

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

SEVENTY-FIRST LEGISLATURE

OF THE

STATE OF MAINE

1903.

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PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE.

1903.

written notice, signed by all, postage paid, to each of the other corporators, seven days at least before the day of the meeting, naming the time, place and purpose of such meeting, and at such meeting the necessary officers may be chosen, by-laws adopted, and any other corporate business transacted.

Section 17. This act shall take effect when approved.

Approved March 4, 1903.

Chapter 113.

An Act in relation to the Trustees of Westbrook Seminary.

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

Section 1. Women shall be eligible to membership on the board of Trustees of Westbrook Seminary, which board shall consist of not less than three nor more than twenty-seven members to be elected by the board as heretofore and hold office for the term of six years, vacancies by death, resignation or otherwise to be filled by election of members for the unexpired term. Not more than one-third of the number shall be clergymen, and eight members shall constitute a quorum if there are more than fifteen members, but if less a majority shall be a quorum.

Women shall be eligible as trustees.

—tenure of office of trustees.
—quorum.

Section 2. The election and qualifications of the present and all past acting members of the board of trustees and all their acts and doings in their official capacity are hereby confirmed, legalized and made valid.

Former elections of trustees made valid.

Approved March 4, 1903.

Chapter 114.

An Act to consolidate and amend Chapter seventy-eight of the Special Laws of eighteen hundred and sixty-one, Chapter three hundred ninety-five of the Special Laws of eighteen hundred sixty-four, Chapter one hundred forty of the Special Laws of eighteen hundred sixty-six, Chapter five hundred thirty-six of the Special Laws of eighteen hundred seventy-four, Chapter three hundred four of the Special Laws of eighteen hundred ninety-five, and Chapter three hundred ninety-eight of the Special Laws of nineteen hundred and one, relating to a Police Court in the City of Rockland.

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

Section 1. There is hereby established in the city of Rockland, a court to be denominated the police court for the city of Rockland, to consist of one judge, who shall be appointed, com-

Rockland police court established.

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—seal, and
court of
record.

Jurisdiction.

Concurrent
jurisdiction
with supreme
judicial court
when debt is
above \$20 and
does not
exceed \$100.

—exceptions.

—shall not
include
actions when
titles to real
estate is
in question.

—how actions
may be
removed to
supreme
judicial court
in certain
cases.

missioned and qualified in the manner provided by the constitution of this state, and be a citizen of said city, and so continue while he remains in office. Said police court shall be a court of record with a seal to be affixed to all original processes issued therefrom. The present judge shall continue in office until the end of the term for which he was appointed.

Section 2. Said judge shall, except where interested, exercise jurisdiction over all such matters and things, civil and criminal, within the county of Knox, as justices of the peace or trial justices may exercise, and under similar restrictions and limitations, and concurrent jurisdiction with justices of the peace and quorum and trial justices in cases of forcible entry and detainer in said county; and exclusive jurisdiction in all such matters and things where both parties interested, or the plaintiff and the person or persons summoned as trustees, shall be inhabitants of or residents in said city; and said court shall also have exclusive jurisdiction over all such criminal offenses committed within the limits of said city, as are cognizable by justices of the peace or trial justices, and under similar restrictions and limitations. And said court shall have concurrent jurisdiction with the supreme judicial court in all personal actions where the debt or damage demanded, exclusive of costs, is over twenty dollars and not over one hundred dollars, and in all actions of replevin, when it appears that the sum demanded for the penalty, forfeiture or damages does not exceed one hundred dollars, or that the property in the beasts or other chattels is in question and the value thereof does not exceed one hundred dollars and either defendant, or a person summoned as trustee is resident in Knox county; 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. 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 cause be removed to the supreme judicial court and deposit with the judge the sum of two dollars for copies and entry fee in said supreme court, to be taxed in his costs if he prevails, 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 defendant's motion to be filed in the clerk's office of the supreme judicial court, and shall pay the entry fee thereof; and said action shall be entered on the docket of the term next

preceding said filing, unless said court shall then be in session, when it shall be entered forthwith, and shall be in order for trial at the next succeeding term. If no such motion is filed, the said police court shall proceed and determine said action, subject to the right of appeal in either party as hereinafter provided. The pleadings in such cases shall be the same as in the supreme judicial court. In any action in which the plaintiff recovers not over twenty dollars debt or damage, the costs to be taxed shall be the same as before trial justices, except that the plaintiff shall have two dollars for his writ. Where the defendant prevails in any action in which the sum claimed in the writ is not over twenty dollars, he shall recover two dollars for his pleadings and other costs as before trial justices. In actions where the amount recovered by the plaintiff, exclusive of costs, exceeds twenty dollars, or the amount claimed exceeds twenty dollars, where the defendant prevails, the cost of 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, not exceeding three terms, and for trial of issue, eighty cents. All the provisions of the statutes of this state relative to the attachment of real and personal property and the levy of executions, shall be applicable to actions in this court, and executions on judgments rendered therein. Actions may be referred and judgments on the referees report may be rendered in the same manner and with the same effect as in the supreme judicial court.

—costs, how
taxed.

—costs.

Section 3. Said judge shall have jurisdiction in all cases of simple larceny when the property alleged to have been stolen shall not exceed in value the sum of fifty dollars, and on conviction award sentence of imprisonment in the county jail or house of correction not exceeding one year, or fine not exceeding one hundred dollars; of offenses described in section four of chapter one hundred and thirty-two of the revised statutes, where they are not of a high and aggravated nature, and on conviction, may punish by fine not exceeding fifty dollars, or by imprisonment in the county jail for a term not exceeding six months, and all violations of the tramp law, and of offenses described in section four of chapter one hundred and forty-one of the revised statutes, and on conviction, may be punished by imprisonment in the county jail or house of correction not exceeding six months. And shall have exclusive jurisdiction of all offenses against the ordinances and by-laws of said city, though the penalty therefor may accrue to said city; and in the prosecutions on any such ordinances or by-laws, or any special law of the state relating to said city, such by-law, ordinance or special law need not be

Judge shall
have
jurisdiction
in cases of
simple
larceny when
value of
property does
not exceed
\$50, etc.

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recited in the complaint or process, nor the allegations therein be more particular than in prosecutions on a public statute.

Judge shall have jurisdiction in cases of cheating by false pretences when amount obtained does not exceed \$20.

Section 4. Said judge shall have jurisdiction 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 award sentence upon a conviction, by fine not exceeding twenty dollars, or imprisonment in the county jail, or in the house of correction to hard labor for a term not exceeding ninety days. The same proceedings may be had before said court, and in the same manner against persons keeping houses of ill fame, resorted to for purposes of prostitution or lewdness, on complaint as before a justice of the peace or trial justice.

Warrants shall be issued by the judge.

Section 5. All warrants issued upon complaints for offenses committed within the limits of the city shall be issued by the judge of said court, and shall be made returnable before said court, and no justice of the peace or trial justice, in said county of Knox, shall in any manner take cognizance of, or exercise jurisdiction over any crime or offense committed within the limits of said city except as hereinafter provided.

Jurisdiction of justices of the peace and trial justices restricted.

Section 6. The several justices of the peace in said city shall continue to have and exercise all the power and authority vested in them by the laws of the United States; but no such justice of the peace, nor any trial justice for said Knox county, shall exercise any civil or criminal jurisdiction otherwise, except as herein-after provided, unless in civil cases where the said judge is interested, under a penalty of twenty dollars for each offense, to be recovered by indictment in any court proper to try the same; but nothing in this act shall be construed to prevent said justices of the peace or trial justices, administering oaths, taking acknowledgments of deeds and other writings, acting as arbitrators or referees, or doing any business other than that especially devolving upon said court.

—exceptions.

Appeals may be taken to supreme judicial court.

Section 7. Any persons aggrieved at any judgment or sentence of said court may appeal to the supreme judicial court in the same manner as from a judgment or sentence of a trial justice, and all such appeals shall be in order for trial at the first term of said appellate court after such appeal is taken. Final judgment in said police court may be re-examined in the supreme judicial court on a writ of error, on a petition for review, and when the judgment is reversed the supreme judicial court shall render such judgment as said police court should have rendered, and when a review is granted it shall be tried in said supreme judicial court.

—final judgment may be reexamined on writ of error.

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Fines and forfeitures shall be paid to county treasurer.

Section 8. The judge of the police court in the city of Rockland shall render an account of, and pay over all fines and forfeitures by him received upon convictions and sentences before him, to the treasurer of the county of Knox within six months after he receives the same, and for any neglect, he shall forfeit and pay in each instance double the amount, to be recovered in an action of debt in the name of the county treasurer.

Terms of court, when held.

Section 9. Said police court shall be holden on the first Tuesday of each month, at nine o'clock in the forenoon, for the transaction of civil business, except for actions of forcible entry and detainer which shall be held on each Tuesday at the hour aforesaid, and all civil processes shall be made returnable accordingly; said court shall be considered in constant session for the trial of criminal offenses; and said court may be adjourned from time to time at the discretion of the judge. Said court to be held at such place as such city shall provide for that purpose. It shall be the duty of the judge of said court to make and keep the records of said court or cause the same to be done, and to perform all other duties required of similar tribunals; the copies of the records of said court duly certified by the judge, shall be legal evidence in any court of this state. The fees in all cases, civil and criminal before said court, except as provided in section two of this act, shall be the same as are now taxable by justices of the peace or trial justices, provided that the price of blank writs, which shall be signed by the judge of said court and bear the seal of said court, shall be three cents; and said judge shall keep an account of said fees, and pay the same quarterly into the treasury of the said city.

—judge shall cause records to be kept.

Section 10. When the office of judge of said court shall be vacant in consequence of resignation, death, or removal of the judge's residence from said city, the trial justices of said city, if it have any, or if not, the trial justices of the adjoining towns, may perform all acts and duties appertaining to the office of trial justice during the continuance of such vacancy; and all proceedings instituted during such a vacancy shall be finally determined by the trial justice instituting the same; and when such a vacancy occurs, all the proceedings and business pending in said court shall stand continued to the first Tuesday of the month next after such vacancy shall be filled.

Trial justices may act in cases of resignation, death or removal of judge's residence.

Section 11. In case of sickness, absence from the city or other disability of the judge to attend at the regular times of holding said court for the transaction of civil business as provided in section nine, the said court shall stand adjourned until the next term, and so from term to term, without cost to either party, until the judge is able to attend; and during such sickness,

In case of absence or disability of judge, court shall stand adjourned.

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—may appoint person to enter actions.

—criminal jurisdiction shall devolve on trial justices if judge cannot perform the duties.

Writs and processes, form of.

—powers of court.

—City marshal, deputy marshal and police officers shall attend court when requested.

City of Rockland shall provide rooms for court, stationery, etc.

—salary of judge.

—judge shall not act as attorney in cases within jurisdiction of court.

Judge may appoint a recorder.

absence, or other disability, any person that the judge may appoint may enter actions at the regular term and make such entries under them as necessary. If the judge is unable to perform the other duties of his office, the criminal jurisdiction of said court shall devolve exclusively upon the trial justices mentioned in section ten, and all proceedings instituted during that time shall be finally determined by the trial justices before whom the same are instituted.

Section 12. The writs and processes in civil actions, issued from said court, shall be the same as now provided by law, and shall be served in time and manner as now provided by law in case of writs issued by trial justices, and be obeyed and executed throughout the state, and the costs and fees allowed to parties and attorneys in actions in this court shall be the same as allowed by law in actions before trial justices except as otherwise provided in this act. Said court is hereby authorized to administer oaths, render judgment, issue executions, certify copies of its records, punish for contempt and compel attendance, and to make all such rules and regulations not repugnant to law as may be necessary and proper for the administration of justice and to facilitate its business; and the provisions of law relating to practice and proceedings in the aforesaid matters in the supreme judicial court in civil cases, are hereby extended to said court as far as applicable; and all acts relating to courts and judicial proceedings are hereby modified so as to give full effect to this act. The city marshal, the deputy marshal and the police officers of the said city shall be in attendance on said court when requested to do so by the judge for the purpose of preserving order, and shall execute all legal orders to them directed by the court.

Section 13. Said city of Rockland shall have power and it shall be its duty to raise money to provide suitable room or rooms in which to hold said court, and to furnish the same in an appropriate manner, including stationery, record books, fuel, lights, and other things necessary to accommodate said court. The judge of said court shall receive from said city in quarterly payments, at the close of each quarter, an annual salary of eight hundred dollars, which shall be in full for all fees pertaining to said office, except copies; and the judge of said court shall not act as counsel or attorney in any case within the exclusive jurisdiction of said court, nor in such matter or thing which may depend on or have relation to any case, matter or thing which has been or is depending in said court.

Section 14. The judge of said court may if he chooses at his own expense, appoint a recorder for said court during his pleas-

ure, who shall be a justice of the peace for said county, and a citizen of said Rockland, who may make the records of said court.

Section 15. Any trial justice of said city, if it has any, and if not, of either of the adjoining towns, may take cognizance of any action, matter or thing within the jurisdiction of a trial justice, wherein the judge of said court or recorder is a party interested.

When judge or recorder is interested, action may be brought before trial justice.

Section 16. All civil actions which shall at the time this act takes effect be pending in said police court, or be returnable thereto, and all other actions, suits, matters, and things which may then be pending in said police court, and all writs, warrants, recognizances and processes returnable to, and which would have had day therein, had not this act been passed, shall thereupon be returnable to, have day in and be fully acted upon by the police court established by this act; and the said police court shall have full power and authority to grant any execution to carry into effect any judgment rendered in said police court heretofore existing, in the same manner as the said police court might have done had not this act passed.

Pending actions, how disposed of.

Section 17. The records and papers of any police or municipal court now or heretofore existing in said Rockland shall be treated and be the records and papers of this court and certified as such.

Existing records and papers, how treated.

Section 18. All acts and parts of acts inconsistent with this act and all acts heretofore passed in relation to any police or municipal court in said Rockland, are hereby repealed.

Inconsistent acts repealed.

Section 19. This act shall so far take effect when approved as to make valid writs and processes made returnable to terms of court held hereunder, if they are otherwise properly brought.

When this act shall take effect.

Approved March 4, 1903.

Chapter 115.

An Act authorizing the Great Northern Paper Company to locate, erect and maintain piers and booms in the Kennebec river.

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

Section 1. The Great Northern Paper Company, its successors and assigns, are hereby authorized and empowered to locate, erect and maintain in the Kennebec river, between land of the Great Northern Paper Company and land of B. P. J. Weston in the town of Madison and the land of the heirs of George W. Walker and land of B. F. Walker in the town of Anson, piers and booms for the purpose of collecting, holding

Great Northern Paper Company authorized to erect piers and booms in Kennebec river.

—purpose.