

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

SIXTY-THIRD LEGISLATURE

OF THE

STATE OF MAINE.

1887.

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1887.

PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE.

1887.

Chapter 205.

An Act in relation to the Police Court of the City of Bangor.

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

SECT. 1. The police court of the city of Bangor, in the county of Penobscot, shall be hereafter styled the Bangor Municipal Court; and shall be a court of record, and have and use a seal on all original processes; the present judge and recorder of said court shall continue in office until the end of the terms for which they were respectively appointed.

Bangor Municipal court.

—seal.
—present judge and recorder to continue in office.

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 or damage claimed is over twenty dollars, and not over one hundred dollars, and the defendants, or either of the defendants, or person or persons summoned as trustees, is resident in said county of Penobscot; but this jurisdiction shall not include proceedings under the divorce laws, or complaints under the mill act, so called.

Jurisdiction, enlarged.

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 a motion, asking that said cause be removed to the supreme judicial court, and deposit with the recorder or judge, the sum of two dollars for copies, and entry fee in said supreme court, 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 motion to be filed in the clerk's office of said supreme court, and shall pay the entry fee thereof; and said action shall be entered on the docket of the term next preceding said filing, unless said court shall then be in session, when it shall be entered forthwith, and shall be in order for trial at the next succeeding term. If no such motion is filed, the said municipal court shall proceed and determine said action, subject to the right to appeal in either party, as now provided by law. The pleadings in such cases shall be the same as in the supreme judicial court.

Actions may be removed to S. J. Court.

SECT. 4. In case the judge shall be temporarily unable to attend said court, the recorder may enter new actions return-

When judge is temporarily unable to attend, recorder may

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act in certain cases.

—in case of permanent disability, S. J. Court may designate trial justice to hold court.

Terms.

—civil processes shall be under teste of judge.

Provisions of law relating to attachments and levy of executions, applicable.

Costs, how taxed.

Appeals, when in order for trial in S. J. Court.

Fees in civil cases shall be to the use of judge and recorder.

able 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 any justice of the supreme judicial court, 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 any suit in which the regular judge may be interested. Said judge shall hold a court on the first and third Monday in each month at ten of the clock in the forenoon, and may adjourn from time to time, but shall be considered as in constant session for the trial of criminal offenses. All civil processes from said municipal court, shall be under the teste of the judge thereof, and signed by the recorder thereof.

SECT. 5. All the provisions of the statutes of this 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 costs of suit. Actions may be referred, and judgment on the referee's report may be rendered in the same manner and with the same effect as in the supreme judicial court.

SECT. 6. 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. 7. All appeals from any judgment of said municipal court, shall be in order for trial at the first term of the supreme judicial court next after said appeal is taken.

SECT. 8. In consideration of the increased duties required of the judge and recorder of said court, by reason of the provisions of this statute, they shall receive to their own use

in addition to any other compensation allowed by law, the court fees in all civil causes in equal moieties.

SECT. 9. This act shall have no effect to abate or prejudice any action, suit, matter or thing now pending in or returnable to said police court, but said municipal court shall have jurisdiction thereof, and 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 police court, and to certify and authenticate the records thereof, as effectually as if this act had not passed.

Pending actions shall not be affected by this act.

SECT. 10. All acts and parts of acts inconsistent with this act, are hereby repealed.

Inconsistent acts, repealed.

Approved March 7, 1887.

Chapter 206.

An Act for the better protection of Landlocked Salmon and Trout in townships D and E, in Oxford County.

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

SECT. 1. No person shall take, catch, kill, or fish for, any landlocked salmon, trout, or any other fish, in any of the Four ponds, Beaver or Long ponds, or other waters in townships D and E in Oxford county, between the first day of October and the first day of May following, in each year.

Fishing in certain ponds in Oxford County, between Oct. 1 and May 1, prohibited.

SECT. 2. Any person violating the provisions of this act shall be liable to a fine of not less than ten, nor more than thirty dollars, and a further fine of one dollar for each fish so taken, caught or killed.

Penalty for violation.

SECT. 3. This act shall take effect when approved.

Approved March 7, 1887.

Chapter 207.

An Act to incorporate the Cornish Savings Bank.

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

SECT. 1. John T. Wedgewood, Gilbert Chase, Fred T. Flint, G. H. Milliken, A. P. Copp, Walter P. Perkins, John H. Mason, George F. Clifford, Howard Brackett, Fred C. Small, I. N. Brackett, A. T. Danforth, John Bradley, W. H. Norton,

Corporators.