

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

SIXTY-FIFTH LEGISLATURE

OF THE

STATE OF MAINE.

1891.

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1891.

PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE.

1891.

Chapter 328.

An Act to legalize the doings of School District Number Five in the town of Eddington.

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

Doings of school district No. 5, in Eddington, made valid.

SECT. 1. The meetings and acts of school district number five, in the town of Eddington within Penobscot county, and the actions of the committee chosen by said district, in building a school house in and for said district, are hereby made legal and valid.

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

Approved April 2, 1891.

Chapter 329.

An Act to amend an act establishing a Municipal Court in the town of Waterville.

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

Ch. 220, Private Laws of 1880, amended.

SECT. 1. Chapter two hundred and twenty of the private laws of eighteen hundred and eighty, establishing a municipal court for the town of Waterville is hereby amended.

I. By striking out the word "town," in section one, and inserting the word 'city' in its stead.

Qualification and salary of judge.

II. By striking out, in section three, all after the word "constitution," in the third line of said section, and adding the following: 'who shall be a member of the bar in Kennebec county, who shall reside during his continuance in office in said city of Waterville, and who shall receive from said city, in monthly payments, at an annual salary of twelve hundred dollars, which shall be in full for all fees pertaining to his office.'

III. By striking out, in the first line of section four, the word "judge" and inserting instead, the word 'court.'

IV. By striking out in the first line of section five the word "judge" and inserting the word 'court;' by striking out the word "town" in the third and ninth lines of said section five and inserting in place thereof the word 'city;' by striking out all of said section five after the word "interested" in the eleventh line of said section and by adding the following: 'said court shall also have original concurrent jurisdiction with the

Original concurrent jurisdiction with superior court.

superior court in and for the county of Kennebec in all civil actions where debt or damages demanded, exclusive of costs, do not exceed one hundred dollars, and the defendant, or any person summoned as trustee, resides in the city of Waterville, Oakland, Winslow, Benton, Clinton, Vassalboro or Albion; any action, however, in which the debt or damages demanded exceed twenty dollars, may be removed to the said superior court, on motion of the defendant, filed at the return term; provided, he shall, at the time he files his motion, also file an affidavit that he believes he has a good defence to said action in whole or in part, and intends, in good faith, to make such defence, and shall therewith deposit with the clerk of said municipal court, the entry fee in the said superior court and one dollar for copies of writ, affidavit and motion, to be taxed in his costs if he prevail; the clerk shall enter said action at the next term of the said superior court and shall file certified copies of the writ, affidavit and motion.'

—actions, may be removed to superior court.

V. By striking out section sixth and inserting the following section in its stead:

'SECT. 6. Said court shall have concurrent jurisdiction with the superior court in the county of Kennebec of the offenses described in chapter one hundred and twenty, sections one, six, seven, eight and nine of the revised statutes, when the value of the property is not alleged to exceed fifty dollars; and also of the offenses described in chapter one hundred and thirty-two, section four, of the revised statutes; and also of the offenses described in chapter one hundred and eighteen, section twenty-eight of the revised statutes, and may punish in all such offenses by fine not exceeding fifty dollars, or by imprisonment for a time not exceeding four months; also of the offenses described in chapter one hundred and twenty-four, section six of the revised statutes. Said court shall have exclusive jurisdiction of all offenses arising in said city, which are by any law or statute within the jurisdiction of a trial justice, and concurrent jurisdiction with trial justices of the county of Kennebec of all such offenses arising in said county outside of said city.'

Concurrent jurisdiction with superior court, when value of property does not exceed \$50.

—exclusive jurisdiction.

VI. By striking out section seventh and inserting the following section instead:

'SECT. 7. The governor by and with the advice of the council, shall appoint a clerk of said court, who shall be a

Clerk, appointment, qualification and salary.

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citizen of said Waterville, and who shall hold his office for the term of four years, who shall be sworn, and who shall give bond to the treasurer of said city in the sum of one thousand dollars, to be approved by said judge, and who shall receive from said city, in monthly payments, an annual salary of three hundred dollars, which shall be in full for all fees pertaining to his office; provided, however, that he shall receive, in addition to said salary, all fees allowed by law, in matters relating to civil business, except the trial fee hereinafter mentioned. In case of the absence of said clerk or vacancy in said office, the judge of said court may appoint a clerk, who shall be sworn by said judge, and act during said absence or until the vacancy is filled. Said clerk shall record the doings of said court, may administer oaths, and shall have such powers and perform such duties, as are possessed and performed by the clerks of the supreme judicial court. Said clerk shall hear complaints in all criminal matters, accusations in bastardy, draw all complaints and sign all warrants, and make and sign all processes of commitment, but the same shall be heard and determined as now provided by law; but such complaints, accusations, warrants or processes of commitment drawn and signed by the judge of said court shall be equally valid.

—vacancy, how filled.

—duties of clerk.

—when judge is absent, clerk shall have all the powers of judge.

Whenever said judge shall be absent from the court room, or when the office of judge shall be vacant, the clerk shall have and exercise all the powers of the judge, and perform all the duties required of said judge by this act, and shall be empowered to sign and issue all processes and papers, and to do all acts, as fully and with the same effect, as the judge could do, were he acting in the premises. All processes issued by said clerk in criminal matters, shall bear the seal of said court and be signed by said clerk and have the same authority as if issued and signed by said judge.'

VII. By striking out section eight and inserting the following section instead:

Terms.

'SECT. 8. Said court shall be held on the first Monday of each month, except the month of August, for the transaction of civil business, and all actions shall be made returnable at one of the two terms next begun and held after the commencement of the action; provided, however, that said court shall be held on every Monday of each month, except the month of August, for the entry and trial of actions of forcible entry and detainer, and judgment, in such actions, may be entered

on the day when the same are heard and determined. Said court may be adjourned from time to time, but shall be considered as in constant session for the cognizance of criminal actions. Said court shall be held at such place as the city of Waterville shall provide; and said city shall have power, and it shall be its duty to raise money to pay the salaries of said judge and clerk; to purchase blanks, blank books, seals, dockets, and all things necessary for the use of said court; to provide a suitable court room for said court, and to furnish the same in an appropriate manner. The city marshal of said city or one of his deputies, shall be in attendance on said court in all criminal cases for the purpose of preserving order, and shall execute all legal orders and processes to him directed by the court, and shall be entitled to fees and travel the same as sheriff and deputies in Kennebec county.'

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—salaries and expenses, shall be paid by city.

VIII. By striking out section nine and inserting the following section instead:

'SECT. 9. All writs and processes, issued by said court, shall be of the usual forms, and all writs in which the debt or damages demanded do not exceed twenty dollars, shall be served as now provided by law in case of writs issued by trial justices, and all writs in which the debt or damages demanded exceed twenty dollars, shall be served in time and manner as now provided by law in case of writs issued by the supreme judicial court. Said court is hereby authorized to administer oaths, render judgments, issue executions, punish for contempt, and compel attendance as in the supreme judicial court, and make all such rules and regulations, not repugnant to law, as may be necessary and proper for the administration of justice.'

Writs and processes, form of and service.

—power to administer oaths, render judgments, etc.

IX. By striking out section ten and inserting the following section instead:

'SECT. 10. All actions may be tried by said court without the intervention of a jury, subject to the right of appeal. All actions shall be entered during the first day of the term at which they are returnable and not after without special permission. When a defendant, legally served, does not appear within the first two days of the term he shall be defaulted, but the court may take off the default for sufficient cause. All pleas in abatement must be filed within the first two days. The defendant shall file his pleas within fourteen

Appeal.

—when actions shall be entered.

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days after entry of the action, which shall consist of the general issue, with a brief statement of special matter of defence, if any. If the defendant does not file his pleadings as before provided, he shall be defaulted on the first day of the next term after entry, unless the court, for good reason, grants him leave to plead or otherwise lawfully dispose of the case. All actions duly answered to shall be in order for trial at the next term after entry. Any party may appeal from any judgment or sentence of said court to the superior court for the county of Kennebec, in the same manner as from a judgment or sentence of a trial justice.'

X. By striking out section eleven.

—render
judgments and
issue
executions.

XI. By striking out in section twelve the words "and executions on judgments rendered therein" in the fourth line of said section, and inserting the words 'which shall have authority to render judgments and issue executions to be satisfied in the same manner as though issuing from the supreme judicial court.'

XII. By striking out section thirteen and inserting the following section instead :

Costs and fees,
how taxed.

'SECT. 13. Costs and fees allowed to parties, witnesses and attorneys, in all actions in said court, in which the amount of debt or damages claimed in the plaintiff's declaration do not exceed twenty dollars, shall be the same allowed in actions before trial justices, except that the plaintiff, if he prevail, shall be allowed one dollar for his writ and the defendant, if he prevail, shall be allowed one dollar for his pleadings; but in all actions in which the debt or damages demanded in the plaintiff's declaration exceed twenty dollars, the costs and fees allowed to parties and attorneys shall be the same allowed in said superior court except that the defendant, if he prevail, shall be allowed two dollars for his pleadings; and witnesses in such cases shall be allowed for their attendance one dollar per day and travel as in other cases. The fees allowed to the judge or clerk of said court shall be the same as now provided by law for trial justices, except that they may demand and receive for every warrant issued, one dollar; for the trial of an issue civil or criminal, one dollar; and one dollar for every day occupied in the hearing of any case after the first day; for the entry of an action civil or criminal, fifty cents; and for copies in any action,

appealed from said court, two dollars. All fines, penalties and costs paid into said court upon convictions and sentences in criminal matters, together with all fees allowed to the judge of said court by law in the transaction of criminal business shall be paid to said clerk. All fines and penalties received by said clerk shall be accounted for and paid over in the same manner as is required by law of trial justices, and all fees allowed to said judge or to said clerk by law in criminal cases and received by said clerk including the trial fee in all cases, shall be accounted for and paid over by him to the treasurer of said city of Waterville quarterly; and all other fees received by him shall be paid to the persons entitled by law to the same as if received by a trial justice.'

—fines, how
disposed of.

SECT. 2. All existing acts, public and private, inconsistent herewith are hereby modified so as to conform to the provisions of this act.

Inconsistent
acts, repealed.

SECT. 3. Nothing contained in this act shall be construed to interfere with any actions already commenced, and made returnable before said court, and all said actions shall be entered in said court at the first term thereof, holden after the approval of this act.

A act, shall not
affect pending
actions.

SECT. 4. This act shall take effect when approved.

Approved April 3, 1891.

Chapter 330.

An Act to amend "An Act to provide for the election of a School Committee and a Superintendent of Schools in Bath," approved March seventeenth, eighteen hundred and ninety-one.

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

SECT. 1. Section four of an act entitled "An Act to provide for the election of a school committee and superintendent of schools in Bath," approved March seventeenth, eighteen hundred and ninety-one, is hereby amended, so as to read as follows :

Act, amended.

SECT. 4. This act shall take effect when approved, and accepted by the city of Bath. The first election of school committee hereunder may be had in the year eighteen hundred and ninety-one, at a special election to be called and held in

When act shall
take effect.

—first election.