

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

SIXTY-NINTH LEGISLATURE

OF THE

STATE OF MAINE

1899.

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

AUGUSTA
KENNEBEC JOURNAL PRINT
1899.

PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE.

1899.

Chapter 183.

An Act to authorize the inhabitants of the town of Woolwich, or their assigns, to increase the height of the dam across Nequasset Stream, in the town of Woolwich.

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

Section 1. The inhabitants of the town of Woolwich, their successors or assigns, are hereby authorized to build, raise and maintain the dam across Nequasset stream in said Woolwich five feet above its present height, and to flow lands adjoining said stream and Nequasset lake. Provided, that said flowage shall in no way injure, impair or interfere with the use of the pumping station of the Maine Water Company as now or hereafter established at said Nequasset lake.

Height of dam across Nequasset stream in Woolwich, increased.

—proviso.

Section 2. Said inhabitants of the town of Woolwich, their successors or assigns, shall pay all damages that shall be sustained by any persons by flowage; and if any person sustains damages as aforesaid and the amount thereof cannot be mutually agreed upon, such person may cause his damage to be assessed in the same manner and under the same conditions, restrictions and limitations as are by law prescribed in the case of damages by the laying out of highways.

Town responsible for all damage, and how assessed in case of disagreement.

Section 3. This act shall take effect when approved.

Approved March 17, 1899.

Chapter 184.

An Act to establish a Municipal Court in the Town of Searspört.

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

Section 1. There is hereby established in and for the town of Searspört, in the county of Waldo, a court, to be denominated the Municipal Court of Searspört.

Searspört municipal court, established.

Section 2. Said court shall be a court of record, and have a seal, to be affixed to all original processes issuing therefrom.

Seal and court of record.

Section 3. Said court shall consist of one judge, to be appointed in the manner and for the term provided by the constitution, who shall reside during his continuance in office in said town of Searspört.

Judge and term of.

Section 4. Said judge shall have concurrent jurisdiction with trial justices in all matters, civil or criminal, within the county of Waldo, and with trial justices in all cases of forcible

Concurrent jurisdiction with trial justices.

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entry and detainer arising in said county. Nothing in this act shall be construed to give said court jurisdiction in any civil action in which the title to real estate, according to the pleading of brief statement filed therein by either party, is in question; and all such actions brought therein shall be removed to the supreme judicial court, or otherwise disposed of, as in like cases before a trial justice.

Original jurisdiction.

Section 5. Said judge shall have original and exclusive jurisdiction of all offenses against the ordinances and laws of the town of Searsport, and in all civil actions wherein the amount claimed in damages shall not exceed twenty dollars, in which one of the parties interested, or the attorney of the plaintiff who made the writ, or person or persons summoned as trustees in such action, shall be inhabitants or be residents of Searsport, and in all cases of forcible entry and detainer arising in said town, excepting all actions in which said judge may be interested; provided, that any action, civil or criminal, in which the judge is interested or related to either of the parties by consanguinity or affinity within the sixth degree, according to the rules of the civil law, or within the degree of second cousin, inclusive, but which would otherwise be within the exclusive jurisdiction of said court, may be brought before and disposed of by any trial justice within said county, in the same manner, and with like effect, as other actions before said trial justices.

--when judge is interested, action shall be brought before any trial justice.

Jurisdiction of all cases of larceny, when property does not exceed \$20.

Section 6. Said judge shall have jurisdiction in all cases of simple larceny and where the property alleged to have been stolen shall not exceed in value the sum of twenty dollars, and of all cases of cheating by false pretences, where the property, money or other thing alleged to have been fraudulently obtained shall not exceed in value the sum of twenty dollars, and shall have power to try the same and in either of said cases, to award sentence upon conviction by fine not exceeding twenty dollars, or imprisonment in the county jail with or without labor for a term not exceeding ninety days. He shall have exclusive jurisdiction of all offenses arising in said town, which are by any law or statute within the jurisdiction of a trial justice, and concurrent jurisdiction with trial justices of the county of Waldo, of all such offenses arising in said county, out of said town.

--exclusive jurisdiction of all offenses in the town.

Terms.

Section 7. Said court shall be held on the third Wednesday of each month, at ten o'clock in the forenoon, except the month of August, for the transaction of civil business at such place within said town as the judge shall determine; but the town may at any time provide a court room, in which case 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

--town may provide room.

--may be adjourned from time to time.

judge, at his direction, but it shall be considered in constant session for the cognizance of criminal actions.

Section 8. It shall be the duty of the judge of said court to make and 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. The judge may appoint in writing a recorder, who shall be a trial justice for the county of Waldo, duly qualified, who shall be sworn by said judge, 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 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; and the signature of the recorder, as such, shall be sufficient evidence of his right to act instead of the judge. When the office of judge is vacant, the recorder shall be entitled to the fees, in all other cases he shall be paid by the judge, and shall hold his said office at the discretion of said judge.

Judge shall keep records.

—may appoint a recorder.

—shall preside in absence of judge.

—when office is vacant, recorder shall be entitled to fees.

Section 9. 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.

Appeals may be taken to supreme judicial court.

Section 10. Writs and processes issued by said court shall be in the usual forms, and shall be served as like precepts are required to be served when issued by trial justices.

Writs and processes, form of.

Section 11. All the provisions of the statutes of the state relative to attachments of real and personal property and the levy of executions shall be applicable to actions brought in this court, and executions on judgments rendered therein; provided, that property may be attached in addition to the ad damnum sufficient to satisfy the costs of suit.

Laws relative to attachments of property, applicable.

Section 12. Said court is hereby authorized to administer oaths, render judgment, 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.

Powers.

Section 13. 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 day of the return term, he shall be defaulted; but if he afterwards appear during the term, the court may, for sufficient cause, permit the

Actions, when entered.

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—if defendant fails to appear, shall be defaulted.

—when defendant may file his pleadings.

—when actions shall be in order for trial.

When judge and recorder are absent, any trial justice may preside.

—may adjourn without day.

Costs and fees allowed to parties and witnesses.

Fees of judge.

default to be taken off. Pleas in abatement must be filed on or before the day of the entry of the action. The defendant may file his pleadings, which shall be the 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 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.

Section 14. If at any regular or adjourned term of said court to be held for civil business, the judge or recorder is not present at the place for holding said court within two hours after the time for opening said court, then any trial justice or justice of the peace in the county of Waldo, may preside for the purpose of entering and continuing actions, and filing papers in said court, and may adjourn said court from time to time, not exceeding one week at any one time, without detriment to any action returnable or pending, and may in his discretion, adjourn said court without day, in which event all actions returned or pending, shall be considered as continued to the next term. No trial justice or justice of the peace shall be disqualified from presiding for the purpose mentioned in this section, by reason of his being interested in any action returnable before or pending in said court.

Section 15. The costs and fees allowed to parties, attorneys and witnesses in said court shall be the same as allowed by trial justices in 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.

Section 16. The judge of said court may demand and receive the same fees allowed by law to trial justices and clerks of the supreme judicial court for similar services, except that he shall receive for every blank writ signed by him, four cents; for the entry of each civil action fifty cents; for every warrant issued by him, one dollar; for the trial of an issue in civil or criminal cases, two dollars for every day actually employed; and said fees for the trial of an issue in civil actions shall be paid by the plaintiff before proceeding with the trial each day, to be taxed

in his costs, if he prevail; and the fees so received by said judge shall be payment in full for his services.

Section 17. Trial justices are hereby restricted from exercising any jurisdiction in the town of Searsport over any matter or thing, civil or criminal, except such as are within the jurisdiction of justices of the peace and of the quorum; provided, that said restrictions shall be suspended until the judge of said court shall enter upon the duties of his office.

Section 18. Nothing in this act shall be construed to interfere with actions already commenced before trial justices in the town of Searsport, but all such actions shall be disposed of by such trial justices the same as if this act had not passed.

Section 19. This act shall take effect when approved.

Approved March 17, 1899.

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Jurisdiction of trial justices restricted.

How pending actions shall be disposed of.

Chapter 185.

An Act to extend the rights, powers and privileges of the Franklin, Somerset and Kennebec Railway Company.

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

Section 1. The rights, powers and privileges of the Franklin, Somerset and Kennebec Railway Company which were granted by chapter four hundred sixty-seven of the private and special laws of the state of Maine for the year eighteen hundred and ninety-seven are hereby extended for two years additional, and all rights, powers and privileges that were granted by said act to said company may and shall be exercised in the same manner and for the same purposes as provided in said act, provided, that the said Franklin, Somerset and Kennebec Railway Company, shall on or before the first day of December, in the year of our Lord eighteen hundred and ninety-nine, pay all notes of the company dated on the first day of March, in the year of our Lord eighteen hundred and ninety-nine, issued by said company in payment of claims against it and the Franklin Construction Company for labor done and material furnished in the construction of the road of said company, and shall pay to the Kennebec and Franklin Railway all sums paid by said Kennebec and Franklin Railway for its preliminary survey not exceeding eight hundred dollars. Said sum to be repaid whenever said Kennebec and Franklin Railway shall build its railroad as authorized by law.

Charter extended, for two years.

—if claims of Franklin Construction Company, Kennebec and Franklin Railway are paid.