

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

SIXTY-NINTH LEGISLATURE

OF THE

STATE OF MAINE

1899.

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PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE.

1899.

Chapter 119.

An Act providing for the appointment and compensation of Recorder of the Municipal Court of the city of Saco.

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

Section 1. The governor, by and with the advice and consent of the council, shall appoint the recorder of the municipal court of the city of Saco, who shall be an attorney at law, a resident of said Saco, duly qualified, who shall be sworn by the judge of said court, who shall keep the records of said court when requested so to do by the judge; and in case of absence from the court room or sickness of the judge, or when the office of judge shall be vacant, the recorder shall have and exercise all the powers of the judge, and perform all the duties required of said judge, as fully and with the same effect as the judge could do were he acting in the premises; and the signature of the recorder, as such, shall be sufficient evidence of his right to act instead of the judge; said recorder shall hold his office until another is qualified in his place.

Recorder of municipal court of Saco, appointment of.

Section 2. When the office of judge shall be vacant the recorder shall receive the compensation of the judge, but for all services rendered except when there is a vacancy in the office of judge, the recorder shall be paid by the judge.

Compensation.

Section 3. All acts or parts of acts, inconsistent herewith, are hereby repealed.

Inconsistent acts, repealed.

Section 4. This act shall take effect when approved.

Approved March 10, 1899.

Chapter 120.

An Act to establish a Municipal Court in the town of East Livermore.

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

Section 1. A municipal court is hereby established in and for the towns of Livermore, East Livermore and Leeds, in the county of Androscoggin, to be denominated the Livermore Falls Municipal Court; said court shall consist of one judge, who shall reside during his continuance in said office, in said town of Livermore, East Livermore or Leeds, and who shall be appointed, qualified and hold his office as provided in the constitution, and who shall be, ex-officio, a justice of the peace and of the quorum, and have and exercise a concurrent authority and

Livermore Falls municipal court, established.

—judge and qualifications.

CHAP. 120

jurisdiction with trial justices over all matters and things by law within their jurisdiction, and such authority and jurisdiction additional thereto as is conferred upon him by this act.

Jurisdiction.

—original jurisdiction in civil actions, where debt does not exceed \$20.

—jurisdiction with supreme judicial court, of certain offenses.

Section 2. Said court shall have jurisdiction as follows: exclusive jurisdiction of all such criminal offenses and misdemeanors committed within said towns of Livermore, East Livermore or Leeds as are cognizable by trial justices. Exclusive original jurisdiction of all civil actions wherein the debt or damages demanded do not exceed twenty dollars, and both parties, or any plaintiff, and a person summoned as a trustee, resides in either of the towns of Livermore, East Livermore or Leeds, including prosecutions for penalties in which either of said towns are interested, and actions of forcible entry and detainer arising therein; provided, that any civil action, in which the judge is interested, but which otherwise would be within the exclusive jurisdiction of said court, may be brought in and disposed of by the municipal court of the city of Auburn or the municipal court for the city of Lewiston in the same manner and with like effect as other actions therein. Original jurisdiction concurrent with the supreme judicial court, of the offenses committed in Livermore, East Livermore or Leeds described in sections one, six, seven and nine of chapter one hundred and twenty of the revised statutes, when the alleged value of the property exceeds twenty dollars, but does not exceed fifty dollars; of the offenses described in section twenty-eight of chapter one hundred and eighteen of the revised statutes; of the offenses described in sections one and four of chapter one hundred and twenty-six of the revised statutes, when the alleged value of the property fraudulently obtained, mortgaged or sold, or fraudulently removed or concealed, does not exceed fifty dollars, and on conviction may punish for either of said offenses by fine not exceeding one hundred dollars and by imprisonment in the county jail for not more than six months; and also of the offense described in section six of chapter one hundred and twenty-four of the revised statutes, and on conviction may punish therefor by fine not exceeding fifty dollars and by imprisonment in the county jail not more than thirty days; and also of the offenses described in section four of chapter one hundred and forty-one of the revised statutes, and on conviction may sentence therefor to imprisonment in the county jail not more than sixty days, and of the offenses described in sections seventeen and twenty-two of chapter one hundred and twenty-eight of the revised statutes, as amended relating to tramps, and on conviction may punish therefor as therein provided. Original jurisdiction concurrent with the supreme judicial court and the

municipal court of the city of Auburn and the municipal court for the city of Lewiston, of all civil actions in which the debt or damages demanded, exceed twenty dollars, but do not exceed three hundred dollars and the defendant or a party summoned as trustee resides within the towns of Livermore, East Livermore or Leeds; provided, however, that any action wherein the debt or damage demanded exceeds twenty dollars, brought in said court, shall be removed by order of the judge into the supreme judicial court, on motion of the defendant, filed at the return term, if he files therewith, at the same time an affidavit that he believes he has a good defense to said action, in whole or in part, and in good faith intends to make such defense, and deposits with the judge the fee of the clerk of the court above for entering said action therein; and when such removal has been ordered, the judge shall file in the supreme judicial court, at its next term in the county, an attested copy of the writ in such action, and of said motion and affidavit, and order of court thereon, and pay to the clerk of said court the fee for entering the same, for which services he shall be entitled to the same fees allowed for the necessary copies in actions carried up by appeal, to be paid to him by the defendant and recovered by him with his costs, if he prevail in the suit.

—actions when damages exceed \$20 may be removed to supreme judicial court.

Section 3. Nothing in the foregoing section shall be construed to give said court any authority, exceeding that of trial justices, to hear and determine any civil action in which the title to real estate, according to the pleadings or brief statement filed therein by either party, is in question, but all such actions brought therein shall be removed to the supreme judicial court in the county, or otherwise disposed of as provided in section four of chapter eighty-three of the revised statutes.

Authority shall not exceed powers of trial justices.

Section 4. Said court shall have authority to administer all necessary oaths or affirmations; to adopt an official seal; to hear and determine civil causes before it, and to render judgment therein, and issue execution, upon the same, such executions, except when otherwise provided by law, to have the same force and be satisfied in the same manner as if issued by the supreme judicial court; to compel the attendance of witnesses, and punish persons duly summoned as witnesses, if they refuse or neglect to attend; to make and enforce such rules and regulations not repugnant to law, as may be necessary therein for the prompt administration of justice; and all the provisions of law relating to proceedings and practice in the supreme judicial court, and to the attachment of real or personal estate, the taxation of costs, the rendition of judgments and the issuing, service, satisfaction and return of executions, shall be extended to and apply to said

May administer oaths.

—adopt seal.

—powers.

CHAP. 120

municipal court and to proceedings therein, except so far as such application may be modified by the provisions of this act.

Writs and processes, form of.

Section 5. Writs in civil actions commenced in said court shall be in the usual forms, and all such writs and all other precepts and processes, civil or criminal, issued by said court, shall bear teste of the judge under seal of said court, and be signed by the judge. All such writs shall be made returnable at one of the next two terms of said court 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.

—return of.

Terms.

Section 6. Said court shall be held on the third Tuesday of each month for the entry, trial and determination of civil actions of all kinds that may lawfully be brought before it, and for the transaction of other civil business, and upon each other Tuesday for the entry, trial and determination of actions of forcible entry and detainer only, at ten o'clock in the forenoon, at such suitable place as the judge may determine, until the town of East Livermore shall provide a court room, when the court shall be held therein, and all civil processes shall be made returnable accordingly; and it may be adjourned from time to time by the judge, at his discretion, but it shall be considered in constant session for the cognizance of criminal actions. Provided that, if said judge is prevented by any cause from attending at the time said court is to be held for civil business, it may be adjourned from day to day by a constable of said East Livermore or a deputy sheriff of the county of Androscoggin, without detriment to any action then returnable or pending, until he can attend, when said actions may be entered or disposed of with the same effect as if it were the first day of the term; and it may be so adjourned without day when necessary, in which event, pending actions shall be considered as continued, and actions then returnable may be returned and entered at the next term, with the same effect as if originally made returnable at said term.

—when court may be held.

—may be adjourned from day to day, if judge is absent.

Records kept by judge.

Section 7. It shall be the duty of said judge of said court to make and to keep the records thereof or cause the same to be made and kept, and to perform all other duties required of similar tribunals in this state; and copies of said records, duly certified by said judge, shall be legal evidence in all courts.

Appeals may be taken to supreme judicial court.

Section 8. Any party may appeal from any judgment or sentence of said court, to the supreme judicial court, in the same manner as from a judgment or sentence of a trial justice.

Section 9. Actions in said court shall be entered on the first day of the term, and not afterwards, except by special permission. When a defendant, legally served, fails to enter his appearance, by himself, or his attorney, on the first three days of the return term, he may be defaulted, but if he afterwards appear during the term, the court may for sufficient cause permit the default to be taken off. Pleas and motions in abatement must be filed on one of the first two days of the term to which the action is returnable. The defendant may file his pleadings in bar, which shall be general issue, with a brief statement of special matters of defense, on the return day of the writ, and must file them on or before the first day of the next term, or he shall be defaulted, unless the court, for good cause, enlarge the time, for which it may impose reasonable terms. Actions in which the defendant files his pleadings on the return day, and all actions of forcible entry and detainer seasonably answered to shall be in order for trial at the return term, and shall remain so until tried or otherwise finally disposed of, unless continued by consent, or on motion of either party, for good cause, in which latter case the court may impose such terms as it deems reasonable; but all other actions, unless defaulted or otherwise finally disposed of, shall be continued as of course, and be in order for trial at the next term.

When actions shall be entered.

—when defendant fails to appear, may be defaulted.

—when pleadings may be filed.

Section 10. In actions of forcible entry and detainer brought in said court, the defendant's pleading in bar shall be the general issue with a brief statement of any special matters of defense, and must be filed within the first two days of the return term, or the defendant shall be defaulted unless the court enlarge the time, for which it may impose terms. 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, in which latter case the court may impose reasonable terms, but all other actions not defaulted or otherwise finally disposed of, shall be continued as of course, and be in order for trial at the next term.

Pleadings in actions of forcible entry and detainer by defendant, shall be the general issue.

Section 11. The costs and fees allowed to parties, attorneys and witnesses in all civil actions in said court, in which the debt or damage demanded does not exceed twenty dollars, including actions of forcible entry and detainer, shall be the same allowed by trial justices in like actions before them, except that the plaintiff, if he prevail, shall be allowed two dollars for his writ, and the defendant, if he prevail, two dollars for his pleadings,

Costs and fees allowed parties and witnesses.

CHAP. 120

but in actions in which the debt or damage demanded exceeds twenty dollars, the costs and fees shall be the same as allowed in the supreme judicial court in like actions, except that the defendant, if he prevail, shall be allowed two dollars for his pleadings, and that witnesses shall be allowed one dollar per day, and travel as in other cases.

Fees of
judge.

Section 12. The judge of said court may tax and shall be allowed for his services in a civil action the same fees, the trial fee excepted, allowed by law to trial justices, for like services and at the same rates, except that he shall be entitled to sixty cents for entering and recording an action, and twenty-five cents for taxing the costs, said fees to be paid him by the party at whose instance the services were performed, and taxed with the costs of such party if he prevail in the suit. For his services in criminal proceedings he shall be entitled to seventy-five cents for entering complaint, swearing witnesses, filing papers, and certifying costs to the county commissioners, forty cents for taxing the costs and recording judgment, ten cents for each subpoena, twenty-five cents for each mittimus and each recognizance, fifty cents for making and recording each libel of intoxicating liquors, and twenty-five cents for each order to destroy or to restore such liquors, said fees to be taxed in the bills of costs, and unless paid into court, to be allowed by the county commissioners, and paid by the county treasurer, as provided by law in relation to other criminal expenses.

Fines, how
disposed of.

Section 13. The judge shall receive all fines, forfeitures and costs paid into court in criminal proceedings, and may retain from such costs his own fees, but shall pay over all other fees to the persons to whom they were allowed when called for, if called for within one year. All fines and forfeitures received by him, and all fees so received but not seasonably called for, he shall account for and pay over at the time and in the manner required by law, but no account required by this section shall be deemed sufficient unless verified by oath of the judge.

Town shall
provide
court room,
etc.

Section 14. It shall be the duty of the town of East Livermore to provide a suitable court room, conveniently situated and appropriately fitted up and furnished, in which to hold said court, and keep the same in proper condition for use, and also to provide for said court an appropriate seal, and all blanks, blank books, dockets, stationery and other things necessary in the transaction of its business; and said town is hereby authorized to appropriate money therefor.

Jurisdiction
of trial
justices, re-
stricted.

Section 15. Trial justices are hereby restricted from exercising any jurisdiction in the towns of Livermore, East Livermore and Leeds over any matter or thing, civil or criminal,

except such as are within the jurisdiction of justices of the peace and quorum and except that they may issue warrants on complaints for criminal offenses, to be returned before said municipal court.

Section 16. All acts and parts of acts, inconsistent with this act, are hereby repealed.

CHAP. 121

Inconsistent acts, repealed.

Section 17. This act shall take effect when approved.

Approved March 10, 1899.

Chapter 121.

An Act to amend an act entitled "An Act to annex Franklin Plantation in the County of Oxford to the towns of Rumford and Peru," approved by the governor, February twenty-one, in the year of our Lord one thousand eight hundred and ninety-nine.

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

Section 1. Section four of an act entitled "An Act to annex Franklin Plantation in the County of Oxford to the towns of Rumford and Peru, approved by the Governor, February twenty-one, in the year of our Lord one thousand eight hundred and ninety-nine," is hereby amended, so that said section shall read as follows:

Act amended.

'Section 4. The assessors of said plantation for the year eighteen hundred and ninety-eight at any time prior to December one, eighteen hundred and ninety-nine, are authorized to call a meeting of the inhabitants of said Franklin plantation as they existed prior to February twenty-one, eighteen hundred and ninety-nine, and at such meeting said inhabitants may raise by assessment on the real and personal estate therein based on the valuation of eighteen hundred and ninety-eight such sum of money as may be needed to pay any indebtedness of said Franklin plantation that the assessors may find due in the final closing up of its affairs.

May raise money to pay indebtedness.

The present assessors, treasurer, clerk and tax collector of said Franklin plantation shall hold their present offices for the purpose of collecting taxes so assessed as well as those now due, and the payment of all its debts as though this act had not passed, and the acts of said inhabitants at any plantation meeting heretofore or hereafter called and held to raise money to pay its said indebtedness are hereby declared legal and valid.'

—present officers shall hold office, for purpose of paying debt.

Section 2. This act shall take effect when approved.

Approved March 11, 1899.