

# 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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taxes upon any real estate, fixtures, franchises and plant of said corporation as a part of the consideration of said contract.

May issue bonds secured by mortgage of property.

Section 8. The said corporation may issue its bonds for the construction of its works, of any and all kinds upon such rates and time as it may deem expedient, to an amount not exceeding its capital stock subscribed for, and secure the same by mortgage of its franchise and property.

After two years, town of Hermon may purchase system of water works.

Section 9. Said town of Hermon at any time after the expiration of ten years from the opening for use and service of a system of water works constructed by said corporation and after a vote in a legal town meeting to that effect has been passed, shall have the right to purchase, and by this act said corporation is required to sell to said town said system of water works including everything appertaining thereto, and if said town and corporation cannot agree upon the terms, upon such terms and such price as shall be determined and fixed by the chief justice of the supreme court of the state of Maine, after due hearing of the parties interested, and from the decision of said chief justice there shall be no appeal.

—price, how determined.

How first meeting shall be called.

Section 10. The first meeting of the corporation shall be called by a written notice therefor, signed by any two of the named incorporators served upon each named incorporator by giving him the same in hand, or by leaving the same at his last and usual place of abode, at least seven days before the time of meeting, or by publishing said notice in some newspaper published in the county of Penobscot.

Approved March 29, 1911.

### Chapter 254.

An Act to establish a Municipal Court in the City of Belfast.

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

Belfast municipal court established.

—judge, appointment of.

—jurisdiction in civil actions.

—exception.

Section 1. A municipal court shall be and hereby is established in and for the city of Belfast in the county of Waldo, to be denominated the Belfast municipal court, which shall be a court of record and have a seal and consist of one judge, who shall reside in Belfast and be appointed and commissioned as in the constitution provided, who shall have original and exclusive jurisdiction in all civil actions wherein the debt or damages do not exceed one hundred dollars except in cases in which he is interested, in which both parties are interested, or in which the party plaintiff, and the person or persons summoned as trustees shall be inhabitants of said Belfast, including prosecutions for penalties in which said city is interested, and actions of

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forcible entry and detainer and all violations of the by-laws of said city and concurrent jurisdiction with trial justices within said county, in all other civil matters which are by law within the jurisdiction of trial justices within said county, and exclusive jurisdiction over all criminal offences within said city and concurrent jurisdiction with trial justices within said county for all other criminal matters which are by law within the jurisdiction of trial justices in said county and original concurrent jurisdiction with the supreme judicial court and all personal actions in which the debt or damages do not exceed one hundred dollars and the defendant or defendants are residents of Waldo, but this jurisdiction shall not include divorce suits, complaints under the mill act, or proceedings under the divorce act and any person aggrieved by any judgments rendered by said judge may appeal theretofrom to the supreme judicial court for said county, in like manner as from judgment of trial justices.

Section 2. Any defendant where his action is for twenty dollars or more may file an affidavit on the return day of the writ claiming a jury trial; and file his plea and pay the judge two dollars and fifty cents, for copies, to be taxed in his costs if he prevails, the said action shall be removed into the supreme judicial court for said county, and certified copies of the writ and officers' return and defendants' affidavits and the pleadings to be filed in the clerk's office of said court and entered at the term next preceding the filing of said papers. If no such affidavit is filed the said judge shall proceed to try or to dispose of the case in the usual way. The pleadings in such cases shall be the same as in the supreme judicial court.

Section 3. Said municipal court shall keep its own records such as would be legal records in the trial justice court and certified copies of said records shall be legal evidence in the courts of this state.

Said court shall be holden on the first and third Mondays of each month at nine o'clock in the forenoon, at such place in the city of Belfast as said city shall provide for the transaction of civil business and all processes shall be made accordingly.

And in all actions wherein the debt or damages recovered by the plaintiff, or wherein the amount claimed if the defendant prevails, exceeds twenty dollars, the fees of the court parties and witnesses shall be the same as allowed by law in the supreme judicial court, except that there may be taxed for the trial of an issue the same fee as is legally taxable by trial justices, except that the plaintiff when he prevails shall recover two dollars for his writ and the defendant when he prevails,

—concurrent jurisdiction with trial justices.

—exclusive jurisdiction.

—concurrent jurisdiction with trial justices.

—original concurrent jurisdiction with supreme court.

—no proceedings under divorce laws.

Removal of action to supreme court, proceedings.

Records shall be kept.

Term time, first and third Mondays of each month at 9 A. M.

—fees.

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one dollar for his pleadings, provided that the price of blank writs and summonses signed by the judge of said court shall be four cents and no more.

—fees in criminal matters.

In criminal matters the fees shall be the same as are legally taxable by trial justices except that there may be taxed one dollar for issuing a warrant and two dollars for arraigning prisoner and trial issue.

—appeal copies.

There may also be taxed, for appeal copies civil and criminal, two dollars and fifty cents including the seal and a like amount in libel cases.

—fine: and penalties, how disposed of.

All fines, penalties and costs received by said judge in criminal cases shall be accounted for and paid over by said judge in the same manner as required of trial justices.

On absence of judge, court may be adjourned from time to time.

Section 4. In case said judge shall be unable by reason of sickness, absence from said city, or other disability, to attend at the time and place provided in the preceding section for transaction of civil business, said court shall stand adjourned until the next term and so from term to term, without cost to either party, until the said judge is able to attend, and during the continuance of any such absence or disability of said judge, trial justices in said county shall have authority to exercise in all criminal matters the powers conferred by this act upon said judge.

City shall provide court room.

Section 5. The city of Belfast shall have power and it shall be its duty to provide a suitable room in which to hold said court for the use of said judge, and to furnish a seal for said court.

Judge may collect fees. —proviso.

Said judge may collect all fees arising in said court which shall be in part payment for his services; provided, however, that the city council of said city of Belfast may by an ordinance establish a salary for said judge not exceeding twelve hundred dollars per annum, to be paid by said city in monthly payments, in which case said judge shall account for and pay into the treasury of said city all fees received by him in criminal matters except for copies.

Actions pending before police court shall be transferred to Belfast municipal court.

Section 6. All actions, suits, matters and things which may be pending before the police court in the city of Belfast, where the debt or damages do not exceed fifty dollars, except where real estate has been attached, and all writs, executions, warrants, recognizances, and processes wherein the debt or damages claimed do not exceed fifty dollars, except wherein real estate is or was attached on the original writ, returnable to the police court of the city of Belfast, when this act takes effect, shall be transferred and returned to and be entered, prosecuted,

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determined and executed in and by the Belfast municipal court, established by this act, the same as is originated therein.

And all civil actions, suits, matters or things pending in the police court of the city of Belfast, and all writs, executions and processes where the debt or damages claimed exceed fifty dollars, and all civil actions, suits, matters or things pending in said police court of the city of Belfast and all writs, executions and processes where the debt or damages exceeding twenty dollars in which real estate is, or was attached upon the original writ, shall be transferred and returned to and shall be entered and prosecuted, determined and executed in and by the supreme judicial court within said county in the same manner and with the same effect as if the same had originated in said supreme court.

—actions to be transferred to supreme judicial court.

And the said court hereby established shall be the depository of all records of the police court heretofore existing in said city of all criminal matters and all civil matters where the debt or damages do not exceed fifty dollars, except where real estate was attached upon the original writ, and shall have full power and authority to renew and issue executions and carry into effect any judgment of and to complete all processes and proceedings commenced in or by said court aforesaid and to certify and duly authenticate the records of said courts as effectually in all respects as said courts heretofore existing could have done, had this act not been passed.

—court shall be depository of all police court records heretofore existing.

And the supreme judicial court in said county shall have like control, possession and power over the records, executions, processes and proceedings of the said Belfast municipal court, wherein the debt or damages exceed fifty dollars or wherein the debt or damages exceed twenty dollars and real estate was attached upon the original writ.

—when supreme court shall have control over records.

Section 7. Writs returnable to said municipal court wherein the debt or damages do not exceed twenty dollars shall be duly served not less than seven days nor more than sixty days before the return day, and where the debt or damages exceed twenty dollars, not less than fourteen days nor more than sixty days before the return day.

Writs, when returnable.

Section 8. In all cases where the title to real estate is raised by the pleadings, the same proceedings shall be had as before trial justices.

Proceedings where title to real estate is raised.

Section 9. All acts relating to and creating the police court of the city of Belfast are hereby repealed and all acts and powers and authorities conferred on the police court of the

Acts relating to police court, repealed.

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city of Belfast are hereby conferred on and vested in the Belfast municipal court.

When this act shall go into effect.

Section 10. This act shall go into effect on the third day of April in the year of our Lord one thousand nine hundred and eleven.

Trial justices restricted.

Section 11. Trial justices are restricted from any jurisdiction within said city of Belfast over any criminal matter except as provided in this act.

Proceedings when office of judge shall be vacant.

Section 12. When the office of judge of said court shall be vacant by death, resignation or removal of the residents of said judge from said city, trial justices of said county of Waldo may perform within said city all acts and duties appertaining to the office of trial justice; and all proceedings commenced during such vacancy shall be finally determined by the trial justice, before whom they were commenced, or by some other trial justice within said county; and in case of such vacancy all proceedings pending in said court shall stand continued to the term of said court next holden after such vacancy is filled.

Approved March 29, 1911.

### Chapter 255.

An Act to extend the provisions of Chapter three hundred and fifteen of the Private and Special Laws of nineteen hundred and nine, being "An Act to incorporate the Penobscot Bay Water Company," to March twenty-six, nineteen hundred and thirteen, and to amend said Chapter.

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

Charter extended.

Section 1. Chapter three hundred and fifteen of the private and special laws of nineteen hundred and nine being "An Act to incorporate the Penobscot Bay Water Company," is hereby extended to March twenty-six, nineteen hundred and thirteen.

Section 2, chapter 315, special laws, 1909, amended.

Section 2. Strike out the words "except Goose pond and its outlet situated in the towns of Searsport, Frankfort and Swanville or" in the fourth, fifth and sixth lines of said section, and insert in its place the following: 'Provided, that said company shall not take water from Goose pond in the town of Searsport, Frankfort and Swanville or the outlet streams of said pond until said company shall have obtained the written consent of all the owners of water power privileges located on said stream and,' so that said section shall read as follows:

Sources of water supply.

'Section 2. Said company for said purposes may retain, store, collect, take, use, and distribute water from springs except such springs as are in actual use for domestic purposes, ponds, streams and other water sources in said Searsport. Provided