

# MAINE STATE LEGISLATURE

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# SEVENTY-SECOND LEGISLATURE

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HOUSE.

No. 129

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## STATE OF MAINE.

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IN THE YEAR OF OUR LORD ONE THOUSAND NINE  
HUNDRED AND FIVE.

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AN ACT to establish the Caribou Municipal Court.

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

Section 1. A municipal court is hereby established in the  
2 town of Caribou which shall be called the Caribou municipal  
3 court and it shall be a court of record with a seal. All the  
4 original processes issuing from said court, shall be under the  
5 teste of the judge and signed by the judge and shall have the  
6 seal of said court affixed.

Sect. 2. Said court shall consist of one judge, who shall  
2 be a member of the bar of this State, who shall be appointed  
3 in the manner and for the term provided by the Constitution  
4 of this State, and he shall be, ex officio, a justice of the peace  
5 for the State. The said judge shall enter or cause to be  
6 entered on the docket of said court all civil and criminal  
7 actions, with full minutes of the proceedings in and dispo-  
8 sition of the same, which docket shall be at all times open to

9 inspection; and he shall perform all other duties required of  
10 similar tribunals in this State; and copies of the records of  
11 said court, duly certified by the judge or the recorder thereof,  
12 shall be legal evidence in all courts of this State.

Sect. 3. The judge may appoint in writing a recorder for  
2 said court, who shall be a trial justice for the county of  
3 Aroostook, duly qualified, who shall be sworn by said judge  
4 and who shall give bond to the county of Aroostook approved  
5 by the county commissioners of said county in the sum of  
6 \$1,000.00 before entering upon the duties of his office. The  
7 condition of said bond shall be the faithful performance of  
8 the duties of his office. It shall be the duty of said recorder  
9 to keep all the records of said court and in case of the absence  
10 of the court or when the office of judge shall be vacant, to  
11 perform all the duties required of the judge by this act, and  
12 he shall be empowered to sign and issue all processes and  
13 papers and to do all acts as fully as the judge could do were  
14 he acting in the premises; the signature of the recorder, as  
15 such, shall be sufficient evidence of his right to act instead  
16 of the judge. Said recorder shall keep a correct account of  
17 all criminal and civil fees paid into said court, said fees being  
18 in the sole custody of said recorder. Upon the first day of  
19 March, June, September and December of each year during  
20 the term of office of said recorder, it shall be his duty to make  
21 under oath and return to the commissioners for their  
22 approval a true statement of all fees received by said court  
23 and at the same time to deposit with the county treasurer for  
24 said county the amount of said fees so received by him for  
25 the preceding quarter or fraction thereof. Said recorder  
26 shall hold office at the discretion of the judge of said court.

Sect. 4. Said court shall have original jurisdiction as fol-  
2 lows: First, of all cases of forcible entry and detainer  
3 respecting estates in the county of Aroostook; second, of all  
4 such criminal offenses and misdemeanors committed in the

5 said county as are by law within the jurisdiction of trial jus-  
6 tices; third, of all offenses against the ordinances and by-laws  
7 of any of the towns in said county, and in the prosecutions  
8 on any such ordinances or by-laws, such by-law or ordinance  
9 need not be recited in the complaint or process, nor the alle-  
10 gations therein be more particular than in prosecutions on a  
11 public statute.

Sect. 5. Said court shall have exclusive, original jurisdic-  
2 tion as follows: First, of all cases of forcible entry and  
3 detainer respecting estates in the towns of Caribou, Lime-  
4 stone, Woodland, Washburn, Perham and New Sweden in  
5 said county of Aroostook and in the plantations of Caswell,  
6 Connor, Westmanland, Wade, Stockholm and township  
7 numbered sixteen, range four, in said county of Aroostook;  
8 second, of all such criminal offenses and misdemeanors com-  
9 mitted in any of said towns and plantations above enumer-  
10 ated as are by law within the jurisdiction of trial justices;  
11 third, of all offenses against the ordinances and by-laws of  
12 any of said towns or plantations above named, and in the  
13 prosecutions on any such ordinances or by-laws, such by-law  
14 or ordinance need not be recited in the complaint or process,  
15 nor the allegations therein be more particular than in prose-  
16 cutions on a public statute. Warrants may be issued by any  
17 trial justice in any of above named towns or plantations upon  
18 complaints for offenses committed therein, but all such war-  
19 rants so issued shall be made returnable before said court,  
20 and no trial justice in any of said above named towns or plan-  
21 tations shall have or take cognizance of offenses committed  
22 within said towns or plantations.

Sect. 6. Said court shall have original jurisdiction concur-  
2 rent with trial justices in all such matters, civil and criminal,  
3 within the county of Aroostook as are by law within the juris-  
4 diction of trial justices within said county, and are not placed  
5 within the exclusive jurisdiction of said court by the pre-  
6 ceding section.

Sect. 7. Said court shall have original jurisdiction concurrent with the supreme judicial court, as follows: First, of all civil actions wherein the debt or damages demanded, exclusive of costs, does not exceed \$100.00, in which any person summoned as trustee resides within the county of Aroostook, or, if a corporation has an established place of business in said county of Aroostook; or, in which if such actions are not commenced by a trustee process, 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, estates or effects of any defendant are found within said county and are attached on the original writ; but no proceedings under the laws relating to divorce shall be included within the jurisdiction of said court; second, of the assaults and batteries described in section 28 of chapter 119 of the Revised Statutes of Maine; of all larcenies described in sections 1, 6, 7, 8, 10, and 12 of chapter 121 of the Revised Statutes of Maine, when the value of the property is not alleged to exceed thirty dollars; of the offenses described in sections 18, 20, 21 and 22 of chapter 123 of the Revised Statutes of Maine; of all offenses described in sections 1 and 4 of chapter 124 of the Revised Statutes of Maine; of all offenses described in section 6 and sections 34 to 54 inclusive of chapter 125 of the Revised Statutes of Maine; of the offense described in section 5 of chapter 126 of the Revised Statutes of Maine; of all offenses described in section 1 of chapter 127 of the Revised Statutes of Maine, 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 1, 2, 3, 4, 6, 8, 12, 19, 20 and 26 of chapter 128 of the Revised Statutes of Maine, when the value of the property destroyed or injury done is not alleged to exceed thirty dollars, and all amendments thereto; and may be punished

35 for either of said crimes or offenses by fine not exceeding  
36 fifty dollars and by imprisonment not exceeding three  
37 months, provided that when the above described offenses are  
38 of a high and aggravated nature, the judge of said court may  
39 cause persons charged with such offenses, to recognize with  
40 sufficient sureties to appear before the supreme judicial court,  
41 and in default thereof, commit them; third, of all other  
42 crimes, offenses and misdemeanors committed in said county  
43 which are by law punishable by fine not exceeding fifty dol-  
44 lars and by imprisonment not exceeding three months.

Sect. 8. Said court shall not have jurisdiction of any civil  
2 action wherein the title of real estate, according to the plead-  
3 ing or brief statement filed therein by either party is in ques-  
4 tion; and all such actions brought in said court shall be  
5 removed to the supreme judicial court or otherwise disposed  
6 of as in like cases before a trial justice; provided, that noth-  
7 ing herein contained, shall prevent said court from proceed-  
8 ing in accordance with the provisions of sections 6 and 7 of  
9 chapter 96 of the Revised Statutes.

Sect. 9. Any action, civil or criminal, in which the judge  
2 of said court is interested or related to either of the parties  
3 by consanguinity or affinity, within the sixth degree accord-  
4 ing to the rules of the civil law, or within the degree of sec-  
5 ond cousin inclusive, but which would otherwise be within  
6 the exclusive jurisdiction of said court, may be brought  
7 before and disposed of by any trial justice in said county, in  
8 the same manner as other actions before trial justices. If  
9 any action wherein said judge is so interested in either party,  
10 is made returnable before this court, the parties thereto, by  
11 themselves or their attorneys, may in writing consent that  
12 said judge shall hear and dispose of the same; or such actions  
13 shall be disposed of as follows: civil actions, wherein the  
14 debt or damages demanded exclusive of costs, exceed twenty  
15 dollars, shall, upon motion, be removed to the supreme judi-

16 cial court for said county; and all other civil actions and all  
17 criminal actions, shall be removed and entered before any  
18 such trial justice within said county as may be agreed upon  
19 in writing by the parties entering an appearance in such  
20 action, and such trial justice shall have and take cognizance  
21 of such action and dispose of the same as if the same had  
22 been originally returnable before such trial justice; provided  
23 that nothing in this section contained shall prevent any civil  
24 action wherein the title to real estate is in question, from  
25 being disposed of in accordance with the provisions of the  
26 preceding section. In any action in which any of the towns  
27 in said county is a party, or is summoned as trustee, this  
28 court shall not lose its jurisdiction by reason of the said judge  
29 or recorder being an inhabitant of or owning property in  
30 such town; but in any other case the action may, upon written  
31 motion of either party, filed before trial, be removed to the  
32 supreme judicial court.

Sect. 10. A term of said court for the transaction of civil  
2 business shall be held on the first Tuesday of each month at  
3 ten o'clock in the forenoon. For the cognizance and trial  
4 of criminal actions said court shall be in constant session.  
5 In all cases it may be adjourned from time to time by the  
6 judge; and in civil actions said judge shall have power for  
7 cause shown, upon application of either party, or his attor-  
8 ney, to adjourn the hearing to any place within his juris-  
9 diction. Said court shall be held in the county court house  
10 in said town of Caribou and all expenses of said court includ-  
11 ing blank books of record, dockets and blanks necessary for  
12 the use of said court shall be paid from the treasury of the  
13 county of Aroostook.

Sect. 11. If at any regular or adjourned term of said court  
2 to be held for civil business, the judge and recorder are  
3 neither of them present at the place for holding said court  
4 within two hours after the time for opening said court, then

5 any trial justice or justice of the peace in the county of Aroos-  
6 took may preside for the purpose of entering and continuing  
7 actions and filing papers in said court, and may adjourn said  
8 court from time to time, not exceeding one week at any one  
9 time, without detriment to any action returnable or pending,  
10 and may in his discretion adjourn said court without day, in  
11 which event all actions returned or pending, shall be con-  
12 sidered as continued to the next term. No trial justice or  
13 justice of the peace shall be disqualified from presiding for  
14 the purpose mentioned in this section, by reason of his being  
15 interested in any action returnable before or pending in said  
16 court.

Sect. 12. Any party may appeal from any judgment or  
2 sentence of said court, to the supreme judicial court in the  
3 same manner as from a judgment or sentence of a trial jus-  
4 tice.

Sect. 13. Writs and processes issued by said court  
2 shall be in the usual forms, and shall be served as like pre-  
3 cepts are required to be served when issued by trial justices.  
4 In civil actions where the debt or damage exclusive of costs  
5 exceeds twenty dollars, service shall be the same as in the  
6 supreme judicial court.

Sect. 14. All the provisions of the statutes relating to  
2 attachment of real and personal property and the levy of  
3 executions, shall be applicable to actions brought in this court  
4 and executions on judgments rendered therein; provided that  
5 property may be attached in addition to the ad damnum, suffi-  
6 cient to satisfy the costs of the suit, and the writs may be  
7 framed accordingly. When any action in which real estate  
8 is attached is finally disposed of in said court, or shall be  
9 removed to the supreme judicial court by appeal or other-  
10 wise, the judge of said municipal court shall forthwith cer-  
11 tify the disposition or removal thereof to the register of deeds  
12 for the district in Aroostook county where an attachment of



13 said real estate would be properly recorded and said register  
14 shall make a minute of the disposition or removal upon the  
15 record of the attachment in said action.

Sect. 15. All civil actions in said court shall be entered on  
2 the first day of the term and not afterwards, except by special  
3 permission ; and they shall be in order for trial, except actions  
4 of forcible entry and detainer, at the next regular term after  
5 entry, unless otherwise disposed of. All actions of forcible  
6 entry and detainer shall be in order for trial at the return  
7 term thereof, but may be continued at the discretion of the  
8 judge for good and sufficient cause shown, and said judge  
9 may impose terms upon the moving party. When a defend-  
10 ant legally summoned fails to enter his appearance by him-  
11 self or his attorney, before twelve o'clock, noon, on the first  
12 day of the return term, he shall be defaulted ; but if he after-  
13 wards appear during said term, the court may, for sufficient  
14 cause, permit the default to be taken off. Pleadings shall  
15 be the same as in the supreme judicial court, and all pro-  
16 visions of law relative to practice and proceedings in civil  
17 actions in the supreme judicial court are hereby made appli-  
18 cable and extended to this court, except so far as they are  
19 modified by the provisions of this act.

Sect. 16. Actions pending in this court may be referred  
2 in the same manner as in the supreme judicial court, and on  
3 report of the referee to said municipal court, judgment may  
4 be rendered in the same manner and with like effect as in the  
5 supreme judicial court.

Sect. 17. If any defendant, his agent or attorney, in any  
2 civil action in this court in which the debt or damages  
3 demanded or claimed in his writ exceeds twenty dollars, shall,  
4 on or before the first day of the second regular term of said  
5 court after the entry of said action, file in said court an affi-  
6 davit that he has a good defense to said action, and intends  
7 in good faith to make such defense and claims a jury trial,

8 and shall at the same time deposit with the judge or recorder  
9 of said court, two dollars and sixty cents for copies and entry  
10 in the supreme judicial court, to be taxed in his costs if he  
11 prevail, the said action shall at the next regular term of said  
12 municipal court, after the entry thereof, be removed into the  
13 supreme judicial court for said county, and shall be entered  
14 at the next ensuing term of said supreme judicial court after  
15 said removal, and the judge or recorder of said municipal  
16 court shall forthwith cause certified copies of the writ, return  
17 of the officer, and all other papers in the case to be filed in  
18 the office of the clerk of said supreme judicial court.

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

Sect. 19. The costs and fees allowed parties, attorneys and  
2 witnesses in all actions in this court, in which the debt or  
3 damages demanded shall not exceed twenty dollars, and in  
4 actions of forcible entry and detainer, shall be the same as  
5 allowed in similar actions before trial justices, except that  
6 the plaintiff, if he prevails, shall be allowed two dollars for  
7 his writ, and the defendant, if he prevails, shall be allowed  
8 one dollar for his pleadings; and in cases where the amount  
9 demanded shall exceed twenty dollars, the costs and fees of  
10 parties, attorneys and witnesses shall be the same as in the  
11 supreme judicial court, except that the defendant, if he pre-  
12 vail, shall be allowed two dollars for his pleadings and the  
13 costs to be taxed for attendance shall be two dollars and fifty  
14 cents for the first term, and one dollar for each subsequent  
15 term. In all actions wherein the debt or damages demanded

16 exceed twenty dollars, the costs for travel may include costs  
17 for constructive travel for not exceeding forty miles, as in  
18 the supreme judicial court. In every action, the judge may  
19 at his discretion, disallow any costs for travel and attendance  
20 after the second term.

Sect. 20. The judge of said municipal court shall receive  
2 as compensation a salary of six hundred dollars a year to be  
3 paid quarterly from the treasury of the county of Aroostook.  
4 The recorder of said court shall receive as compensation the  
5 salary of two hundred dollars a year to be paid quarterly  
6 from the treasury of the county of Aroostook. A condition  
7 preceding the payment of said salaries as aforesaid, shall be  
8 the rendering by said recorder, of a correct statement to the  
9 county commissioners and the payment over by said recorder  
10 to the county treasurer, of all fees both civil and criminal  
11 collected by said municipal court for the preceding quarter  
12 or fractional part thereof. All costs in criminal cases shall  
13 be taxed the same, and paid into court in the same manner  
14 as in trial justice courts, except that every warrant issued  
15 by said judge shall be taxed at one dollar.

Sect. 21. Trial justices in the said towns of Caribou, Lime-  
2 stone, Woodland, Washburn, Perham and New Sweden and  
3 in the said plantations of Caswell, Connor, Westmanland,  
4 Wade, Stockholm and township 16, range 4, are hereby  
5 prohibited from exercising any jurisdiction in said towns  
6 and plantations over any matter or thing, civil or criminal,  
7 except such as are within the jurisdiction of justices of the  
8 peace and except as provided in preceding sections of this  
9 act, provided that until the judge of said court shall enter  
10 upon the duties of his office and whenever the office of judge  
11 is vacant any trial justice shall have and exercise the same  
12 jurisdiction as though this municipal court had never been  
13 established; and in such case any civil or criminal action made

14 returnable before a trial justice shall be entered before and  
15 finally disposed of by such justice.

Sect. 22. Nothing contained in this act shall be construed  
2 to interfere with such actions returnable before a trial justice  
3 as shall be commenced before this act takes effect.

Sect. 23. All acts inconsistent with this act are hereby  
2 repealed.

Sect. 24. This act shall take effect May 1st, 1905.

## STATE OF MAINE.

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HOUSE OF REPRESENTATIVES,

Augusta, February 15, 1905.

Tabled pending reference to a committee by Mr. HOLMES of Caribou and ordered printed.

E. M. THOMPSON, *Clerk*.