

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

SIXTY-EIGHTH LEGISLATURE

OF THE

STATE OF MAINE

1897

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PRIVATE AND SPECIAL LAWS
OF THE
STATE OF MAINE.

1897.

Chapter 524.

An Act to legalize the acts of Riverside Cemetery Association of Cornish.

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

Sect. 1. The secretary of the Riverside Cemetery Association of Cornish, is hereby authorized and empowered to record the original warrant, under which the association was organized, in the record book of the association, with the same effect as if it had been done at the time of its organization.

Secretary
authorized
to correct
record.

Sect. 2. All acts of the said association are hereby made valid, so far as the same appear of record, and in conformity with the purposes of its organization.

Acts of
association,
made
valid.

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

Approved March 25, 1897.

Chapter 525.

An Act to amend Sections four and five of Chapter six hundred and thirty-six of the Private and Special Laws of eighteen hundred and seventy-one, establishing a municipal court for the City of Lewiston, as amended.

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

Section four of chapter six hundred and thirty-six, of the private and special laws of eighteen hundred and seventy-one, establishing a municipal court for the city of Lewiston, as amended, is hereby amended by inserting in the fifth line of said section four, after the word "after" the following words; 'seven days from their date, and service thereof may be made at any time not less than seven days before the return day thereof, except that when any defendant or trustee named in any such writ is a corporation, service upon such corporation must be made at least thirty days before the return day;' and by striking out the words "the commencement of the action," in the fifth and sixth lines of section four; and section five of the same chapter is hereby amended by adding at the end thereof the following: 'All actions of forcible entry and detainer, and any other action in which either party shall give written notice to the adverse party ten days before the return day that he desires a trial at the first term, shall be in order for trial at

Section 4,
chapter 636,
private
laws, 1871,
amended.

CHAP. 525

the return term, and so remain until tried or otherwise finally disposed of, unless continued by consent, or on motion of either party for good cause,' so that said sections four and five, as amended, shall read as follows:

Terms.

'Sect. 4. Said court shall be held on the first Tuesday 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 seven days from their date, and service thereof may be made at any time not less than seven days before the return day thereof, except that when any defendant or trustee named in any such writ is a corporation, service upon such corporation must be made at least thirty days before the return day; provided, however, that said court shall be held on every Tuesday 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 said judge is prevented from attending at the time when a court is to be held for civil business, the city marshal or his deputy may by oral proclamation adjourn said court from day to day, until said judge can attend, and in case of necessity, without day; and when so adjourned, actions brought for that term shall be entered by the clerk and they, with all other actions on the docket not otherwise disposed of, shall be continued to the next term. Said court may be adjourned from time to time, but shall be considered as in constant session for the trial of criminal offenses.'

--actions, when returnable.

--terms for trial of actions of forcible entry and detainer.

--when judge is unable to attend, court may be adjourned by city marshal or deputy, without day.

--actions may be continued.

When defendant may be defaulted.

--when he shall file pleadings.

--actions, when in order for trial.

--when actions of forcible entry and detainer shall be in order.

'Sect. 5. When a defendant legally served does not appear by himself or his attorney, within the first three days of the return term he shall be defaulted as in the supreme judicial court, but the court may take off the default for sufficient cause. The defendant shall file his pleadings on the first day of the next term after the entry of the action, which shall be the same now required by law in the supreme judicial court. If the defendant does not so file his pleadings he shall be defaulted, unless the court, for good reasons shown, grant him leave to plead, or otherwise lawfully disposes of the action. All actions answered to shall be in order for trial at the next term after entry, but the court may, for good reasons shown, order the pleadings in any action of forcible entry and detainer to be filed and said actions to be tried at the first term. All actions of forcible entry and detainer, and any other action in which either party

shall have given written notice to the adverse party ten days before the return day that he desires a trial at the first term, shall be in order for trial at the return term, and so remain until tried or otherwise finally disposed of, unless continued by consent, or on motion of either party for good cause.'

Approved March 25, 1897.

CHAP. 526

Chapter 526.

An Act to incorporate the Little Spencer Dam and Improvement Company.

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

Sect. 1. Greenleaf Lawrence, Charles Lawrence, Hiram Lawrence, Abram Newton, F. E. Boston, Charles H. Clark, John Tinkham and George A. Hewett, their associates and assigns, are hereby incorporated under the name of the Little Spencer Dam and Improvement Company, with all the powers and privileges of similar corporations.

Corpora-
tors.

—corporate
name.

Sect. 2. The said corporation is authorized to build dams, side dams, remove rocks, make embankments and other improvements on Little Spencer stream, and build dams to raise a head of water on any and all the lakes and ponds on said stream or its tributaries, to facilitate the driving of logs and lumber down the same, and for this purpose the said corporation may take land and materials necessary to build such dams, embankments and improvements, and may flow contiguous lands necessary to raise such head of water on such lakes and ponds, and if the parties cannot agree upon the damages the corporation shall pay the proprietors of the land and materials so taken, such damages as shall be ascertained and determined by the county commissioners for the county of Somerset, in the same manner and under the same conditions and limitations as are by law provided in the case of damage by laying out public highways; and for the damage occasioned by flowing land the said corporation shall not be liable to an action at common law, but the person injured may have a remedy by a complaint for flowing, in which the same proceedings shall be had as when a complaint is made under a statute of this state for flowing lands occasioned by raising a head of water for the working of mills.

Author-
ized to
build dams,
etc., on
Little
Spencer
stream.

—purposes.

—may take
land and
materials.

—damages,
how esti-
mated, if
parties can-
not agree.

—damage
for flowage,
remedy.

Sect. 3. The said corporation may demand and receive a toll for the passage of logs over their said dams and improvements,

May receive
tolls.