

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

SEVENTY-FIRST LEGISLATURE

OF THE

STATE OF MAINE

1903.

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

AUGUSTA
KENNEBEC JOURNAL PRINT
1903

PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE.

1903.

CHAP. 119

Shall
commence
construction
within ten
years.

'Section 9. This act shall become null and void in ten years from the approval thereof, unless the corporation shall have organized and commenced the actual construction of its works under this charter.'

Approved March 4, 1903.

Chapter 119.

An Act to amend Chapter two hundred and four of the Private and Special Laws of eighteen hundred and eighty-three, entitled "An Act to establish a Municipal Court in the town of Westbrook."

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

Section 1. Chapter two hundred and four of the private and special laws of eighteen hundred and eighty-three is hereby amended by striking out all after the enacting clause and substituting the following sections:

Westbrook
municipal
court
established.

—judge,
qualifications
of.

—how
appointed.

'Section 1. A municipal court is hereby established in and for the city of Westbrook, to be denominated the municipal court for the city of Westbrook, and to consist of one justice who shall be an inhabitant of said city and a person learned in the law and of sobriety of manners. Said judge shall be appointed as provided in the constitution for the appointment of judges of municipal and police courts; and shall be, ex-officio, a justice of the peace and of the quorum for the state, and have and exercise concurrent jurisdiction with trial justices of the county of Cumberland over all matters and things within their jurisdiction, and such authority and jurisdiction, additional thereto as are conferred upon him by this act.'

Exclusive
original
jurisdiction of
court.

'Section 2. Said court shall have exclusive original jurisdiction of all offenses against the ordinances and by-laws of said city, and of the local board of health therein, and of such criminal offenses and misdemeanors committed therein, as are cognizable by trial justices; and of all civil actions wherein the debt or damages demanded do not exceed twenty dollars, and both parties reside in said city, except when the judge of said court is interested in any such action as party or attorney; and original jurisdiction concurrent with the superior court of the county of Cumberland in all civil actions wherein the debt or damages demanded do not exceed fifty dollars, exclusive of costs, in which any party to the action or person summoned as trustee shall reside, or, if not an inhabitant of the state, shall be commorant or have a place of business, in said city.'

—original
jurisdiction
concurrent
with superior
court of
county of
Cumberland,
wherein debt
or damages
do not exceed
\$50.

CHAP. 119

'Section 3. Said court shall also have original jurisdiction concurrent with the superior court of the county of Cumberland, of the assaults and batteries described in section twenty-eight of chapter one hundred and eighteen of the revised statutes of eighteen hundred and eighty-three, and of all larcenies described in sections one, six, seven and nine of chapter one hundred and twenty of the revised statutes of eighteen hundred and eighty-three, when the value of the property is not alleged to exceed fifty dollars, and may punish for either of said crimes or offenses by a fine not exceeding fifty dollars, or by imprisonment not exceeding four months; provided, that when the offenses described in section twenty-eight of chapter one hundred and eighteen, and in sections one, six, seven and nine, of chapter one hundred and twenty aforesaid, are of a high and aggravated nature, the judge of said court may cause persons charged with such offenses to recognize with sufficient sureties to appear before the superior court of Cumberland county; and in default thereof commit them. Said court shall also have original jurisdiction, concurrent with said superior court, of the offense described in section six of chapter one hundred and twenty-four of the revised statutes of eighteen hundred and eighty-three.'

Original jurisdiction concurrent with superior court in certain other cases.

'Section 4. 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 pleadings and brief statements 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 have jurisdiction when title to real estate is in question.

'Section 5. Said court shall be held Saturday of each week, at ten o'clock in the forenoon for the transaction of civil business, at such place in the village of Saccarappa or Cumberland Mills in said city, as the city council shall provide, 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 considered in constant session for the cognizance of criminal actions. The judge of said court may punish contempts against his authority by fine or imprisonment, or either, compel the attendance of witnesses, and administer oaths in civil and criminal cases.'

Terms, when and where held.

'Section 6. 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 a constable of said city, or any deputy sheriff residing therein, without detriment to any action then returnable or pending, until he can attend, when said action shall 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

When held for civil business court may be adjourned from day to day when judge cannot attend.

CHAP. 119

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.'

Seal.

'Section 7. The seal of said court shall remain as already established; and in addition to the judicial duties imposed upon the judge of said court by this act, he shall cause the records of said court to be kept in a legible hand or typewritten, or printed in whole or in part by some person of either sex to be appointed by himself for the purpose; and perform all other duties required of similar tribunals in this state; and copies of such records duly certified by said judge shall be legal evidence in all courts. All writs and processes issuing from said court shall be in the usual forms, bear the teste of the judge, and be signed by him; and shall be served as like precepts are required to be served when issued by trial justices. But warrants in criminal cases issuing from said court shall be made returnable before the same; and no writ in a civil action shall be made returnable at a term of said court to begin more than two calendar months after the commencement of the action.'

—records,
how kept.

—writs and
processes,
form of.

Actions, when
entered.

'Section 8. 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 appears during the term, the court may, for sufficient cause, permit the default to be taken off. Pleas or motions 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 matter of defense, on or before 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. 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 finally 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 finally disposed of, shall be continued as of course, and be in order for trial at the next term.'

—pleas or
motions in
abatement,
when filed.

—forcible
entry and
detainer.

Costs and
fees allowed
to parties,
attorneys and
witnesses.

'Section 9. The costs and fees allowed to parties, attorneys and witnesses in all actions in said court shall be the same as allowed by trial justices in actions before them, when the debt or damages recovered do not exceed twenty dollars exclusive of

costs, except that the plaintiff if he prevails shall be allowed one dollar for his writ, and the defendant if he prevails one dollar for his pleadings. But in all actions in which the amount recovered exceeds twenty dollars exclusive of costs, the costs and fees allowed to parties, attorneys and witnesses shall be the same as in the superior court for the county of Cumberland, except that the defendant if he prevails shall be allowed two dollars for his pleadings.'

'Section 10. The judge of said court shall demand and receive the same fees as are allowed to trial justices in similar cases, except that he shall receive one dollar for a complaint and warrant in criminal actions, twenty-five cents for the entry and five cents for a blank writ in a civil action. An accurate account of the fees so received by said judge shall be by him laid before the county commissioners of Cumberland county, and he shall pay the same into the county treasury quarterly on or before the first days of January, April, July and October of each year.'

Fees allowed to judge.

—shall pay fees into county treasury.

'Section 11. The judge of said court shall receive a salary of eight hundred dollars per year to be paid him in quarterly payments from the county treasury of Cumberland county, which shall be in full for his services as such judge; and he shall receive an additional sum not to exceed two hundred dollars per year, at the discretion of said county commissioners, to defray the cost of keeping the records of said court. All blanks, civil and criminal, dockets and record books, required by said court, shall be furnished by the county of Cumberland.'

Salary of judge.

'Section 12. All the provisions of the statutes of this state in relation to attachments of real and personal property, and the levy of execution on the same shall be applicable to actions brought in said court, which shall have authority to issue execution to be satisfied in the same manner as though issuing from the supreme judicial court, except that no such execution shall be levied on real estate unless the debt or damages therein exceed the sum of twenty dollars.'

Attachments of real and personal property, and levy of execution.

'Section 13. Any party may appeal from a sentence or judgment of said court to the then next term for civil or criminal business, as the case may require, of the court having jurisdiction within the county of Cumberland, by appeal from trial justices and such appeal shall be taken and prosecuted in the same manner from a sentence or judgment of a trial justice.'

Appeal, how taken.

'Section 14. Trial justices are hereby restricted from exercising any jurisdiction in said Westbrook 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 that they may issue warrants in complaints for criminal offenses

Jurisdiction of trial justices restricted.

CHAP. 120

Chapter 408 of special laws of 1885, and chapter 635 of special laws of 1893, repealed.

returnable before said court; or in case of the death, disability, or long continued absence from the state, of the judge, before themselves or some other trial justice within and for said county.'

'Section 15. Chapter four hundred and eight of the private and special laws of eighteen hundred and eighty-five and chapter six hundred and thirty-five of the private and special laws of eighteen hundred and ninety-three are hereby repealed.'

Section 2. This act shall take effect when approved.

Approved March 4, 1903.

Chapter 120.

An Act to incorporate the Smith Cemetery Association of Palermo, Waldo County, Maine.

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

Corporators.

Section 1. Mitchell Delany, Leander A. Bowler, George M. Rowe, Samuel Marden and Henry S. Couillard, their associates, successors and assigns, are hereby made a corporation by the name of the Smith Cemetery Association, for the purpose of enlarging, improving and caring for the Smith cemetery, so called, in the town of Palermo.

—corporate name.

Powers.

Section 2. Said association shall have power to purchase land, to enlarge and improve said cemetery, to lay out lots and to sell the same, to receive and hold trust funds for the care or improvement of said cemetery or any part thereof.

Officers.

Section 3. The officers of said association shall be a president, vice president, secretary, treasurer and superintendent. The president, vice president, secretary, treasurer and superintendent, together with three or more members of the association who shall be elected by the association, shall constitute the executive committee. Said executive committee shall have full control of all work and improvements, the laying out of all moneys and the investment of all trust funds of the association.

Regular meetings.

Section 4. Regular meetings of said association for the choice of officers and the transaction of any business that may legally come before said meetings shall be held annually on the first Saturday in May. Officers so chosen shall hold office for the term of one year or until their successors are elected.

—tenure of officers.

First meeting how called.

Section 5. The first meeting of said corporation shall be called by written notice thereof, signed by any two corporators herein named, served upon each corporator, by giving him the same in hand, or by leaving same at his last usual place of abode, seven days before the time of said meeting.

Approved March 4, 1903.