

# MAINE STATE LEGISLATURE

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ACTS AND RESOLVES  
OF THE  
SEVENTY-THIRD LEGISLATURE  
OF THE  
STATE OF MAINE  
1907.

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PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE.

1907.

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**Chapter 435.**

An Act to amend an act approved February nineteenth, nineteen hundred seven, entitled "An Act to amend Chapter one hundred seven of the Private and Special Laws of nineteen hundred five" entitled "An Act to incorporate the Stockton Springs Water Company."

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

Section one of chapter one hundred seven of the private and special laws of nineteen hundred five entitled "An Act to incorporate the Stockton Springs Water Company," as amended by an act approved February nineteenth, nineteen hundred seven, entitled "An Act to amend chapter one hundred seven of the private and special laws of nineteen hundred five entitled "An Act to incorporate the Stockton Springs Water Company," is hereby amended by striking out the word "manufacturing" in the eleventh line of said section, so that said act shall read as follows:

'Section 1. H. R. Hichborn, S. B. Merrithew, A. M. Ames, their associates, successors and assigns, are hereby made a corporation by the name of the Stockton Springs Water Company, for the purpose of supplying the town of Stockton Springs, in the county of Waldo, and the inhabitants of said town, with pure water for domestic, sanitary and municipal purposes, including extinguishment of fires and the supply of shipping.'

Section 1, chapter 107, private and special laws, 1905, as amended by private and special laws, 1907, further amended.

Corporators.

—corporate name.

—purposes.

Approved March 27, 1907.

**Chapter 436.**

An Act to establish the Milo Municipal Court.

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

Section 1. A municipal court is hereby established in and for the towns of Milo, Brownville, Williamsburg, Medford and Orneville, in the county of Piscataquis, which shall be called the Milo municipal court, and shall be a court of record with a seal. All original processes issuing from said court shall be under the teste of the judge, or, if the office of judge is vacant, of the recorder thereof, and signed by the judge, or recorder thereof, and shall have the seal of said court affixed.

Milo municipal court established.

Section 2. Said court shall consist of one judge who shall be an inhabitant of the county of Piscataquis, and shall be appointed in the manner and for the term provided by the constitution of this state. The said judge shall enter, or cause to

Judge, appointment of.

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—docket.

be entered on the docket of said court all civil and criminal actions with full minutes of the proceedings in and disposition of the same, which docket shall be at all times open to inspection, and he shall perform all other duties required of similar tribunals in this state; and copies of the records of said court duly certified by the judge, or recorder thereof shall be legal evidence in all courts. The said judge shall not act as attorney or counsel in any action or matter within the exclusive jurisdiction of said court.

Recorder,  
appoint-  
ment of.—powers  
and duties.

Section 3. A recorder may be appointed in the manner provided by article five of section eight, of the constitution, who shall keep the records of said court when requested so to do by said judge; and in case of absence from the court room of said judge, or when the office of judge shall be vacant, the said 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 papers and processes, and to do all acts as fully and with the same effect as the judge could do if he were 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. Said recorder shall reside in the town of Milo, and shall hold his said office of recorder for four years.

Original and  
concurrent  
jurisdiction  
of court.

Section 4. Said court shall have original and exclusive jurisdiction as follows: First, of all cases of forcible entry and detainer respecting estates within either of the towns named in section one; second, of all such criminal offenses and misdemeanors committed in either of said towns as are by law within the jurisdiction of trial justices; third, of all offenses against the ordinances and by-laws of either of said towns; provided, that warrants may be issued by any trial justice in said county upon complaint for offenses committed in either of said towns, but all such warrants shall be made returnable before said court and no other municipal or police court, and no trial justice, shall have or take cognizance of any crime or offense committed in either of said towns; provided, further, that warrants issued by any trial justice in said county, upon complaint, for crimes or offenses committed in any town or unorganized place in said county, may be made returnable before said court.

Original  
concurrent  
jurisdiction  
with trial  
justices.

Section 5. Said court shall have original jurisdiction concurrent with trial justices in all such matters, civil or criminal within the county of Piscataquis though neither party resides in the town where said court may be held as are by law within the jurisdiction of trial justices within said county, and are not

placed within the exclusive jurisdiction of said court by the preceding section.

Section 6. Said court shall have original jurisdiction concurrent with the supreme judicial court as follows: First, of all civil actions wherein the debt or damage demanded, exclusive of costs, does not exceed two hundred dollars, in which any person, summoned as trustee resides within the county of Piscataquis, or, if a corporation, has an established place of business in said county, or in which, no trustee being named in the writ, any defendant resides in said county, or if no defendant resides within the limits of this state, any defendant is served with process in said county, or the goods, estate or effects of any defendant are found within said county and attached on the original writ; second, of the assaults and batteries described in section twenty-eight of chapter one hundred and nineteen of the revised statutes; of all larcenies described in sections one, six, seven, nine and eleven of chapter one hundred and twenty-one of the revised statutes; when the value of the property is not alleged to exceed thirty dollars, of the offense described in section twenty-one of chapter one hundred and twenty-three of the revised statutes; of all offenses and crimes described in sections one and four of chapter one hundred and twenty-four of the revised statutes; of all offenses described in section six and in sections thirty-four to fifty-three inclusive, of chapter one hundred and twenty-five of the revised statutes; of the offense described in section five of chapter one hundred and twenty-six of the revised statutes; of all offenses described in section one of chapter one hundred and twenty-seven of the revised statutes, when the value of the property or thing alleged to have been fraudulently obtained, sold, mortgaged, or pledged, is not alleged to exceed thirty dollars; and of all offenses described in sections two, nine, nineteen, twenty-one and twenty-six of chapter one hundred and twenty-eight of the revised statutes, when the value of the property destroyed or the injury done, is not alleged to exceed thirty dollars; and may punish for either of said crimes or offenses by a fine not exceeding fifty dollars, and by imprisonment not exceeding three months, provided, that when the offenses described in section twenty-eight of chapter one hundred and nineteen, section twenty-one of chapter one hundred and twenty-three, and sections one and four of chapter one hundred and twenty-four, 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 supreme judicial court and in default thereof com-

Original  
concurrent  
jurisdiction  
with  
supreme  
judicial  
court in  
certain  
cases.

CHAP. 436

mit them; third, of all other crimes, offenses and misdemeanors committed in said county, which are by law punishable by a fine not exceeding fifty dollars, and by imprisonment not exceeding three months, and are not within the exclusive jurisdiction of some other municipal or police court.

Shall not  
have  
jurisdiction  
wherein title  
to real  
estate is in  
question.

Section 7. Said court shall not have jurisdiction of any civil action wherein 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 in said court shall be removed to the supreme judicial court, or otherwise disposed of as in like cases before a trial justice; provided, that nothing herein contained shall prevent said court from proceeding in accordance with the provisions of sections six and seven of chapter ninety-six of the revised statutes.

Consan-  
guinity  
within  
degree of  
which judge  
may not  
have  
authority to  
act.

Section 8. Any action, civil or criminal, in which the judge of said court is 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 cousins, but which would otherwise be within the exclusive jurisdiction of said court, may be brought before and disposed of by any trial justice or any other municipal or police court in said county, in the same manner as other actions before said trial justices, or municipal or police courts. If any action wherein said judge is so interested or related to either party, is made returnable before this court, the parties thereto, by themselves or their attorneys, may in writing consent that said judge shall hear and dispose of the same; or the recorder thereof, if disinterested, or with the written consent of the parties, if interested, may hear and dispose of the same in the judge's stead, or such actions shall be disposed of as follows: civil actions, wherein the debt or damages demanded, exclusive of costs exceed twenty dollars, shall upon motion, be removed to the supreme judicial court, and all other civil actions, and all criminal actions, shall be removed and entered before any such trial justice within said county as may be agreed upon, in writing, by the parties entering an appearance in such action, or if no trial justice is agreed upon, before any municipal or police court in said county, and such trial justice, or municipal or police court shall have and take cognizance of such action and dispose of the same, as if originally returnable before such justice or court; provided, that nothing in this section contained shall prevent any civil action wherein the title to real estate is in question, from being disposed of in accordance with the provisions of the preceding sec-

--parties  
may consent  
in writing.

--actions,  
how  
disposed of.

named is a party, or is summoned as trustee, this court shall not lose its jurisdiction by reason of the said judge or recorder being an inhabitant of or owning property in such town; but in any such case the action may, upon written motion of either party, filed before trial, be removed to the supreme judicial court.

Section 9. A term of said court shall be held for the transaction of civil business on the second Monday of each month, beginning at ten o'clock in the forenoon, at such place in the town of Milo as the judge shall determine; but said town of Milo 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. Said court shall also be held on every Monday at the usual hour, for the purpose of filing pleas in abatement, and the affidavit mentioned in section sixteen of this act, and for the entry and trial of actions of forcible entry and detainer, and such actions shall be returnable accordingly, and they shall be heard and judgment shall be entered therein on the return day of the writ, unless continued for good cause. For the cognizance and trial of criminal actions, said court shall be considered as in constant session. In all cases it may be adjourned from time to time by the judge.

Term time,  
second  
Monday of  
each month,  
at 10 A. M.

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 of holding said court, within two hours after the time of opening said court, then any trial justice or justice of the peace in the county of Piscataquis, 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.

Trial  
justice may  
preside in  
absence of  
judge or  
recorder,  
for certain  
purposes.

Section 11. 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.

Appeals.

Section 12. 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.

Writs and  
processes,  
form and  
service of.



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Attach-  
ments of  
real and  
personal  
property.

—proviso.

Section 13. All the provisions of the statutes relating to attachment of real and personal property and the levy of execution 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, and the writs may be framed accordingly. When any action in which real estate is attached shall be finally disposed of in said court, or shall be removed to the supreme judicial court, by appeal or otherwise, the judge of said municipal court shall forthwith certify the disposition or removal thereof to the register of deeds of the county of Piscataquis, who may make a minute of the disposition or removal upon the record of attachment in said action.

Civil  
actions,  
when  
entered.

Section 14. All civil actions in said court shall be entered on the first day of the term and not afterward, except by special permission; and they shall be in order for trial, except actions of forcible entry and detainer at the next regular monthly term after the entry if not otherwise disposed of. When a defendant legally summoned fails to enter his appearance by himself or his attorney before twelve o'clock, noon, on the first day of the return term, he shall be defaulted; but if he afterward appear during said term, the court may for sufficient cause, permit the default to be taken off. Pleas in abatement must be filed on or before the first day of the first regular weekly term held after the entry of the action. The pleading shall be the same as in the supreme judicial court, and all provisions of law relative to practice and proceedings in civil actions in the supreme judicial court, are hereby made applicable and extended to this court except so far as they are modified by the provisions of this act.

Actions  
pending  
may be  
referred.

Section 15. Action pending in this court may be referred in the same manner as in the supreme judicial court, and on the report of the referee to said municipal court, judgment may be rendered in the same manner and with like effect as in the supreme judicial court.

Removal of  
case to  
supreme  
judicial  
court.

Section 16. If any defendant, his agent or attorney, in any civil action in this court in which the debt or damages demanded or claimed in the writ exceeds twenty dollars, shall, on or before the first day of the second regular weekly term of said court after the entry of said action file in said court an affidavit that he has a good defense to said action, and intends in good faith to make such defense and claims a jury trial, and shall at the same time deposit with the judge or recorder of said court, one dollar and sixty cents, for copies and entry in the supreme judicial court, to be taxed in his costs if he prevail, the said action

shall at the next regular monthly term of said municipal court, after the entry thereof be removed into the supreme judicial court for said county, and shall be entered at the next ensuing term of the supreme judicial court after such removal; and the judge or recorder of said municipal court shall forthwith cause certified copies of the writ, return to the officer, and all other papers in the case to be filed in the clerk's office of said supreme judicial court.

Section 17. Exceptions may be alleged and cases certified on an agreed statement of facts, or upon evidence reported by the judge in all civil actions as in the supreme judicial court, and the same shall be entered, heard and determined at the law term thereof as if the same had originated in the supreme judicial court for said county of Piscataquis; and decisions of the law court in all such cases shall be certified to the judge of said municipal court for final disposition with the same effect as in cases originating in said supreme judicial court.

Exceptions may be alleged as in supreme judicial court.

Section 18. Said municipal court may render judgment and issue execution, punish for contempt and compel attendance, as in the supreme judicial court; make all such rules and regulations not repugnant to law, as may be necessary and proper for the administration of justice promptly; and is clothed with all such lawful power as is necessary for the performance of its duties under this act.

Court may render judgments, etc.

Section 19. The costs and fees allowed to parties, attorneys and witnesses, in all actions in this court, in which the debt or damages recovered shall not exceed twenty dollars, and in actions of forcible entry and detainer, shall be the same as allowed in similar 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, shall be allowed one dollar for his pleadings; and in cases where the amount recovered shall exceed twenty dollars the 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.

Costs and fees to be allowed in civil cases.

Section 20. The judge of said court may demand and 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, three 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, one dollar for the first day and two dollars for each sub-

Judge may demand fees.

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sequent 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. The fees received by said judge shall be payment in full for his services. When the office of judge is vacant the recorder shall be entitled to the same fees; in all other cases he shall be paid by the judge.

Trial  
justices,  
jurisdiction  
restricted.

Section 21. Trial justices are hereby restricted from exercising any jurisdiction in the towns named in section one of this act over any matter or thing, civil or criminal, except such as are within the jurisdiction of justices of the peace and quorum, and except as provided in sections four, eight and ten of this act, provided that until the judge of said court shall enter upon the duties of his office and whenever the offices of judge and recorder are together vacant, any trial justice shall have and exercise the same jurisdiction as though this municipal court had never been established; and in such case any civil or criminal action made returnable before a trial justice shall be entered before and finally disposed of by such justice.

Actions  
commenced  
before this  
act takes  
effect.

Section 22. Nothing contained in this act shall be construed to interfere with such actions returnable before a trial justice or a municipal or police court, as shall be commenced before this act takes effect, and all said actions shall be disposed of as if this act had not been passed.

County com-  
missioners  
shall  
provide all  
supplies.

Section 23. It shall be the duty of the county commissioners of the county of Piscataquis to furnish and provide at the expense of the county, all books, blanks, and all necessary stationery and supplies required for the use of the Milo municipal court in the transaction of the civil and criminal business of said court including proper books for the record of all cases arising in said court at a cost not exceeding one hundred dollars per year.

Conflicting  
acts  
repealed.

Section 24. All acts or parts of acts conflicting with section twenty-three of this act are hereby repealed.

Section 25. This act shall take effect when approved.

Approved March 28, 1907.