

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

SEVENTIETH LEGISLATURE

OF THE

STATE OF MAINE

1901.

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PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE.

1901.

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Section 4. When said company shall have received from tolls its outlay on all dams, improvements and repairs made up to that time, including all damages paid for flowage or otherwise, and six per cent interest thereon, then the tolls herein provided for shall be reduced to a sum sufficient to keep said dams and improvements in reasonable repairs.

When tolls shall be reduced.

Section 5. Said company may issue its capital stock to an amount not exceeding five thousand dollars, to be divided into shares of one hundred dollars each.

Capital stock.

Section 6. This act shall take effect when approved.

Approved March 14, 1901.

Chapter 365.

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

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 Fairfield, in the county of Somerset, a court, to be denominated the Municipal Court of Fairfield.

Fairfield 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 be a member of the bar in Somerset county, and who shall reside during his continuance in office in said town of Fairfield.

Judge and qualification.

Section 4. Said court shall have concurrent jurisdiction with supreme judicial court in the county of Somerset of the offenses described in chapter one hundred and twenty, sections one, six, seven, eight and nine of the revised statutes, when the value of the property is not alleged to exceed fifty dollars; and also of the offenses described in chapter one hundred and thirty-two, section four of the revised statutes; and also of the offenses described in chapter one hundred and eighteen, section twenty-eight of the revised statutes, and may punish in all such offenses by fine not exceeding fifty dollars or by imprisonment for a time not exceeding four months; also of the offenses described in chapter one hundred and twenty-four, section six of the revised statutes. Said court shall have exclusive jurisdiction of all offenses arising in said town of Fairfield, which are by any law or statute within the jurisdiction of a trial justice, and concur-

Jurisdiction.

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rent jurisdiction with trial justices of the county of Somerset of all such offenses arising in said county outside of said town of Fairfield.

Exclusive jurisdiction when debt does not exceed \$20.

Section 5. Said court shall have original and exclusive jurisdiction of all offenses against the ordinances and laws of the town of Fairfield, 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 residents of Fairfield, 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 may be interested or related to either of the parties by consanguinity or affinity within the sixth degree, according to the rules of civil law, or within the degree of second cousin, inclusive, but which would otherwise be within the 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. Said court shall have original concurrent jurisdiction with the supreme judicial court, in all civil actions where the debt or damages demanded, exclusive of costs, do not exceed one hundred dollars, and any defendant, or any person or corporation summoned as trustee is a resident of said town of Fairfield; and also in all actions of replevin under chapter ninety-six of the revised statutes, when the value of the goods or chattels replevied does not exceed one hundred dollars; 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.

—original and concurrent jurisdiction with the supreme judicial court.

—exceptions.

Terms.

Section 6. Said court shall be held on the first Wednesday of each month, at ten o'clock in the forenoon, for the transaction of civil business at such place within said town as the judge shall determine; but the Fairfield Village Corporation shall forthwith 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 judge, at his direction, but it shall be considered in constant session for the cognizance of criminal actions.

—court room.

Writs and processes, form of.

Section 7. All writs and processes, issued by said court, shall be of the usual forms, and all writs in which the debt or damages

demanded do not exceed twenty dollars, shall be served as now provided by law in case of writs issued by trial justices, and all writs in which the debt or damages demanded exceed twenty dollars, shall be served in time and manner as now provided by law in case of writs issued by the supreme judicial court. Said court is hereby authorized to administer oaths, render judgments, 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 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, 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 Somerset, 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.

Records,
how kept.—judge may
appoint a
recorder.—powers and
duties.—fees, how
disposed of
when office
is vacant.

Section 9. All actions may be tried by said court without the intervention of a jury, subject to the right of appeal. All actions shall be entered during the first day of the term at which they are returnable and not after without special permission. When a defendant, legally served, does not appear within the first two days of the term he shall be defaulted, but the court may take off the default for sufficient cause. All pleas in abatement must be filed within the first two days. The defendant must file his pleas within fourteen days after entry of action, which shall consist of the general issue, with a brief statement of special matter of defense, if any. If the defendant does not file his pleadings as before provided, he shall be defaulted on the first day of the next term after entry, unless the court, for good reason, grants him leave to plead or otherwise lawfully dis-

How actions
shall be tried.

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—appeal may be taken to supreme judicial court.

pose of the case. All actions duly answered to shall be in order for trial at the next term after entry. Any party may appeal from the 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. And 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 action be removed to the supreme judicial court, accompanied by his pleadings in said action, and shall at the same time deposit with the judge the sum of two dollars for copies, to be taxed in his costs, if he prevail, 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 pleas, to be filed in the clerk's office of said supreme judicial court and said action shall be entered on the docket of the term next preceding said filing, and shall be in order for trial at the next succeeding term.

Trial justice may preside in absence of judge and recorder.

Section 10. 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 Somerset, 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.

—powers in such cases.

Trial of actions of forcible entry and detainer.

Section 11. Said court shall be held on every Wednesday of each month 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 are heard and determined.

Law relative to attachments, made applicable.

Section 12. All the provisions of the statutes of the state relative to attachment of real estate and personal property and the levy of executions, shall be applicable to actions brought in this court, which shall have authority to render judgments and issue executions to be satisfied in the same manner as though issuing from the supreme judicial court; provided, that property may be attached in addition to the ad damnum sufficient to satisfy the costs of suit.

Costs and fees, how

Section 13. Costs and fees allowed to parties, attorneys and witnesses in all actions in said court, in which the amount of

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debt or damages claimed in the plaintiff's declaration do not exceed twenty dollars, shall be the same allowed in actions before trial justices, 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. In actions where the amount recovered by the plaintiff, exclusive of costs, exceed twenty dollars, or property, the value of which exceeds that sum, or the amount claimed, or the value of the property recovered exceeds twenty dollars, where the defendant prevails, the costs of the parties, trustees and witnesses shall be the same as in the supreme judicial court, except that the costs to be taxed for attendance shall be two dollars and fifty cents for each term, for as many terms as may be allowed by the court; and the witnesses in such cases shall be allowed for their attendance one dollar per day and travel as in other cases; and the defendant, if he prevail, shall be allowed two dollars for his pleadings.

allowed
and taxed.

Section 14. The judge of said court shall 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, five cents; for the entry of an action, civil or criminal, fifty cents; for every warrant issued, one dollar; for the trial of an issue in civil or criminal cases, two dollars for every day actually employed; and for copies in any action appealed from said court, two dollars.

Fees of the
judge.

Section 15. All fines, penalties and costs paid into said court upon convictions and sentences in criminal matters, together with all fees allowed to the judge of said court by law in the transaction of criminal business, shall be paid to said judge. All fines and penalties received by said judge shall be accounted for and paid over in the same manner as is required by law of trial justices; and all fees received by him shall be paid to the persons entitled by law to the same as if received by a trial justice.

Fines and
costs, how
disposed of.

Section 16. Trial justices are hereby restricted from exercising any jurisdiction in the town of Fairfield 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.

Jurisdiction
of trial
justices
restricted.

Section 17. Nothing in this act shall be construed to interfere with actions already commenced before trial justices in the town of Fairfield, but all such actions shall be disposed of by such trial justices the same as if this act had not passed.

Pending
actions, how
disposed of.

Section 18. Nothing in this act shall be construed as giving the judge of said court jurisdiction as disclosure commissioner,

Judge shall
not act as

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disclosure
commis-
sioner.

nor shall said judge act as disclosure commissioner in any manner or form.

Section 19. This act shall take effect when approved.

Approved March 14, 1901.

Chapter 366.

An Act to incorporate the Friendship Water Company.

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

Corporators-

Section 1. Elmer E. Jameson, N. A. Jameson and F. O. Jameson, their associates, successors and assigns, are hereby made a corporation by the name of the Friendship Water Company for the purpose of supplying the village of Friendship, in the county of Knox, and the inhabitants of said Friendship with pure water for domestic and sanitary purposes.

-corporate
name.

Authorized to
take water.

Section 2. Said corporation is hereby authorized, for the purposes aforesaid, to take, collect, detain, store, use and distribute the water of any spring or artificial pond on land of Elsie Jameson that lies to the eastward of her house at Friendship village and on adjoining land of Winthrop Whitney; and said corporation may take and hold, by purchase or otherwise, any real estate or easement therein necessary for the collection, distribution, preservation and purity of the same, and for laying and maintaining aqueducts and pipes for distributing the water so taken and held; and may take and hold, by purchase or otherwise, such real estate as may be necessary for digging, constructing or creating any artificial spring or pond for the purpose of collecting, storing, detaining and distributing said water; and may lay its water pipes through any private lands with the right to enter upon the same and dig therein for the purpose of making repairs and service connections; and for the purposes aforesaid, may lay its pipes over or under any water course, street, highway or other way in such a manner as not unnecessarily to obstruct the same; and may lay down, in and through the streets of said town of Friendship, and may take up, replace and repair, all such pipes, aqueducts and fixtures as may be necessary for the purpose of said incorporation, under such reasonable restrictions as the selectmen of said town may impose; and said corporation shall be responsible for damages to all persons or property occasioned by the use of such streets and ways, and shall pay to said town all sums recovered against said town for damages from obstructions caused by said corporation, and for all

-real estate.

-lay pipes
through
private lands
and high-
ways under
restrictions
of selectmen.

-responsible
for all
damages.