

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES
OF THE
SEVENTY-FIFTH LEGISLATURE

OF THE
STATE OF MAINE.

1911

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PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE

As Passed by the Seventy-fifth
Legislature

1911

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Chapter 154.

An Act to establish the Houlton Municipal Court.

Be it enacted by the People of the State of Maine, as follows:

Houlton municipal court established.

Section 1. A municipal court is hereby established in the town of Houlton, in the county of Aroostook, which shall be called the Houlton municipal court, and which shall have a seal, and shall be court of record.

Judge appointment and qualification of.

Said court shall consist of one judge, who shall be a member of the bar of this state, who shall reside during his continuance in said office in said town of Houlton, and who shall be appointed, qualified, and hold his office as provided by the constitution of this state, and of a recorder, who shall be appointed by the governor, by and with the advice of the council; and shall hold his office for the term of four years, and be duly commissioned and qualified.

—recorder.

—tenure.

Jurisdiction.

Section 2. Said court shall exercise jurisdiction over all such matters and things, civil and criminal, within the county of Aroostook, as trial justices, justices of the peace and justices of the peace and quorum may exercise and under similar restrictions and limitations and concurrent jurisdiction with trial justices in cases of forcible entry and detainer; and exclusive jurisdiction over all offenses committed against the ordinances or by-laws of the town of Houlton; and over all such criminal offenses committed within the limits of the same as are cognizable by trial justices; and no trial justice or justice of the peace shall take cognizance over any crime or offense committed within the limits of said town of Houlton, or any civil action over which said court has exclusive jurisdiction; and shall have original jurisdiction concurrent with the supreme judicial court and the Caribou municipal court of all other crimes, offences and misdemeanors committed in said county of Aroostook, which are by law punishable by fine not exceeding fifty dollars, and by imprisonment not exceeding three months, and where the property in question or injury done is not alleged to exceed thirty dollars in value. 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 two hundred dollars and in all actions of replevin under chapter ninety-eight of the revised statutes, when the sum demanded for the penalty, forfeiture or damages, or the value of the goods or chattels replevined does not exceed two hundred dollars; in which any person summoned as trustee resides within the territorial jurisdiction district of said court, as hereinafter defined, or, if a corporation, has an

—concurrent with trial justices.

—with S. J. court and Caribou municipal.

—with S. J. court.

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established place of business in said district; or, in which, in any actions not commenced by trustee process, any defendant resides in said district, or if no defendant resides within the limits of this state, any defendant is served with process in said district, or the goods, estates or effects of any defendant are found within said district and are attached on the original writ; 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-six, sections six and seven, of the revised statutes.

Section 3. The territorial jurisdiction of said court, in civil actions shall comprise all that portion of Aroostook county, which lies south and east of the following lines: Commencing at the northwest corner of township number ten (10), range eight (8), thence due east on the north line of township number ten (10), range eight (8) to the west line of township number eleven (11), range seven (7), thence south on the west line of said township number eleven (11), range seven (7), to the northwest corner of township number ten (10), range seven (7), thence east on the north line of township number ten (10), range seven (7), on the north line of township number ten (10), range six (6), on the north line of the town of Masardis; on the north line of township number ten (10), range four (4), on the north line of township number ten (10), range three (3) to the west line of Westfield; thence north on the west line of said Westfield to the south west corner of Presque Isle, thence east on the south line of Presque Isle and the south line of Easton to the east line of the state.

Territorial
jurisdiction.

Section 4. Any party may appeal from any judgment or sentence of said court to the supreme judicial court, in the same manner as from a sentence or judgment of a trial justice.

Appeals.

Section 5. If any defendant, his agent or attorney, in any civil action, in said court, in which the debt or damage demanded or claimed in his writ exceeds twenty dollars, shall, on or before the first day of the second term of said action file in said court a motion for the removal of said action to the supreme judicial court, and deposit with the recorder the sum of sixty-five cents for entry fee in said supreme court, the said action shall be removed into the supreme judicial court for said county, and the recorder shall forthwith cause certified copies of the writ, officer's return, and defendant's motion and all other papers in the case to be filed in the clerk's office of said supreme judicial court, and shall pay the entry fee thereof, and said ac-

Removal of
cases to su-
preme judi-
cial court,
motion for.

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tion shall be entered on the docket of the term next preceding said filing, unless said court shall then be in session, in which case, it shall be entered forthwith. If no such motion is filed, the said municipal court shall proceed and determine said action, subject to the right of appeal in either party as now provided by law. The pleading in such cases shall be the same as in the supreme judicial court.

Costs, how taxed, when plaintiff recovers not exceeding \$20.

Section 6. In any action in this court, in which the plaintiff recovers for the penalty, forfeiture, debt or damage, not over twenty dollars, or property, the value of which does not exceed twenty dollars, the costs shall be taxed and allowed as in similar actions 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, or property, the value of which does not exceed twenty dollars, he shall recover one dollar for his pleadings and other costs as in similar actions before trial justices.

—where defendant prevails.

—where plaintiff recovers in excess of \$20.

In actions where the amount recovered by the plaintiff, exclusive of costs, exceeds twenty dollars, or property, the value of which exceeds twenty dollars, 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.

—where defendant prevails.

Actions may be referred to referee.

Section 7. Actions pending in this court may be referred to one referee in the same manner as in the supreme judicial court, and on report of the referee to said court, judgment may be rendered in the same manner, and with like effect as in the supreme judicial.

—exceptions.

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 in the law term thereof, as if the same had originated in the supreme judicial court for the county of Aroostook; and decisions of the law court in 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.

Attachments of real and personal property.

Section 8. 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, provided that property may be attached equal in value to double the ad damnum, and provided also that no execution shall be

levied on real estate, unless the debt or damage therein exceed the sum of twenty dollars.

Section 9. Said court is hereby authorized to administer oaths, render judgments, issue executions, certify copies of its records; punish for contempt, and compel attendance, as in the supreme judicial court, and to make all such rules and regulations, not repugnant to law, as may be necessary for the prompt administration of justice and for the carrying into effect of the provisions of this act.

Court may administer oaths, issue executions, etc.

Section 10. The price of blank writs with the seal of the court signed by the recorder, shall be four cents and all other fees in civil cases shall be the same as are taxable by a trial justice except as otherwise provided in sections five and six.

Price of blank writs with seal.

All writs and processes in civil matters shall be in the name of the state, bear the test of said judge, under the seal of said court, and signed by the recorder, be served in time and manner as now provided by law in case of writs issued by trial justices, except that writs in which the debt or damage demanded exceed twenty dollars, shall be served in time and manner as similar writs returnable to the supreme judicial court, and no writ shall be made returnable at a term of the court to begin more than three months after the commencement of the action.

—writs and processes shall be in name of state.

Section 11. A term of said court for the transaction of civil business shall be held on the first Monday of each month except the month of August at ten o'clock in the forenoon, and said court may adjourn from time to time, provided, however, that said court shall be held on every Monday of each month, except the month of August, for the entry and trial of actions of forcible entry and detainer, which shall be in order for trial at the return term thereof and judgment in such actions may be entered on the day when the same are defaulted, or heard and determined; and provided also, that for the cognizance of criminal offences, said court shall be considered in constant session. Pleadings shall be the same as in the supreme judicial court, and all provisions of law relative to the 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.

Term time, first Monday of each month, at 10 A. M. —exception. —proviso.

—further provided.

—pleadings.

Section 12. When the judge is absent from the court room, or is interested, it shall be the duty of the recorder, and he shall have authority to exercise all the powers of the judge.

Recorder may act in absence of judge.

In case of the absence of the recorder, or a vacancy in his said office, the judge may appoint a recorder who shall be sworn by said judge, and act during his absence, or until the vacancy is filled.

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—trial justice may be designated to perform duties.

Recorder shall keep records, and may administer oaths.
—hear complaints, etc.

Court shall be held in Houlton.

Salary of judge and recorder.

—condition.

Fines, penalties and costs, etc., to be paid to recorder.

If the judge and recorder are both necessarily absent, the judge may designate some trial justice in said county to perform the duties of the recorder; and if said judge shall not so designate a trial justice, the recorder may designate one.

Section 13. The recorder shall record the doings of said court and shall have the power to administer oaths; he shall hear complaints in all criminal matters and in accusations in bastardy, draw all complaints and sign all warrants, take bail and make and sign all processes of commitment, but the same shall be heard and determined as now provided by law; such bail may be taken by the judge, and such complaints, accusations, warrants, and processes of commitment, drawn and signed by the judge of said court, shall be equally valid.

All processes issued by said recorder in criminal matters shall have the seal of said court and be signed by said recorder and have the same authority as if issued and signed by said judge.

Section 14. Said court shall be held in the court house in said town of Houlton, the quarters thereof to be designated by the county commissioners of said county of Aroostook, or the said county commissioners at the expense of the county, shall provide some other suitable place for holding said court, in said town of Houlton, and all expenses of said court, including blank books of record, dockets and blanks necessary for the use of said court shall be paid from the treasury of the county of Aroostook.

Section 15. The judge of said court shall receive as compensation a salary of twelve hundred dollars a year; and the recorder shall receive a salary of two hundred dollars a year to be paid quarterly from the treasury of the county of Aroostook. A condition precedent to the payment of said salaries as aforesaid shall be the rendering by said judge and recorder of a correct statement, to the county commissioners of said county of Aroostook, and the payment over by said judge and recorder to the county treasurer, of all fees both civil and criminal, collected by said court for the preceding quarter or fractional part thereof.

Section 16. All fines, penalties and costs paid into said court, upon convictions and sentences in criminal matters, together with all fees allowed by law in the transaction of criminal and civil business, shall be paid to said recorder; and all costs in criminal cases shall be taxed the same as in trial justice courts, except that every warrant issued by said court shall be taxed at one dollar.

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Section 17. All fines and forfeitures and fees of the judge and recorder of said court, imposed and collected by said court, in all criminal cases, and all fees of said judge and recorder of said court in civil and criminal cases received by either or both, shall be accounted for and paid over quarterly into the treasury of said county of Aroostook, for the use of said county; and all fees of said court paid after any commitment to any jailer shall be paid by him monthly into said treasury.

Fines, forfeitures and fees, how disposed of.

Section 18. Trial justices in said town of Houlton are hereby prohibited from exercising any jurisdiction in said town over any matters, civil or criminal, except such as are within the jurisdiction of justices of the peace, provided that until such judge and recorder of said court shall enter upon the duties of their offices, any trial justices shall have and exercise the same jurisdiction, as though this said municipal court had never been established; and all actions entered and pending before any trial justice, at the time said judge and recorder of said court enter upon the duties of their office as aforesaid, shall be finally disposed of by said trial justices; and nothing in this act shall be construed to interfere with such actions returnable before a trial justice as shall be commenced before this act takes effect.

Trial justices, jurisdiction restricted.

Section 19. Before entering upon the duties of his office, the recorder shall give a bond to the county of Aroostook in the sum of one thousand dollars, to be approved by the county commissioners of said county. The condition of said bond shall be the faithful performance of the duties of his office. Neither the judge or recorder shall act as attorney nor give counsel in any cause or matter within the exclusive jurisdiction of said court.

Recorder shall give bond.

Approved March 21, 1911.

Chapter 155.

An Act to incorporate Moxie Dam Company.

Be it enacted by the People of the State of Maine, as follows:

Section 1. Fred A. Gilbert, Frank P. Thomas, Frank E. Boston, Samuel W. Philbrick, Charles H. Clark, John P. Clark, Arthur E. Moore and Clyde H. Smith, their associates, successors and assigns are hereby incorporated under the name of Moxie Dam Company, with the powers and privileges of similar corporations.

Corporators.

—corporate name.

Section 2. Said company is hereby authorized to erect, purchase and maintain dams, side dams, and piers on Moxie stream, Moxie pond, Baker stream and Baker ponds, so-called, and their

May maintain dams, side dams and piers, on Moxie stream,