

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.

Chapter 439.

An Act to incorporate Union Lodge, Number Thirty-one, of Free and Accepted Masons of Union, Maine.

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

Section 1. Herbert A. Hawes, Frank Pullen and Joel Hills, their associates and successors, be and they are hereby incorporated into a body politic, by the name of the Master, Wardens and Members of Union Lodge, Number Thirty-one, with power to sue and be sued, to have a common seal, and to change the same; to make any by-laws for the management of their affairs not repugnant to the laws of this state; to take and hold for charitable and benevolent uses any real estate to the value of five thousand dollars, and any and all personal estate to the value of five thousand dollars; and to give and grant, bargain and sell the same, with all the privileges usually granted to other societies, for purposes of charity and beneficence.

Corporators.

—corporate name.

—powers.

Section 2. Any two persons named in this act may call the first meeting of the corporation by written notice delivered or mailed to each corporator at least five days before the time of said meeting.

First meeting, how called.

Section 3. This act shall take effect when approved.

Approved March 21, 1901.

Chapter 440.

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

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

Pittsfield 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.

Judge and qualification.

Section 4. Said court shall have original and exclusive jurisdiction of all civil actions in which the debt or damages demanded do not exceed twenty dollars, and one of the parties, or a person summoned in good faith and on probable cause as trustee, resides in said town of Pittsfield; and of all cases of

Exclusive jurisdiction when debt does not exceed \$20.

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forcible entry and detainer arising in said town; and shall have original and exclusive jurisdiction of all offenses committed against the ordinances and by-laws of said town, and all such criminal offenses and misdemeanors committed therein as are cognizable before trial justices; provided that warrants may be issued upon complaints for offenses committed in said town of Pittsfield by any trial justice in the county of Somerset, but all such warrants shall be returnable before said court, and no trial justice shall take cognizance of any crime or offense committed in said town or any civil action, or action of forcible entry or detainer, of which said court has exclusive jurisdiction.

—warrants issued by trial justices shall be returnable before said court.

—concurrent jurisdiction with trial justices.

Said court shall have original jurisdiction concurrent with trial justices of all such matters and things civil and criminal within the county of Somerset, as are by law within the jurisdiction of trial justices in said county, and with trial justices in all cases of forcible entry and detainer arising in said county.

—shall not try actions in which title to real estate is in question.

Nothing in this act shall be construed to give said court jurisdiction to try 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.

Shall not be construed as giving jurisdiction in cases when judge is interested.

But nothing in this act shall give or be construed to give said court jurisdiction of any case, civil or criminal, or of forcible entry and detainer where the judge shall be 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 all such cases, which would be otherwise within the exclusive jurisdiction of said court, shall 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.

Concurrent jurisdiction with the supreme judicial court when debt does not exceed \$100, etc.

Section 5. Said court shall have original jurisdiction concurrent with the supreme judicial court in all personal actions where the debt or damages demanded, exclusive of costs, is over twenty dollars, and not over one hundred dollars, and in all actions of replevin under chapter ninety-six of the revised statutes, when the sum demanded for the penalty, forfeiture or damages, or the value of the goods or chattels replevied does not exceed one hundred dollars; provided that any defendant or any party summoned as trustee in good faith and on probable cause is a resident of said county of Somerset, but this jurisdiction shall not include proceedings under the divorce laws or complaints under the mill act, so called, or jurisdiction over actions in which the title to real estate according to the pleadings filed in

—does not include proceedings under divorce laws, etc

the case by either party is in question, except as provided in chapter ninety-four, sections six and seven of the revised statutes.

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 the value of thirty dollars, and of all cases of cheating by false pretenses, where the property, money or other thing alleged to have been fraudulently obtained, shall not exceed in value the sum of thirty dollars, and shall have power to try the same, and in either of said cases, to award sentence upon conviction by fine not exceeding fifty 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 Somerset, of all such offenses arising in said county, out of said town.

Jurisdiction
in cases of
larceny.

—exclusive
jurisdiction
of all offenses
arising in
town.

Section 7. Said court shall be held on the third Monday 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 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; provided, however, that said court shall be held on every Monday at the usual hour for the entry and trial of actions of forcible entry and detainer, and such actions shall be returnable accordingly, and be heard and determined and judgment entered on the return day of the writ, unless continued for good cause. Said court may be adjourned from time to time by the judge, but it shall be considered in constant session for the cognizance of criminal actions.

Terms.

—may be
adjourned
from time
to time.

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 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;

Records,
how kept.

—judge may
appoint a
recorder.

—powers
and duties.

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—fees, how disposed of when office is vacant.

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.

Appeal may be taken to supreme judicial court.

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. 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 and sixty cents for copies and entry fee 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, officers' 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.

Writs and processes, form of.

Section 10. Writs and processes issued by said court shall be in the usual form, signed by the judge, and under the seal of said court. They shall be served as like precepts are required to be served when issued by trial justices, except original writs in civil actions, which shall be served not less than seven nor more than sixty days before the sitting of the court at which the same are made returnable.

Law relative to attachments made applicable.

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, and the writ may be framed accordingly.

Powers.

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.

When actions shall be entered.

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 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.

—when defendant fails to enter his appearance on first day shall be defaulted.

—default may be taken off.

—when defendant may file pleadings.

—when actions shall be in order for trial.

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 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.

Trial justices may preside in absence of judge and recorder.

—power in such cases.

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. 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 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.

Costs and fees, how collected and taxed.

Section 16. The judge of said court may demand and receive the same fees allowed by law to trial justices and clerks of the

Fees of the judge.

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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.

Jurisdiction
of trial
justices
restricted.

Section 17. Trial justices are hereby restricted from exercising any jurisdiction in the town of Pittsfield 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.

Pending
actions how
disposed of.

Section 18. Nothing in this act shall be construed to interfere with actions already commenced before trial justices in the town of Pittsfield, 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 21, 1901.

Chapter 441.

An Act to authorize the construction of a wharf, or wharves into the tide waters of Penobscot River in Bucksport.

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

Parker
Spofford
authorized to
maintain
wharf.

Section 1. Parker Spofford, his associates and assigns, are hereby authorized to erect and maintain a wharf, or wharves, from the shore front of their land lying between the Central Wharf Company's property and the ferry way, between the old Colby wharf property and the marine railway, and between the steamboat wharf and the property of F. G. Perkins and Company, in Bucksport, Hancock county; and to extend the same into the tide waters of the Penobscot river.

Section 2. This act shall take effect when approved.

Approved March 21, 1901.