes given, and the city council may fix the compensation of the wardens and clerks, and require them to deposit with the city clerk, in proper form, all records and documents required of or entrusted to them, before receiving any pay. All regular ward meetings, except as herein provided, shall be notified and called by warrant from the mayor and aldermen, in such form as the city council may by ordinance direct, or as prescribed by law for calling town meetings by selectmen. In ward seven, the clerk of district number two shall, as soon as the vote is ascertained, certify the votes of his district to the clerk of district number one, who shall certify the votes of the whole ward, as herein required of ward clerks.

Wardens shall preside at ward meetings.

Duties of clerk

Ward meetings, how called.

Votes in ward seven, how certified.

SECT. 10. On the first Monday in April, annually, the qualified voters of each ward shall vote on one ballot for the warden, clerk and constable, as aforesaid, and also for mayor and one alderman, all of which officers, except the mayor, shall be residents of the ward or district where elected. All said officers shall be elected by ballot by a majority of the votes given, and shall hold their offices one year from the second Monday in April, and until others shall be elected and qualified in their places. All city and ward officers shall be held to discharge the duties of the offices to which they have been respectively elected, notwithstanding their removal, after their election, out of their respective wards into any other wards in the city; but they shall not so be held after they have taken up their permanent residence out of the city. The ward clerk, within twenty-four hours after such election, shall deliver to the ward officers elected, certificates of their election, and shall forthwith deliver to the city clerk a certified copy of the record of such election, a plain and intelligible abstract of which shall be entered by the city clerk on the city records. If the choice of any such officers is not effected on that day, the meeting shall be adjourned to another

Annual election.

Term of office.

Ward clerk to deliver certificates of election to ward officers.

Elections at adjourned meetings, how determined.

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Aldermen to cause mayor to be notified.

Proceedings if mayor is not elected at first meeting.

Vacancy in office of mayor, how filled.

Oaths.

Council to determine times of holding meetings of board.

Mayor may call special meetings.

Permanent chairman, duties and powers.

President pro tempore, powers and duties of city clerk.

day, not more than two days thereafter, to complete such election; and at this adjourned meeting a plurality of votes shall elect. The board of aldermen shall, as soon as conveniently may be, examine the copies of the records of the several wards, certified as aforesaid, and shall cause the person who shall have been elected mayor by a majority of the votes given in all the wards to be notified in writing of his election. But if it shall appear that no person shall have been so elected, or if the person elected shall refuse to accept the office, the said board shall issue their warrants for another election, and a plurality shall then elect instead of a majority; and in case of a vacancy in the office of mayor by death, resignation or otherwise, it shall be filled for the remainder of the term by a new election, to be called as herein provided, and held within twenty days after the vacancy occurs. The oath or affirmation prescribed by this act shall be administered to the mayor by the city clerk or any justice of the peace in said city. The aldermen elect shall meet on the second Monday in April, at ten o'clock in the forenoon, when the oath or affirmation required by the second section of this act shall be administered to the members present, by the mayor or any justice of the peace. The city council shall, by ordinance determine the times of holding stated or regular meetings of the board, and shall also in like manner, determine the manner of calling special meetings and the persons by whom the same shall be called; but until otherwise provided by ordinance, special meetings shall be called by the mayor by causing a notification to be left at the usual residence or place of business of each member.

SECT. 11. After the organization of a city government and the qualification of a mayor, and when a quorum of the board of aldermen shall be present, said board, the mayor presiding, shall proceed to choose a permanent chairman, who, in the absence of the mayor, shall preside at all meetings of the board, and in case of any vacancy in the office of mayor, he shall exercise all the powers and perform all the duties of the office so long as such vacancy shall remain; he shall continue to have a vote in the board, but shall not have the veto power. The board of aldermen, in the absence of the mayor and permanent chairman, shall choose a president *pro tempore*, who shall exercise the powers of a permanent chairman. The

city clerk shall be clerk of said board and have all the powers and duties of town clerks and such other duties as the council may prescribe, and in his absence the council may elect a clerk *pro tempore*.

SECT. 12. The city council, in behalf of the city, may offer rewards for the prevention of crimes or detection of criminals. They may also require all sail-boats, not under register or license, kept for hire in said harbor, to be examined and licensed for that purpose, and to be furnished with air tight compartments; and may establish such regulations respecting such boats as they may deem expedient. They may also make and enforce by penalties, regulations respecting the enclosure of lots, abutting on any street or way in the city, which may for want of such enclosure, be dangerous to the public; and after notice to the owners or lessees of such lots, may, if the same are not enclosed in a reasonable time, cause the same to be enclosed at the expense of the owners or lessees. They may assess money for celebration of the anniversary of our National Independence and other public celebrations. They may pass ordinances and enforce the same by suitable penalties, regulating the standing of teams in the streets.

Powers and duties of city council.

SECT. 13. General meetings of the citizens qualified to vote in city affairs may, from time to time, be held to consult upon the public good; to instruct their representatives, and to take all lawful measures to obtain redress of any grievances according to the right secured to the people by the constitution of this state; and such meetings shall be duly warned by the mayor and aldermen upon requisition of forty qualified voters. The city clerk shall act as clerk of such meetings and record the proceedings upon the city records.

General meetings, how and for what purpose called.

SECT. 14. The aldermen shall not be entitled to receive any salary or other compensation during the year for which they are elected, nor be eligible to any office of profit or emolument, the salary of which is payable by the city during said term; and all departments, boards, officers and committees acting under the authority of the city and entrusted with the expenditure of public money shall expend the same for no other purpose than that for which it is appropriated, and shall be accountable therefor to the city in such manner as the city council may direct.

Aldermen not to receive compensation.

Expenditure of public money.

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Streets, power of
city council to
lay out, etc.

SECT. 15. The city council shall have exclusive authority to lay out, widen or otherwise alter or discontinue any and all streets or public ways in said city, and as far as extreme low water mark, and to estimate all damages sustained by owners of land taken for such purpose. A committee of the council shall be appointed whose duty shall be to lay out, alter, widen or discontinue any street or way, first giving notice of the time and place of their proceedings to all parties interested, by an advertisement in a newspaper printed in Calais, for three weeks at least, next previous to the time appointed. The committee shall first hear all parties interested and then determine and adjudge whether the public convenience requires such street or way to be laid out, altered or discontinued; and shall make a written return of their proceedings, signed by a majority of them, containing the bounds and descriptions of the street or way, if laid out or altered, and the names of the owners of the land taken, when known, and the damages allowed therefor; the return shall be filed in the city clerk's office at least seven days previous to its acceptance by the city council. The street or way shall not be altered or established until the report is accepted by the city council, and the report shall not be altered or amended before its acceptance. A street or way shall not be discontinued by the city council, excepting upon the report of said committee. The committee shall estimate and report the damages sustained by the owners of the lands adjoining that portion of the street or way which is so discontinued; their report shall be filed with the city clerk seven days at least before its acceptance. Any party aggrieved at their decision may appeal therefrom as provided by law in the case of town ways. If a street or way is discontinued before the damages are paid or recovered for the land taken, the land owner shall not be entitled to recover such damages but the committee in their report discontinuing the same shall estimate and include all the damages sustained by the land owner, including those caused by the original location of the streets; and in such cases, if an appeal has been regularly taken, the appellant shall recover his costs. The city shall not be compelled to construct or open any street or way thus hereafter established, until in the opinion of the city council the public good requires it to be done; nor shall the city interfere with the possession

Remedy if any
party is
aggrieved.

of the land so taken by removing therefrom materials or otherwise, until they decide to open said street. The city council may regulate the height and width of sidewalks in any public square, places, streets, lanes or alleys in said city; and may authorize posts and trees to be placed along the edge of sidewalks; and may locate and construct reservoirs within the limits of any street or way in said city whenever they deem it needful for protection against fire; and the city shall not be liable for any damages caused by such posts, trees and reservoirs, nor by any poles or wires erected in its streets by any parties authorized by law so to do.

Posts and trees may be placed along the edge of sidewalks.

Liability of city for damages.

SECT. 16. Whenever the city council shall lay out any new street, or alter or discontinue any street or way, it shall be lawful for said council, by its committee, to apportion any land damages estimated and allowed by them, together with the estimated cost of constructing, widening, altering or discontinuing said way, or such part of said damages and cost as they deem just, upon the lots or parcels of land adjacent to and bounded on such street or way, in such proportion as in their opinion such lots or parcels are benefitted or enhanced in value by such laying out, altering or discontinuing said street or way, and the duties, rights and remedies of all concerned as to the said assessment and its collection or appeal therefrom, shall be the same as provided by chapter twenty-six, acts of eighteen hundred and seventy-two, and acts additional or amendatory thereto.

Land damages and costs, how estimated and apportioned.

SECT. 17. The mayor and aldermen of said city may, on public occasions, by their order, forbid the passing, temporarily, of horses, carriages or other vehicles, over or through such streets or ways in said city as they may deem expedient. No existing wharf shall be extended into the harbor a greater distance below low water mark than the same now exists, and hereafter no new wharf shall be extended below low water mark into the harbor, without, in either case, the written assent of the mayor and aldermen. The mayor may on such terms and conditions as he may think proper, authorize and empower any person or corporation to place in any street for such time as may be necessary, any materials for making or repairing any street, sidewalk, crosswalk, bridge, watercourse or drain, or for erecting, repairing or finishing any building or fences, or for laying or repairing

Mayor and aldermen may, temporarily, close streets to travel.

---may regulate extension of wharves.

Mayor may authorize placing materials in streets for repair of same.

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City not liable
for damages
arising therefrom.

Obstructions, etc,
placed in any
street without
authority, to
be deemed a
nuisance.

Municipal officers
shall give notice
before construct-
ing any drain or
sewer.

Expenses of con-
struction, how
estimated and
defrayed.

gas or water pipes; *provided*, that not more than one-half of the width of the street shall be so occupied. And such material so placed shall not be considered an obstruction, nor shall the city be answerable for any damages arising therefrom. The city council is authorized to permit any persons or corporations to lay down, in and through the streets of the city, and to take up, replace and repair all such pipes and fixtures as may be necessary for the objects of their incorporation, and under such restrictions and regulations as said city council may see fit to prescribe. And any obstruction in any street of the city, or taking up or displacement of any portion of any street, without such consent of the city council or contrary to the restrictions or regulations that may be prescribed as aforesaid, shall be considered a nuisance. And such persons or company shall be liable to indictment therefor, and to all the provisions of law applicable thereto.

SECT. 18. It shall be the duty of the municipal officers of the city, before commencing the construction of any public drain or common sewer, to give notice of their intention to construct said drain or sewer, to appoint a time and place for a hearing in regard to the same, and give notice thereof, by publishing the same for three successive weeks in some newspaper published in Calais. When said drain or sewer is completed, they shall adjudge what parcels of land are benefitted by such drain or sewer, and estimate and assess upon such lots and parcels of land, and against the owner thereof, if known, such sum, not exceeding such benefit, as they may deem just and equitable, towards defraying the expenses of constructing and completing such drain or sewer, the whole of said assessments not to exceed two-thirds of the cost of such drain or sewer, and such drain or sewer shall forever thereafter be maintained and kept in repair by said city; such municipal officers shall file with the clerk of said city the location of such drain or sewer, with a profile description of the same, with the amount assessed upon each lot or parcel of land so assessed, and the name of the owner of each lot or parcel of land, if known, and the clerk of said city shall record the same in a book kept for that purpose; and the subsequent proceedings, and rights, duties and remedies of all concerned shall be the same as herein provided concerning

assessments for laying out, altering or discontinuing streets or ways.

SECT. 19. No person shall enter his private drain into any such public drain or sewer, either during or after its construction, unless he has obtained a written permit from the mayor and aldermen, and has paid such sum as they may assess upon him or his land. All permits to enter such drain or sewer shall be counter-signed by the city clerk and recorded by him before the same are issued.

Private drains may enter into public sewers, on permit of mayor and aldermen.

SECT. 20. The city council may, at its option, without notice, and under such regulations or orders as it may have established or passed, or may hereafter establish or pass, construct sidewalks or footways, laid with brick, flat stones, concrete, or other materials, with suitable curbs, on any street or portion thereof, and direct not exceeding one-half the cost thereof, to be assessed on adjacent lots, and for that purpose may direct the curb to be set at any time previous to the construction of the walk, and cause the cost of the curb and the cost of the paving of the walk to be assessed separately, as each is or may be done; *provided*, that no owner or proprietor shall be assessed for more than two hundred feet in length of sidewalk or footway on any one street in front of any unimproved lots or parcels of land. The expense of said walks complete, or of said curbs or of said paving, shall be estimated and assessed within one year by the mayor and aldermen of said city, on the several lots chargeable therewith, and by them certified to the city treasurer, in the manner and with all rights to the parties interested, as provided in this act in relation to assessments for streets and drains or sewers, and all the further proceedings in relation to the assessment for sidewalks and the collection thereof shall be the same as herein provided in relation to assessments for laying out streets.

Council may construct sidewalks with curbs etc.

—expense of, how estimated and assessed.

SECT. 21. If any assessments for streets, sidewalks or sewers are not paid, and said city does not proceed to collect said assessments by a sale of the lots or parcels of land upon which said assessments are made, or does not collect or is in any manner delayed or defeated in collecting such assessments by a sale of the real estate so assessed, then the said city, in the name of the inhabitants of said city, or in the name of such city, may sue for and maintain an action against

If assessments are not paid or enforced by sale of lots, city may maintain an action against party assessed.

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May recover with interest.

Proviso.

Assessments may be corrected.

Mayor and aldermen authorized to issue summons, and compel attendance of witnesses, in hearings on municipal matters.

Penalty for failing to comply with summons.

Municipal court, established.

Court of record, with seal.

Duties of judge.

Judge shall not act as counsel.

Recorder to be appointed by the court.

the party so assessed, for the amount of said assessment as for money paid, laid out and expended, in any court competent to try the same, and in such suit may recover the amount of such assessment with twelve per cent interest on the same from the date of said assessment, and costs; *provided, however*, that if any lot, when sold in the manner before provided, shall not sell for enough to pay the amount of said assessment with interest and cost, the owner thereof shall be under no personal liability for the same. Any assessment shall at any time be corrected on due notice, and certified anew by the mayor and aldermen aforesaid, and no assessment shall be void by reason of error in the name of the owner or occupant of the lot assessed, *provided*, the lot assessed is so described that the same may be distinctly known.

SECT. 22. The mayor and aldermen shall have power to send for persons and papers, and compel the attendance of witnesses at any meeting of said board of mayor and aldermen at which a hearing is had in any matter of inquiry regarding alleged dereliction of duty of any city officer or any person in the employ of said city, or in any hearing on any municipal matter. The mayor shall have power to issue summons to such witnesses as he shall require in such hearings. Any person failing to comply with the summons of the mayor, shall be punished by fine not less than five dollars nor more than fifty dollars, or by imprisonment not more than thirty days.

SECT. 23. A municipal court is hereby established in said city of Calais, which shall be denominated the Calais municipal court, shall be a court of record, with a seal, and shall consist of one judge who shall reside in said Calais. He shall cause to be entered on the docket of said court all civil and criminal actions, with full minutes of the proceedings in and disposition of the same, which docket shall be at all times open to inspection, and he shall perform all other duties required of similar tribunals in this state; and copies of the records of said court, duly certified by said judge, shall be legal evidence in all courts. He shall not act as attorney or counsel in any action, matter or thing within the jurisdiction of said court.

SECT. 24. The judge shall appoint a recorder of said court, who shall reside in said Calais, and hold his office for

four years. He shall be sworn by said judge, and keep the records of said court when requested so to do by said judge. In case of absence from the court room or sickness of the judge, or when the office of judge shall be vacant, the recorder shall have and exercise all the powers of said judge, and perform all the duties required of said judge by this act, and the signature of the recorder, as such, shall be sufficient evidence of his right to act instead of the judge. In the absence of both judge and recorder, any justice of the peace of the city of Calais may preside for the purpose of entering and continuing actions and filing papers in said court, and may adjourn the same from day to day, or till the next regular term.

Duties and powers.

SECT. 25. Said court shall have exclusive original jurisdiction of all civil actions in which the debt or damages demanded do not exceed twenty dollars, and both parties, or one of the parties and a person summoned in good faith and on probable grounds as trustee, reside in said city of Calais; and shall have exclusive original jurisdiction of all offenses committed against the ordinances and by-laws of said city, and all such criminal offenses and misdemeanors committed therein as are cognizable by trial justices; *provided*, that warrants may be issued upon complaints for offenses committed in said city of Calais, by any trial justice in said county, but all such warrants shall be made returnable before said court, and no trial justice shall take cognizance of any crime or offense committed in said city, or any civil action of which said court has exclusive jurisdiction. Said court shall have original jurisdiction concurrent with trial justices, of all such matters and things, civil and criminal, within the county of Washington, as are by law within the jurisdiction of trial justices in said county.

Exclusive jurisdiction.

Proviso.

Concurrent jurisdiction.

SECT. 26. Said court shall have original jurisdiction, concurrent with the supreme judicial court, of all civil actions in which the debt or damages demanded, exclusive of costs, do not exceed one hundred dollars, in which either party, or a person summoned in good faith and on probable grounds as trustee, resides in the county of Washington, or having his residence beyond the limits of this state, is served with process within said county. And said court shall have original jurisdiction, concurrent with the supreme judicial court in said county, of all larcenies described in sections one, six,

Concurrent jurisdiction with the S. J. court.

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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 all the cases of cheating by false pretences, described in section one of chapter one hundred and twenty-six of the revised statutes, when the value of the property or other thing alleged to have been fraudulently obtained or sold does not 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 offense 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 not exceeding three months; and of all other crimes, offenses and misdemeanors committed in said county which are by law punishable by fine not exceeding fifty dollars, and by imprisonment not exceeding three months; *provided*, that said court shall not try civil actions in which the title to real estate, according to the pleadings filed in the case by either party, is in question, except as provided in chapter ninety-four, sections six and seven, of the revised statutes.

Proviso.

Terms.

SECT. 27. A term of said court shall be held on the third Tuesday of each month, beginning at ten o'clock in the forenoon, at such place in the city of Calais as said city shall provide, for the transaction of civil business, and all civil processes shall be made returnable accordingly; *provided, however*, that said court shall be held on every Tuesday at the usual hour, for the entry and trial of actions of forcible entry and detainer, and such actions shall be returnable accordingly, and be heard and determined and judgment entered on the return day of the writ, unless continued for good cause. Said court may adjourn from time to time, but shall be considered as in constant session for the trial of criminal offenses.

Adjournment.

Writs and processes, form and service.

SECT. 28. Writs and processes issued by said court shall be in the usual forms, signed by the judge or recorder, and under the seal of said court. They shall be served as like precepts are required to be served when issued by trial justices, except original writs in civil actions, which shall be served not less than seven nor more than sixty days before the sitting of the court at which the same are made return-

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able. All the provisions of the statutes of the state relative to the attachment of real and personal property and the levy of executions, shall be applicable to actions in this court and executions on judgments rendered therein; *provided*, that property may be attached equal in value to *ad damnum*, and in addition thereto sufficient to satisfy the costs of suit, and the writ may be framed accordingly.

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

SECT. 29. All civil actions in said court shall be entered the first day of the term and not afterwards, except by special permission, and they shall be in order for trial at the next term after the entry if not otherwise disposed of. The pleadings shall be the same as in the supreme judicial court, and all the provision of law relative to practice and proceedings in the supreme judicial court, in civil actions, are hereby made applicable and extended to this court, except so far as they are modified by the provisions of this act.

Entry and trial of civil actions.

Pleadings, practice and proceedings, in S. J. court, applicable to this court.

SECT. 30. If any defendant, his agent or attorney, in any action in said court in which the debt or damages claimed in the writ exceeds twenty dollars, shall, on or before the first day of the second term, 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 claims a jury trial, and shall deposit with the judge of said court one dollar and fifty cents for copies and entry in the supreme judicial court, to be taxed in his costs if he prevails, the said action shall be removed into and entered at the next term of the supreme judicial court for said county, and the judge of said municipal court shall forthwith cause certified copies of the writ, return of the officer and all other papers in the case to be filed in the clerk's office of the said supreme court.

Actions may be removed to S. J. court.

SECT. 31. Actions pending in this court may be referred in the same manner as in the supreme judicial court, and on report of the referees to said municipal court, judgment may be rendered in the same manner and with like effect as in the supreme judicial court.

Actions may be referred in same manner as in S. J. court.

SECT. 32. Any party may appeal from any judgment or sentence of said municipal court to the supreme judicial court, in the same manner as from a judgment or sentence of a trial justice.

Appeals may be taken to S. J. court.

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Exceptions may be alleged and cases heard and determined at law term.

SECT. 33. Exceptions may be alleged and cases certified on agreed statements of facts, or upon evidence reported by the judge in all civil actions, as in the supreme judicial court, and the same shall be entered, heard and determined at the next law term held in the eastern district, or by agreement of parties may be certified at and to the chief justice of the supreme judicial court, and when so certified, to be argued in writing on both sides within thirty days; and the supreme judicial court, sitting as a court of law, shall have the same jurisdiction of all questions of law arising on said exceptions, statements and reports, as if they had originated in the supreme judicial court for the county of Washington; and all the provisions of law and rules of the supreme judicial court relative to the transfer of actions and other matters from the supreme judicial court for said county, shall apply to the transfer of actions from said municipal court to said law court.

Decisions of law court to be certified to this court.

Decisions of the law court on all cases from said municipal court, shall be certified to the judge of said municipal court, with the same effect as in cases originating in the supreme judicial court in said county.

Costs and fees to parties and attorneys.

SECT. 34. The costs and fees allowed to parties and attorneys in civil actions before said court, in which the debt or damages recovered do not exceed twenty dollars, shall be the same as are allowed in actions before trial justices, except that the plaintiff, if he prevails, shall be allowed one dollar for his writ; and the defendant, if he prevails, one dollar for his pleadings. But in all actions in which the amount recovered exceeds twenty dollars, the costs and fees of parties and attorneys shall be the same as in the supreme judicial court, except that the defendant, if he prevails, shall be allowed two dollars for his pleadings.

Fees of judge.

SECT. 35. The fees of the judge, which he may demand and receive for his services, shall be the same as are allowed by law to trial justices and clerks of the supreme judicial court for similar services, except that he shall receive for every blank writ signed by him, four cents; for the entry of each civil action, fifty cents; for every warrant issued by him, one dollar; and for the trial of an issue in civil or criminal cases, one dollar, and two dollars for each day actually employed after the first. All fines and penalties awarded and received by said judge or said recorder, shall be accounted

Fines and penalties, how disposed of.

for and paid over as if the same had been awarded and received by a trial justice, and for neglect to do so they shall be subject to like penalties with trial justices.

SECT. 36. The city marshal of Calais, or one of his deputies, shall be in attendance on said court when requested so to be by the judge or recorder, for the purpose of preserving order, and he shall execute all legal orders and processes to him directed by said court.

City marshal or deputy to, attend the court when requested.

SECT. 37. The city of Calais shall provide suitable rooms for said court, and furnish the same in an appropriate manner.

City to provide court rooms.

SECT. 38. Any trial justice in the county of Washington may take cognizance of any action, matter or thing within his jurisdiction, wherein the judge or recorder of said court is a party or interested.

When judge or recorder is party interested, trial justice may take cognizance of any actions.

SECT. 39. This act shall have no effect upon any action, suit, matter or thing now pending in or returnable to said municipal court, except that writs and other processes in civil actions, issued before and returnable at a term of said court after this act goes into effect, shall be returned and entered at the next term thereof after the return day named in them, and the judge and recorder of said court shall have full power and authority to issue and renew executions and other processes, and to carry into effect the judgments and decrees heretofore rendered by said court, and to certify and authenticate the records thereof as effectually as if this act had not been passed.

Act not to affect pending actions.

Proviso.

SECT. 40. All acts and parts of acts inconsistent with this act are hereby repealed. *Provided, however,* the repeal of the said acts shall not affect any act done, or any act accruing or accrued or established, or any suit or proceeding had or commenced in any civil or criminal case before the time when such repeal shall take effect, and that no offense committed, and no penalty or forfeiture incurred under the acts hereby repealed, and before the time when such repeal shall take effect, shall be affected by the repeal. *And provided, also,* that all persons who, at the time the said repeal shall take effect, shall hold any office under the said acts or ordinances of the city shall continue to hold the same according to the tenure thereof, or until others are elected and qualified in their stead. *And provided, also,* that all the ordinances, rules and regulations of the city of Calais, which shall be in

Inconsistent acts repealed.
Proviso.

Proviso.

CHAP. 326 force at the time when the said repeal shall take effect, shall continue in force until the same are repealed. No act which has been heretofore repealed shall be revived by the repeal of the above acts.

Approved March 7, 1883.

Chapter 326.

An Act to legalize the proceedings by which Stacyville plantation was organized.

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

Doings of Stacy-
ville plantation,
made legal.

The proceedings by which Stacyville plantation, in Penobscot county, was organized in July, eighteen hundred and sixty, are hereby confirmed, and the organization of said plantation is hereby declared legal and valid.

Approved March 7, 1883.

Chapter 327.

An Act to change the name of Maurice Wren.

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

Name changed.

That the name of the following person be and is hereby changed as follows, viz: Maurice Wren be changed to the name of Maurice R. Fogg.

Approved March 7, 1883.