

# 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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**Chapter 483.**

An Act authorizing the construction of a Wharf into the tide waters of Casco Bay in Phippsburg, County of Sagadahoc.

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

F. W. Ridley  
authorized to  
erect wharf  
in Phipps-  
burg.

Section 1. Frank W. Ridley, his associates and assigns, are hereby authorized to erect and maintain a wharf from the shore of his land known as the Bartlett property, in Phippsburg, Sagadahoc county; and to extend the same into the tide waters of that part of Casco bay known as the New Meadows river.

Section 2. This act shall take effect when approved.

Approved March 21, 1901.

**Chapter 484.**

An Act additional to and amendatory of Chapter two hundred and thirty of the Private and Special Laws of nineteen hundred and one, relating to Ice Fishing in Boyd Lake in the County of Piscataquis.

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

Fishing  
through the  
ice in Boyd  
lake for  
pickerel  
allowed.

It shall be lawful to fish through the ice for pickerel in Boyd lake in the county of Piscataquis during the months of December and January in each year, in addition to the time specified in chapter two hundred and thirty of the private and special laws of nineteen hundred and one.

Approved March 21, 1901.

**Chapter 485.**

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

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

Skowhegan  
municipal  
court estab-  
lished.

—court of  
record and  
seal.

—judge and  
qualification.

Section 1. A municipal court is hereby established in and for the town of Skowhegan, to be denominated the Municipal Court of Skowhegan, which shall be a court of record having a seal to be established by the judge of said court, which court shall consist of one judge who shall be an inhabitant of the county of Somerset, of sobriety of manners and learned in the law, who shall be appointed as provided in the constitution and who shall have and exercise concurrent authority and jurisdiction with trial justices, justices of the peace and of the quorum, over all

matters and things within their jurisdiction, and such authority and jurisdiction additional thereto as is conferred upon him by this act.

Section 2. Said municipal court shall have jurisdiction as follows: First, original jurisdiction concurrent with the supreme judicial court of the larcenies described in sections one, six, seven, eight and nine of chapter one hundred and twenty of the revised statutes, when the value of the property is not alleged to exceed thirty dollars, of the assaults and batteries described in section twenty-eight of chapter one hundred and eighteen of the revised statutes; and of the offenses described in section six of chapter one hundred and twenty-four of the revised statutes, and may punish for either of said offenses by fine not exceeding fifty dollars and by imprisonment in the county jail not exceeding three months. Second, 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 reside in the town of Skowhegan, including prosecutions for penalties in which said town is interested, and of all actions of forcible entry and detainer arising therein; and concurrent jurisdiction with trial justices of all other civil actions within their concurrent jurisdiction. Third, original jurisdiction concurrent with the supreme judicial court, of all civil actions in which the debt or damages demanded do not exceed fifty dollars, and both parties or the defendant and a person summoned as a trustee reside in the county of Somerset. Provided, that any action, civil or criminal, in which the judge is interested, 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 such tribunals.

Section 3. Nothing in this act shall be construed to give said court jurisdiction of any civil action in which the title to real estate according to the pleading or 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.

Section 4. Said court shall be held on the first and third Mondays 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, and it may be adjourned from time to time by the judge at his discretion; but it shall be in constant session for the cognizance of criminal

Jurisdiction.

—concurrent with supreme judicial court when value of property does not exceed \$30.

—exclusive, when debt does not exceed \$20, etc.

—concurrent with trial justices.

—concurrent with supreme judicial court when debt does not exceed \$50.

—when judge is interested, action may be brought before a trial justice.

How actions when title to real estate is in question, shall be disposed of.

Terms.

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—when judge cannot attend, may be adjourned from day to day.

—when adjourned without day, pending actions shall be continued.

Judge shall keep the records.

Appeals may be taken to supreme judicial court.

When debt exceeds \$20, defendant may claim jury trial.

—fees of judge.

—how such action shall be transferred.

Writs and processes, form of.

Laws relating to attachments appli.

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 any deputy sheriff or a constable of the town, 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.

Section 5. 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.

Section 6. 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 7. If any defendant, his agent or attorney, in any action in this court, in which the debt or damages claimed in the writ exceeds twenty dollars, shall, during the term at which it was entered, file in said court an affidavit, that he has a good defence to said action, and intends in good faith to make such defence, and claims a jury trial and shall pay the judge sixty cents for entry fee in the supreme judicial court, and twenty-five cents for his order, to be taxed in said defendant's costs if he prevails, the said judge shall attach to the original writ his order under his hand and seal of court, transferring said action to the supreme judicial court in said county, and deliver the writ together with all papers filed in the case, and entry fee, to the clerk of said supreme judicial court, whose duty it shall be to enter said action at the next term of said supreme judicial court, and it shall there have day, be tried and disposed of, the same as if originally brought in said court.

Section 8. 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, except that writs in which the debt or damages demanded exceed twenty dollars, shall be served at least fourteen days before the sitting of the court at which they are made returnable, and no writ shall be made returnable at a term of the court to begin more than sixty days after the commencement of the action.

Section 9. All the provisions of the statutes relative to the attachment of real and personal property and the levy of execu-

## CHAP. 485

tions, 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 the suit.

able to  
actions  
brought in  
this court.

Section 10. 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 summoned, 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 defence, 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 he may impose reasonable terms. Actions in which the defendant files his pleadings on the return day, and are 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 he 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.

—if defendant  
fails to  
appear shall  
be defaulted.

—default may  
be taken off.

—pleas in  
abatement,  
filing of.

—when  
actions shall  
be in order  
for trial.

Section 11. The costs and fees allowed to parties, attorneys and witnesses, in all actions in said court, in which the debt or damages recovered does not exceed twenty dollars, and in actions of forcible entry and detainer shall be the same as allowed by trial justices in actions before them, except that the plaintiff, if he prevail, shall be allowed one dollar for his writ, and the defendant, if he prevail, one dollar for his pleadings. But in cases where the amount recovered exceeds twenty dollars, costs and fees of parties, attorneys and witnesses, shall be the same as in the supreme judicial court, except that the defendant, if he prevail, shall be allowed two dollars for his pleadings.

Fees of attor-  
neys and  
witnesses.

Section 12. The judge of said court shall furnish his own blanks and may demand and receive therefor the sums allowed by law to trial justices for like blanks, and may also demand and receive the same fees allowed to trial justices for like services, except that he may demand and receive for a complaint and warrant in criminal cases one dollar; for the entry of a civil action, fifty cents; for the trial of an issue, civil or criminal, two dollars for the first day and one dollar for each day after the

Fees of judge.

CHAP. 486

—town may  
vote to pay  
salary.

first, occupied in such trial, to be paid to him by the plaintiff in civil cases before trial, who shall recover the same as costs if he prevail in the suit, and the fees so received by said judge shall be payment in full for his services. Provided, that the legal voters of said town may, at any time, by vote, determine to pay him a salary, which shall be accepted by him instead of said fees, in which case, he shall pay all fees of office by him received, into the town treasury.

Jurisdiction  
of trial  
justices  
restricted.

Section 13. Trial justices are hereby restricted from exercising any jurisdiction in the town of Skowhegan over any matter or thing, civil or criminal, except such as are within the jurisdiction of justices of the peace and of the quorum, and except cases in which the judge is interested or related, and except they may issue warrants on complaints for criminal offenses to be returned before said municipal court, and in case of the absence from the town of Skowhegan, or sickness of the judge of said court, and during such sickness or absence, any trial justice residing in said Skowhegan, shall have and exercise in criminal matters the same jurisdiction as though said municipal court had never been established. Provided, that said restrictions shall be suspended until the judge of said court shall enter upon the duties of his office.

—in case of  
absence of  
judge, trial  
justice may  
exercise  
jurisdiction  
in criminal  
matters.

How proceed-  
ing actions  
shall be  
disposed of.

Section 14. Nothing in this act shall be construed to interfere with actions already commenced before trial justices in the town of Skowhegan, but all such actions shall be disposed of by such trial justices the same as if this act had not been passed.

Section 15. This act shall take effect when approved.

Approved March 21, 1901.

## Chapter 486.

An Act to incorporate the Bethel Sewer Company.

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

Corporators.

Section 1. Chas. D. Hill, Addison E. Herrick, Eben S. Kilborn, John M. Philbrook, Wm. W. Hastings, Josiah U. Purington, Cyrus M. Wormwell, Seth Walker, Ira C. Jordan, Edwin C. Rowe, Thos. F. Hastings and Calvin Bisbee, all of Bethel in the county of Oxford and state of Maine, with their associates and successors are hereby made a corporation, by the name of the Bethel Sewer Company, for the purpose of laying and maintaining sewers within the limits of the Bethel Village Corporation in said town.

—corporate  
name.

—purposes.