

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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ritory or country, and while owners of such stock may exercise all the rights, powers and privileges of ownership, including the right to vote thereon.

May guarantee payment of dividends, not exceeding six per cent. per annum.

Section 3. The Penobscot Chemical Fibre Company is hereby authorized and empowered to guarantee the payment of annual dividends on the preferred stock of the Tileston & Hollingsworth Company, to be hereafter issued, at a rate not to exceed six per cent per annum, for such period of time as the directors of said Penobscot Chemical Fibre Company may determine.

Authorized to convey property and franchises.

Section 4. The Penobscot Chemical Fibre Company is hereby authorized and empowered to sell, and convey its property and franchises to any other corporation and also to purchase the property and franchises of any other corporation and also to consolidate with any other corporation upon such terms and conditions as may be approved by the stockholders of said company.

May issue bonds not exceeding \$1,000,000, and secure same by mortgage of property.

Section 5. The Penobscot Chemical Fibre Company is hereby authorized and empowered to issue its bonds in such form and in such denomination and payable at such time or times, and bearing such rate of interest, as the board of directors may deem necessary and convenient, to an amount not exceeding one million dollars, for the purpose of paying, retiring and cancelling its outstanding bonds, and to improve or add to its properties and to raise such funds as may be required in the conduct of its business and to secure the same by mortgage or deed of trust of all or any part of its properties, franchises, rights and privileges now owned by it or hereafter acquired.

Approved March 22, 1911.

Chapter 178.

An Act to establish the Northern Aroostook Municipal Court.

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

Northern Aroostook municipal court established.

Section 1. A municipal court is hereby established in and for the northern part of the county of Aroostook, which shall be called the Northern Aroostook Municipal Court, and which shall be a court of record with a seal.

—judge, appointment of.

Said court shall consist of one judge, who shall be a member of the bar of this state, who shall be an inhabitant residing during his continuance in said office within the limits of the said Northern Aroostook Municipal Court District as herein after defined, and who shall be appointed, qualified, and hold his of-

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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.

All original processes issuing from said court shall be under the teste of said judge, or of the recorder thereof, and signed by said judge or recorder thereof, and shall have the seal of said court affixed.

—issuing of processes.

Section 2. Said court shall exercise concurrent jurisdiction with trial justices 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 exclusive jurisdiction over all offenses committed against the ordinances or by-laws of the towns within the northern Aroostook municipal court district; and concurrent jurisdiction with trial justices over all such criminal offenses committed within the limits of the same as are cognizable by trial justices; and shall have original jurisdiction concurrent with the supreme judicial court and all municipal courts of all other crimes, offenses 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 the 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 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 ques-

Concurrent jurisdiction of court with trial justices.

—exclusive jurisdiction.

—original jurisdiction concurrent with S. J. court.

—concurrent jurisdiction with S. J. court.

—no proceedings under divorce laws.

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tion, except as provided in chapter ninety-six, sections six and seven, of the revised statutes.

Territorial jurisdiction.

Section 3. The territorial jurisdiction of said court, in civil actions shall comprise all that portion of Aroostook county, which is included and which composes the Northern Aroostook Registry District.

Appeals to S. J. court.

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.

Removal of cases to S. J. court, motion for.

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 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 judge or recorder the sum of two dollars for copies and entry fee in said supreme court, the said action shall be removed into the supreme judicial court for said county, and the judge or 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 action 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.

—when no motion is filed.

Costs, how taxed where plaintiff prevails.

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 amount recovered exceeds twenty dollars.

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.

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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 the report of the referee to said court, judgment may be rendered in the same manner, and with like effect as in the supreme judicial court.

Actions may be referred.

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.

—exceptions.

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 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.

Attachments of real and personal property.

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, etc.

—punish for contempt.
—make rules.

Section 10. The price of blank writs with the seal of the court signed by the judge or 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 writs.

All writs and processes in civil matters shall be in the name of the state, 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.

—all writs and processes shall be in name of state.

Section 11. The terms of said court for the transaction of civil business shall be held as follows, to wit: In the town of Van Buren on the second Tuesday of the months of January, March, May, July, September and November, and in the town

Terms of court.
—in Van Buren.

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—in Fort
Kent.

—civil ac-
tions, when
entered.

of Fort Kent on the second Tuesday of the months of February, April, June, August, October and December, at ten o'clock in the forenoon, and said court may adjourn from time to time. 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 and 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. Judgment in such actions may be entered on the day when the same are defaulted, or heard and determined; and also, that for the cognizance of criminal offenses, 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.

Recorder
may act in
absence of
judge.

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 the authority to exercise all the powers of the judge.

—judge may
appoint re-
corder.

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.

—trial justice
may preside
in absence of
judge and
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.

Recorder
shall keep
records, etc.

Section 13. The recorder shall record the doings of said court and shall have the power to administer oaths; he shall hear complaints in criminal matters and in accusations of bastardy, draw complaints and sign warrants, take bail and make and sign 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 pro-
cesses shall
bear seal of
court.

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

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Section 14. Said court shall be held in the said towns of Van Buren and Fort Kent at such places and in such quarters as shall be provided by the county commissioners of said county of Aroostook at the expense of said county, and all expenses of said court, including blank books of records, dockets and blanks necessary for the use of said court shall be paid from the treasury of the county of Aroostook.

Court shall be held in quarters provided by county commissioners.

Section 15. The judge of said court shall receive as compensation a salary of ten 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 preceding quarter or fractional part thereof.

Salary of judge.
—of recorder.
—condition.

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 judge or 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.

Fines and penalties.
—shall be paid to judge or recorder.

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. So much of the act establishing the Caribou municipal court as gives it jurisdiction within the limits of the northern Aroostook municipal court as established by this act is hereby repealed.

Jurisdiction of Caribou municipal court restricted.