

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

SIXTY-SIXTH LEGISLATURE

OF THE

STATE OF MAINE.

1893.

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1893.

PRIVATE AND SPECIAL LAWS
OF THE
STATE OF MAINE.

1893.

Chapter 471.

An Act to extend the charter of the Proprietors of Sheepscot River Toll Bridge.

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

SECT. 1. The charter of the proprietors of the Sheepscot River Toll Bridge, which was granted in the year of our Lord seventeen hundred ninety-three, by the legislature of Massachusetts, and which was extended for thirty years by the legislature of Maine, in the year of our Lord eighteen hundred sixty-two, and which expires June twenty-two, in the year of our Lord eighteen hundred ninety-three, is hereby extended for the space of one year.

Charter of
Sheepscot
River Toll
Bridge,
extended one
year.

SECT. 2. This act however, shall not interfere with any subsequent act of the legislature which may give authority to the county commissioners of Lincoln county to lay out a highway and free bridge across said toll bridge, to connect the towns of Newcastle and Alna.

Act, not to
interfere with
authority of
county
commissioners of
Lincoln county.

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

Approved March 8, 1893.

Chapter 472.

An Act to consolidate and amend Chapter two hundred and five of the Special Laws of eighteen hundred and eighty-seven, Chapters three hundred and fifty-seven, three hundred and eighty-seven and five hundred and forty-one of the Special Laws of eighteen hundred and eighty-nine, and Chapter two hundred and fifty-one of the Special Laws of eighteen hundred and ninety-one, relating to the Bangor Municipal Court.

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

SECT. 1. The Bangor Municipal Court shall continue to be a court of record and have and use a seal on all original processes, and consist of one judge and a clerk who shall be appointed, commissioned and qualified in the manner provided by the constitution of this state. The present judge and the recorder, who shall hereafter be styled clerk, 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. Said court shall exercise jurisdiction over all such matters and things, civil and criminal, within the county

Jurisdiction.

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of Penobscot as trial justices, justices of the peace and justices of the peace and quorum may exercise, and under similar restrictions and limitations, and concurrent jurisdiction with trial justices in cases of forcible entry and detainer in said county, and exclusive jurisdiction in all such matters and things when both parties interested, or one of the parties and a person summoned as trustee reside in the city of Bangor, and over all offenses committed against the ordinances and by-laws of said city, though the penalty therefor may accrue to said city; and in the prosecutions on any such ordinances or by-laws, or any special law of the state relating to said city, such by-law, ordinance, or special law need not be recited in the complaint or process, nor the allegations therein be more particular than in prosecutions on a public statute, and over all such criminal offenses committed within the limits of the same as are cognizable by trial justices; and no trial justice or justice of the peace shall take cognizance over any crime or offense committed in said city or any civil action over which said court has exclusive jurisdiction; and concurrent jurisdiction with the supreme judicial court in all personal actions where the debt or damage demanded, exclusive of costs, is over twenty dollars and not over three hundred dollars, and in all actions of replevin when it appears that the sum demanded for the penalty, forfeiture or damages does not exceed three hundred dollars, or that the property in the beasts or other chattels is in question and the value thereof does not exceed three hundred dollars and either defendant, or a person summoned as trustee is resident in Penobscot county; but this jurisdiction shall not include proceedings under the divorce laws or complaints under the mill act, so called, nor jurisdiction over 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.

Concurrent
jurisdiction,
with supreme
judicial court, of
certain offenses.

SECT. 3. Said court shall have concurrent jurisdiction with the supreme judicial court in the county of Penobscot of the offenses described in the sections specified in the following named chapters of the revised statutes and amendments thereof: sections one, six, seven, eight and nine of chapter one hundred and twenty, section one of chapter one hundred and twenty-six, all of the offenses described in chapter one hundred and twenty-seven, except those in sec-

tions one, four and five, when the value of the property stolen, embezzled, obtained by false pretences, or destroyed or injured is not alleged to exceed fifty dollars, and may punish for said offenses by a fine not exceeding fifty dollars, and imprisonment not exceeding six months; also of the offenses described in section four of chapter one hundred and thirty-two and section twenty-eight of chapter one hundred and eighteen, and may punish by fine not exceeding fifty dollars or by imprisonment for a term not exceeding three months; also of all the offenses described in section six of chapter one hundred and twenty-four; also of all the offenses in chapter thirty relating to moose, deer and caribou and other wild game, and in chapter forty relating to fish and fisheries; also of the offense described in section seventeen of chapter one hundred and twenty-eight; and of all other offenses over which such jurisdiction is granted, not herein specified.

SECT. 4. 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 clerk 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 clerk 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 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. 5. 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 trial justices, except that the plaintiff shall have 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 dol-

Actions may
be removed to
supreme judicial
court.

How costs shall
be taxed.

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lars 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 of parties, trustees and witnesses 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.

Any person aggrieved may appeal to supreme judicial court.

SECT. 6. Any person aggrieved at any judgment or sentence of said court may appeal to the supreme judicial court in the same manner as from a judgment or sentence of a trial justice, and all such appeals shall be in order for trial at the first term of said appellate court after such appeal is taken. Final judgments in said municipal court may be re-examined in the supreme judicial court on a writ of error or on a petition for review, and when the judgment is reversed, the supreme judicial court shall render such judgment as said municipal court should have rendered, and when a review is granted it shall be tried in said supreme judicial court.

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

SECT. 7. 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.

—actions, may be referred.

Provisions of court.

SECT. 8. Said court is hereby authorized to administer oaths, render judgment, issue executions, certify copies of its records, punish for contempt and compel attendance as in the supreme judicial court, and to make all such rules and regulations, not repugnant to law, as may be necessary and proper for the administration of justice and to facilitate its business; and the provisions of law relating to practice and proceedings in the supreme judicial court in civil cases are hereby made applicable and extended to said court in all respects except so far as they are modified by provisions of this act; and all acts relating to courts and judicial proceedings shall be modified so far as to give full effect to this act.

—practice and proceedings.

Fees for blank writs, &c.

SECT. 9. The price of blank writs and summonses with the seal of the court, signed by the clerk, shall be four cents, and all other fees in civil cases shall be the same as are taxable by

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a trial justice, except as otherwise provided in sections four and five. All writs and processes in civil matters shall be in the name of the state, bear the teste of said judge, under the seal of said court and signed by the clerk, be served in time and manner as now provided by law in case of writs issued by trial justices, and be obeyed and executed throughout the state.

—writs and processes, shall be under seal, and bear teste of judge.

SECT. 10. Said court shall be considered as in constant session for the trial of criminal offenses; and for the transaction of civil business shall be held on the first and third Mondays of each month at ten o'clock in the forenoon, except the month of August; and all actions shall be made returnable at one of the five 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 is heard and determined: and whenever the judge is absent or temporarily unable to attend said court, the clerk may enter new actions returnable at that 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, or in the case of his continued absence or a vacancy in his office, the clerk shall notify any justice of the supreme judicial court, who shall designate a trial justice in said county, who upon being duly sworn may hold said court during the continuance of such vacancy or absence, or until such disability is removed, or try any suit in which said judge may be interested.

Terms.

—when judge is temporarily unable to attend, clerk may act, in certain cas's.

—in case of permanent disability, justice of supreme judicial court may designate trial justice to hold court.

SECT. 11. Said court shall be held at such place as the city of Bangor shall provide; and said city shall have power, and it shall be its duty to raise money to provide a proper place for said court and suitably furnish the same, and to pay quarterly the salary of the judge thereof. All other expenses of said court shall be paid from the treasury of the county of Penobscot.

City, shall provide place for holding court, and payment of salary of judge

SECT. 12. The city marshal or one of his deputies shall be in attendance on said court when requested to do so by the judge, for the purpose of preserving order, and shall execute all legal orders and processes to him directed by the court.

City marshal, or deputy, shall be in attendance.

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Records of this and former court, shall be kept by clerk.

SECT. 13. The records of said court and of the police court formerly existing in Bangor shall be deposited with and kept by the clerk; and said municipal court shall have jurisdiction thereof and full power and authority to issue and renew executions and other processes and 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 it had not been abolished, and shall, for reasonable fees, grant and certify copies of the records of both courts when required, which shall be evidence of the contents of such records in any legal proceedings.

Clerk, shall be sworn and give bond.

SECT. 14. The clerk of said court shall be sworn and give bond to the city of Bangor in the sum of five hundred dollars to be approved by the treasurer of said city, and shall receive a yearly salary of eight hundred dollars from the county of Penobscot in quarterly payments. In case of the absence of said clerk, or vacancy in said office, the judge may appoint a clerk, who shall be sworn by said judge and act during said absence, or till the vacancy is filled.

—vacancy, how filled.

When judge and clerk are absent, judge may designate some trial justice to act.

SECT. 15. If the judge and clerk are both necessarily absent, the judge may designate some trial justice in said county to perform the duties of clerk; and if said judge should not so designate a trial justice, the clerk may designate one.

Powers and duties of clerk.

SECT. 16. 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; and 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. Whenever said judge shall be engaged in the transaction of civil business, or be absent from the court room or the office shall be vacant, said clerk shall have and exercise the same powers and perform the same duties which said judge possesses and is authorized to perform in the transaction of criminal business. 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.

—when judge is absent from court room, clerk shall perform duties of judge, in criminal cases.

—processes, issued by clerk, shall be under seal.

SECT. 17. All fines, penalties and costs paid into said court upon convictions and sentences in criminal matters, together with all fees allowed by law in the transaction of criminal business, shall be paid to said clerk; provided, that there shall be allowed for every warrant issued, one dollar, and for the trial of an issue in criminal cases, two dollars, and all other fees in criminal cases shall be the same as are taxable by trial justices.

All fines and costs, in criminal matters, shall be paid to the clerk.

—fees, how taxed.

SECT. 18. All fines and penalties awarded and collected by said court in criminal cases shall be accounted for, and paid over monthly; and all fees in such cases received by said clerk, except fees for making copies on orders to recognize and on appeals of persons charged with crime, shall be paid monthly into the city treasury for the use of said city; and all fees of said court, paid after commitment to any jailor shall be paid by him monthly into said treasury.

All fines, shall be paid into city treasury.

SECT. 19. Said judge and clerk shall receive in equal moieties, to their own use, in addition to any other compensation allowed by law, the court fees in all civil causes.

Fees, in civil cases, shall be for use of judge and clerk.

SECT. 20. The several trial justices and justices of the peace in the city of Bangor shall continue to have and exercise all the power and authority vested in them by the laws of the United States; but no such justices shall exercise any civil or criminal jurisdiction, except proceedings in bastardy, under a penalty of twenty dollars for each offense to be recovered by indictment. But nothing in this act shall be construed to prevent such justices from doing any business other than that especially devolving upon said court.

Trial justices and justices of peace, shall not exercise any civil or criminal jurisdiction.

—exceptions.

SECT. 21. All acts and parts of acts inconsistent with this act, except chapter one hundred and seventy-seven of the private and special laws of eighteen hundred and eighty-seven, and acts additional thereto and amendatory thereof, relating to the Old Town municipal court, and chapter two hundred and sixty of the private and special laws of eighteen hundred and eighty-three, and acts additional thereto and amendatory thereof, relating to the municipal court in the town of Dexter, are hereby repealed.

Inconsistent acts, repealed.

SECT. 22. This act shall take effect when approved.