

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

SIXTY-SECOND LEGISLATURE

OF THE

STATE OF MAINE.

1885.

Published by the Secretary of State, agreeably to Resolves of June 28, 1820,
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1885.

PRIVATE AND SPECIAL LAWS
OF THE
STATE OF MAINE.

1885.

himself or themselves of this section, such notice to be published at least six times in some daily newspaper in each of the cities of Portland and Boston. And such holders coming into such purchase shall be associated in the new corporation in proportion to their respective interests; and *provided, further*, that no organization shall be made unless there are represented at the meeting held for the purpose, not less than seventeen hundred thousand dollars in amount of the bonds secured by said mortgage.

SECT. 4. Such new corporation may issue its bonds secured by mortgage upon the whole of its railway, including that portion lying out of the state, or any part thereof, with its franchises and privileges to such amounts as it may, from time to time deem necessary to complete, equip or improve its railway, or to pay any prior incumbrance or indebtedness.

New corporation may issue bonds.

SECT. 5. Such new corporation is authorized to obtain concurrent or other legislation of the state of New Hampshire, for the purposes of giving effect to the rights, powers, privileges and franchises intended to be secured by this act and of enabling it to complete and extend its line of railway within said state of New Hampshire, or elsewhere, and of securing to itself any or all powers, rights, franchises and privileges at any time possessed by the Portland and Ogdensburg Railroad Company within the state of New Hampshire, or elsewhere, or under the laws of said state of New Hampshire.

—authorized to obtain legislation of State of New Hampshire to give effect to rights secured under this act, etc.

Approved March 5, 1885.

Chapter 508.

An Act to establish a Municipal Court in the town of Norway.

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 Norway to be denominated the Norway Municipal Court, which shall be a court of record with a seal, and shall consist of one judge, who shall be an inhabitant of the county of Oxford, of sobriety of manners, who shall be appointed as provided in the constitution, and who shall have

Norway municipal court established.

Court of record with seal.

Judge, appointment, term and qualifications.

CHAP. 508

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 within their jurisdiction, and such authority and jurisdiction additional thereto as is conferred upon him by this act.

Concurrent
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.

Exclusive
jurisdiction.

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 Norway, 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.

Original
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 in the county of Oxford. *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.

Actions involving
title to real estate
shall be removed
to supreme
judicial court.

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.

SECT. 4. Said court shall be held on the first Tuesday of each month 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 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 any deputy sheriff or 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.

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.

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.

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.

Terms.
Adjournment.
Writs and processes, form and service.

CHAP. 508

Statutes relative to attachments of property and levy of executions, applicable to actions brought in this court.
—proviso.

Actions to be entered on first day of term.

—proceedings.

SECT. 8. All the provisions of the statutes relative to the 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 addammum, sufficient to satisfy the costs of the suit.

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 summoned, 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 in 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 he may impose reasonable terms. Actions in which the defendant files his pleadings on the return day, and are 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 he 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.

Fees of judge.

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; 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 shall 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.

SECT. 12. Trial justices are hereby restricted from exercising any jurisdiction in the town of Norway 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 cases in which the judge is interested or related and except they may issue warrants on complaints for criminal offenses to be returned before said municipal court, and in case of the absence from the town of Norway or sickness of the judge of said court, and during such sickness or absence, any trial justice residing in said Norway, shall have and exercise in criminal matters the same jurisdiction as though said municipal court had never been established. *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 Norway, but all such actions shall be disposed of by such trial justices the same as if this act had not been passed.

Not to affect pending actions.

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

Approved March 5, 1885.