

# 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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the same to be done. Upon the taking effect of such legislation, the ownership of said property, rights and franchises shall immediately be transferred to, and vest in, said state of Maine, and said state shall pay to said corporation the fair value of all the same, excepting however, such franchises and rights as are conferred upon said corporation under and by virtue of the provisions of this act, which said franchises and rights shall be wholly excluded in the determination of the amount to be paid to said corporation by said state of Maine.

The fair value of the property, rights and franchises so taken by the state of Maine, subject to the exceptions hereinbefore mentioned shall be determined by agreement between said corporation and such officers and agents of said state as shall be thereunto duly authorized to act in its behalf by the act which authorizes the taking of said property, rights and franchises; and such agreement failing within six months after said act takes effect, then by such fair and impartial tribunal and under such provisions as to the manner of procedure and for full hearing of parties and payment of damages awarded as shall be provided in said act.

—value of property, how determined.

Approved March 22, 1911.

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### Chapter 166.

An Act to abolish the Dover Municipal Court and the Milo Municipal Court and to establish the Piscataquis Municipal Court.

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

Section 1. The Dover municipal court is hereby abolished.

Court abolished.

Section 2. The Milo municipal court is hereby abolished.

Court abolished.

Section 3. A municipal court is hereby established in and for the county of Piscataquis which shall be called the Piscataquis 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.

Piscataquis municipal court established.

Section 4. 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 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 tribu-

Judge, appointment and tenure.

—docket.

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nals 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 jurisdiction of said court.

**Recorder, appointment of.**

**—powers and duties.**

**—residence.**

**Original and exclusive jurisdiction of court.**

**—proviso.**

**—further provided.**

**Jurisdiction of trial justices restricted.**

**Original jurisdiction concurrent with supreme judicial court.**

Section 5. 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 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 county of Piscataquis aforesaid and shall hold his said office as recorder for four years.

Section 6. Said court shall have original and exclusive jurisdiction as follows: First, of all cases of forcible entry and detainer respecting estates within the county of Piscataquis aforesaid; second, of all such criminal offences and misdemeanors committed in said county of Piscataquis as are by law within the jurisdiction of trial justices; third, of all offences against the ordinances and by-laws of any of the towns in said Piscataquis county; provided, that warrants may be issued by any trial justice in said county upon complaint for offences committed in said county of Piscataquis, 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 offence committed in said county of Piscataquis; provided, further, that warrants issued by any trial justice in said county upon complaint for crimes and offences committed in any town or unorganized place in said county, shall be made returnable before said court.

Section 7. Trial justices in and for the county of Piscataquis shall not have the right to issue writs in civil processes or determine any causes in civil actions in the county of Piscataquis, and their rights and jurisdiction in criminal matters are limited in accordance with the preceding section excepting that they may act within the provisions of section ten and eleven hereinafter.

Section 8. 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 offence described in section twenty-one of chapter one hundred and twenty-three of the revised statutes; of all offences and crimes described in sections one and four of chapter one hundred twenty-four of the revised statutes; of all offences 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 offence described in section five of chapter one hundred and twenty-six of the revised statutes; of all offences 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 offences 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 offences by a fine not exceeding fifty dollars and by imprisonment not exceeding three months, provided, that when the offences 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 offences to recognize with sufficient sureties to appear before the supreme judicial court and in default thereof commit them; third, of all other crimes, offences 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.

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

Section 9. 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.

Consanguinity within degree of which judge may not have power to act.

Section 10. 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,

—judge may act by consent of parties.

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 section. In any action in which any of the towns in the county is a party or is summoned as a 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.

—civil actions may be removed to supreme judicial court, upon motion.

—proviso.

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Section 11. The terms of said court shall be held for the transaction of civil business as follows, to wit:

Terms of court.

In Dover on the first Wednesday of every month; in Milo on the second Wednesday of every month; in Greenville on the third Wednesday of every month; and in Guilford on the fourth Wednesday of every month; in such places in said towns of Dover, Milo, Greenville, and Guilford as said towns may establish, and said towns shall at their own expense provide a suitable place in which said court may be held; and all civil processes shall be made returnable accordingly.

—Dover.

—Milo.

—Greenville.

—Guilford.

Said court shall also be held at said Dover 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 of cases 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. Provided, however, that actions of forcible entry and detainer may be commenced, entered, and tried at any other term of court.

—In Dover every Monday for certain purposes.

—proviso.

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.

Section 12. 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 or justice of the peace may preside in absence of judge and recorder.

Section 13. 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 14. 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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Attachments  
of real and  
personal  
property.

—proviso.

Section 15. 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 16. 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 Monday next succeeding the date of 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.

—pleas in  
abatement.

Removal of  
actions to su-  
preme judi-  
cial court.

Section 17. If any defendant is 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 Monday succeeding the date of 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 of the offi-

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cer, and all other papers in the case to be filed in the clerk's office of said supreme judicial court.

Section 18. 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 19. 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 20. 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 cost 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 21. 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 subsequent 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.

Judge may demand and receive fees.

An accurate account of the fees so received by said judge shall be by him laid before the county commissioners of Piscataquis county, and he shall pay the same into the county treas-

—fees, how disposed of.

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urer of said county quarterly on or before the first days of January, April, July and October of each year.

—salary of judge.

The judge of said court shall receive the salary of twelve hundred dollars per year, to be taxed as a part of the costs to be paid him in quarterly payments from the county treasury of Piscataquis county, which shall be in full for his services as such judge.

Said salary shall not be paid until said judge shall have paid into the county treasury all fees so received by him. Said recorder shall be paid for all services by said judge.

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.

Proceedings in closing pending business in Dover and Milo municipal court.

Section 23. For the purpose only of closing the business pending in the Dover municipal court, and in the Milo municipal court, at the time of the approval of this act, the entire jurisdiction thereof, civil and criminal, shall be conferred upon the Piscataquis municipal court, which court shall issue all executions or other processes necessary to carry into effect any judgment, order or decree of the Dover municipal court or of the Milo municipal court. All complaints, civil suits, recognizances, appeals in civil or criminal cases, and all other processes, civil or criminal, pending in said Dover municipal court, or in said Milo municipal court, shall be transferred forthwith to the Piscataquis municipal court, to be entered on the docket thereof, and be heard and disposed of as if originally entered in said Dover municipal court or said Milo municipal court; and all writs, petitions, warrants, and all processes whatever, returnable to said Dover municipal court or to said Milo municipal court, shall be returnable to and be entered on the docket of said Piscataquis municipal court, and shall be heard and disposed of in said Piscataquis municipal court as if originally entered therein. The judgments, decisions, orders and decrees of the supreme judicial court, at any law term, made in cases originating in said Dover municipal court or in said Milo municipal court shall be certified to the recorder of the Piscataquis municipal court. All records of the Dover municipal court and of the Milo municipal court, and the custody of the same, shall be transferred to the recorder of the Piscataquis municipal court, to whose attestation of the same, or their contents, full faith shall be given.

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Section 24. 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 Piscataquis 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. The records of all cases when completed shall be kept in a fire proof vault in the court house in said Dover.

County commissioners shall provide all supplies.

Section 25. All acts or parts of acts conflicting with section twenty-four of this act are hereby repealed.

Conflicting acts repealed.

Approved March 22, 1911.

**Chapter 167.**

An Act to authorize the City Council of the City of Belfast to grant permission to Manufacturing Real Estate Company to construct a wing to its shoe factory on its own land above and across Pleasant Street in said Belfast.

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

The city council of the city of Belfast may, on such terms and conditions as they think proper, grant to Manufacturing Real Estate Company, its legal representatives and assigns, a license to construct and maintain on its own land, a wing from its shoe factory extending above and across Pleasant street in said Belfast, of such height above the street, and with such piers, posts or other supports within the located limits of the street as they may deem necessary, and in their judgment will not incommode the public in the use of said street for purposes of public travel; and such building and its piers, posts or other supports, constructed by virtue of the license granted as aforesaid, shall not be considered an incumbrance or nuisance in such street, and neither the city of Belfast, nor the person nor corporation owning or operating said shoe factory shall be liable for any damage occasioned thereby.

City council may grant license to Manufacturing Real estate Company.

Approved March 22, 1911.