

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

ACTS AND RESOLVES

OF THE

SIXTY-SEVENTH LEGISLATURE

OF THE

STATE OF MAINE

1895.

Published by the Secretary of State, agreeably to Resolves of June 28, 1820,
February 18, 1840, and March 16, 1842.

AUGUSTA:
BURLEIGH & FLYNT, PRINTERS TO THE STATE.
1895.

PRIVATE AND SPECIAL LAWS
OF THE
STATE OF MAINE.

1895.

Chapter 303.

An Act to amend chapter two hundred and ninety-one of the Private and Special Laws of one thousand eight hundred and ninety-one, entitled "An Act for the protection of fish in B pond in Upton, in Oxford county."

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

Chapter two hundred and ninety-one of the private and special laws of one thousand eight hundred and ninety-one is hereby amended, so that said chapter as amended, shall read as follows :

Ch. 291,
Private and
special laws
of 1891,
amended.

'Chapter 291. It shall be unlawful to take any trout from the waters of B pond, in the town of Upton, Oxford county, except as hereinafter provided. Any person may take trout in said waters with a rod, single line and artificial flies, and in no other manner during the same time that it is now lawful to take trout in Richardson lake in said county. Provided, also, that the inland fish and game commissioners may take trout therefrom for breeding purposes. Any person violating the provision of this act shall be punished by a fine not exceeding thirty dollars, or by imprisonment not exceeding thirty days and one dollar for every trout taken in violation of this act.'

May take
trout with
rod, line, and
artificial flies.

—proviso.

—penalty.

Approved March 26, 1895.

Chapter 304

An Act to amend "An Act to establish a Police Court in the City of Rockland," approved March fourteen, eighteen hundred and sixty-one.

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

SECT. 1. Section two of "An Act to establish a police court in the city of Rockland" is hereby amended, so it shall read as follows :

Sec. 2, act to
establish
municipal
court in
Rockland,
amended.

'SECT. 2. Said judge shall, except where interested, exercise jurisdiction over all such matters and things, civil and criminal, within the county of Knox, as justices of the peace or trial justices may exercise, and under similar restrictions and limitations, and concurrent jurisdiction with justices of the peace and quorum and trial justices in cases of forcible entry and detainer in said county ; and exclusive jurisdiction in

—jurisdiction.

CHAP. 304

Exclusive
jurisdiction,
in certain
cases.

—exceptions.

all such matters and things where both parties interested, or the plaintiff and the person or persons summoned as trustees, shall be inhabitants of or residents in said city ; and said court shall also have exclusive jurisdiction over all such criminal offenses committed within the limits of said city, as are cognizable by justices of the peace or trial justices, and under similar restrictions and limitations. And said court shall have 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 one hundred dollars, and in all actions of replevin, when it appears that the sum demanded for the penalty, forfeiture or damages does not exceed one hundred dollars, or that the property in the beasts or other chattels is in question and the value thereof does not exceed one hundred dollars and either defendant, or a person summoned as trustee is resident in Knox 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. 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 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 judge shall forthwith cause certified copies of the writ, officer's return and defendant's motion to be filed in the clerk's office of the supreme judicial 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 police 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. 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 dollars for his pleadings and other costs as before trial justices. In actions where the amount recovered by the 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 and for trial of issue, eighty cents. 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. 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. 2. Section seven of said act is hereby amended, so it shall read as follows :

Sec. 7,
amended.

'SECT. 7. 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 judgment in said police 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 police court should have rendered, and when a review is granted it shall be tried in said supreme judicial court.'

Right of
appeal.

SECT. 3. Section twelve of said act shall be amended, so it shall read as follows :

Sec. 12,
amended.

'SECT. 12. The writs and processes in civil actions, issued from said court, shall be the same as now provided by law, and shall 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, and the costs and fees allowed to parties and attorneys in actions in this court, shall

Civil actions,
writs, etc., in.

—service, how
made.

CHAP. 304 be the same as allowed by law in actions before trial justices, except as otherwise provided in this act. Said court is hereby authorized to administer oaths, render judgment, issue executions, certify copies of its records, punish for contempt and compel attendance, 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 aforesaid matters in the supreme judicial court in civil cases are hereby extended to said court so far as applicable; and all acts relating to courts and judicial proceedings are hereby modified so as to give full effect to this act. The city marshal, the deputy marshal and the police officers of said city 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 to him directed by the court.'

Costs and fees.

Sec. 13, amended.

Court room, etc., to be provided by city.

Salary of judge.

—not to act as counsel.

Inconsistent acts, repealed.

SECT. 4. Section thirteen of said act is hereby amended, so as to read as follows :

'SECT. 13. Said city of Rockland shall have power, and it shall be its duty, to raise money to provide suitable room or rooms in which to hold said court, and to furnish the same in an appropriate manner, including stationery, record books, fuel, lights and other things necessary to accommodate said court. The judge of said court shall receive from said city in quarter yearly payments, at the close of each quarter, an annual salary of eight hundred dollars, which shall be in full for all fees pertaining to said office, except copies; and the judge of said court shall not act as counsel or attorney in any case within the exclusive jurisdiction of said court, nor in such matter or thing which may depend on or have relation to any case, matter or thing which has been or is depending in said court.'

SECT. 5. All acts or parts of acts inconsistent with this act, are hereby repealed.

SECT. 6. This act shall take effect when approved.

Approved March 26, 1895.