

# MAINE STATE LEGISLATURE

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# SEVENTY-SECOND LEGISLATURE

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HOUSE.

No. 537

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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  
5 the teste of the judge and signed by the judge and shall have  
6 the 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 dis-

8 position of the same, which docket shall be at all times open  
9 to inspection; and he shall perform all other duties required  
10 of similar tribunals in this State; and copies of the records  
11 of said court, duly certified by the judge thereof, shall be  
12 legal evidence in all courts of this State.

Sect. 3. Said judge shall give a bond to the county of  
2 Aroostook approved by the county commissioners of said  
3 county in the sum of \$1,000.00 before entering upon the  
4 duties of his office. The conditions of said bond shall be  
5 the faithful performance of the duties of his office. It shall  
6 be the duty of said judge to keep all the records of said  
7 court. Said judge shall keep a correct account of all crim-  
8 inal and civil fees paid into said court. Upon the first day  
9 of March, June, September and December of each year  
10 during the term of office of said judge it shall be his duty to  
11 make under oath and return to the commissioners for their  
12 approval a true statement of all fees received by said court  
13 and at the same time to deposit with the county treasurer  
14 for said county, the amount of said fees so received by him  
15 for the preceding quarter or fraction thereof.

Sect. 4. Said court shall have original jurisdiction con-  
2 current with trial justices in all such criminal matters within  
3 the county of Aroostook as are by law within the jurisdic-  
4 tion of trial justices within said county; and original juris-  
5 diction concurrent with the supreme judicial court of all  
6 other crimes, offenses and misdemeanors committed in said  
7 county which are by law punishable by fine not exceeding  
8 fifty dollars and by \*imprisonment not exceeding three  
9 months, and where the property in question or injury done  
10 is not alleged to exceed thirty dollars in value.

Sect. 5. For the purposes of establishing a territorial juris-  
2 diction for said court in civil actions, all of said Aroostook  
3 county which lies north and east of the following lines, to

4 wit: beginning at the southeast corner of Easton, in said  
5 county, thence west on the south line of Easton, the south  
6 line of Presque Isle, and the south line of towns and plan-  
7 tations numbered eleven (11) to the southeast corner of  
8 township 11, range 7, thence north on east line of the sev-  
9 enth range of townships to the southeast corner of township  
10 numbered 14, range 7, thence east on the south line of town-  
11 ships numbered 14 to the southeast corner of township num-  
12 bered 14, range 5, thence north along the east line of town-  
13 ships in the fifth range to dividing line between the towns  
14 of Frenchville and Madawaska, thence north along said  
15 dividing line to the St. John river, shall be within the civil  
16 jurisdiction of said court, original and concurrent with the  
17 supreme judicial court, as follows: First, of all civil actions  
18 wherein the debt or damages demanded, does not exceed  
19 \$100.00 in which any person summoned as trustee resides  
20 within said jurisdictional district, or, if a corporation has  
21 an established place of business in said district; or, in which,  
22 if any actions are not commenced by a trustee process, any  
23 defendant resides in said district, or, if no defendant resides  
24 within the limits of this State, any defendant is served with  
25 process in said district, or the goods, estates or effects of any  
26 defendant are found within said district and are attached on  
27 the original writ; but no proceedings under the laws relating  
28 to divorce shall be included within the jurisdiction of said  
29 court.

Sect. 6. 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. 7. 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  
5 second 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,  
8 in the same manner as other actions before trial justices.  
9 If any action wherein said judge is so interested in either  
10 party, is made returnable before this court, the parties  
11 thereto, by themselves or their attorneys, may in writing  
12 consent that said judge shall hear and dispose of the same;  
13 or such action may be disposed of as follows: civil actions,  
14 wherein the debt or damages demanded exclusive of costs,  
15 exceed \$20.00, shall, upon motion in writing by the defend-  
16 ant or his attorney, be removed to the supreme judicial  
17 court for said county; and all other civil actions and all  
18 criminal actions, shall be removed and entered before any  
19 such trial justices within said county as may be agreed upon  
20 in writing by the parties entering an appearance in such  
21 action, and such trial justice shall have and take cognizance  
22 of such action and dispose of the same as if the same had  
23 been originally returnable before such trial justice; provided  
24 that nothing in this section contained shall prevent any civil  
25 action wherein the title of real estate is in question, from  
26 being disposed of in accordance with the provisions of the  
27 preceding sections. In any action in which any of the  
28 towns in said district is a party, or is summoned as trustee,  
29 this court shall not lose its jurisdiction by reason of the said  
30 judge being an inhabitant of or owning property in such  
31 town; but in any other case the action may, upon written

32 motion of either party, filed before trial, be removed to the  
33 supreme judicial court.

Sect. 8. 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 of criminal  
4 actions said court shall be in constant session. In all cases  
5 it may be adjourned from time to time by the judge; and  
6 in civil actions said judge shall have power for cause shown,  
7 upon application of either party, or his attorney, to adjourn  
8 the hearing to any place within his jurisdiction, by consent  
9 of both parties. Said court shall be held in the county court  
10 house in said town of Caribou and all expenses of said court  
11 including blank books of record, dockets and blanks neces-  
12 sary for the use of said court shall be paid from the treasury  
13 of the county of Aroostook.

Sect. 9. If at any regular or adjourned term of said court  
2 to be held for civil business, the judge is not present at the  
3 place for holding said court within two hours after the time  
4 for opening said court, then any trial justice or justice of  
5 the peace for the county of Aroostook may preside for the  
6 purpose of entering and continuing actions and filing papers  
7 in said court, in which event all actions returned or pending,  
8 shall be continued to the next term. No trial justice or jus-  
9 tice of the peace shall be disqualified from presiding for the  
10 purpose mentioned in this section, by reason of his being  
11 interested in any action returnable before or pending in said  
12 court.

Sect. 10. 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  
4 justice.

Sect. 11. Writs and processes issued by said court shall  
2 be in the usual form, and shall be served as like precepts are

3 required to be served when issued by trial justices. In  
4 civil actions where the debt or damage, exclusive of costs,  
5 exceeds twenty dollars, said service shall be the same as in  
6 the supreme judicial court.

Sect. 12. All the provisions of the statutes relating to the  
2 attachment of real and personal property and the levy of  
3 executions, shall be applicable to actions brought in this  
4 court and executions on judgments rendered therein.

Sect. 13. All civil actions in said court shall be entered  
2 on the first day of the term and not afterwards. And they  
3 shall be in order for trial, except actions of forcible entry  
4 and detainer, at the next regular term after entry, unless  
5 otherwise disposed of. All actions of forcible entry and  
6 detainer shall be in order for trial at the return term thereof,  
7 but may be continued at the discretion of the judge for good  
8 and sufficient cause shown, and said judge may impose  
9 terms upon the moving party. When a defendant legally  
10 summoned fails to enter his appearance by himself or his  
11 agent or 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 the practice and proceedings in  
17 civil actions in the supreme judicial court are hereby made  
18 applicable and extended to this court, except so far as they  
19 are modified by the provisions of this act.

Sect. 14. 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,  
4 shall, on or before the first day of the second regular term  
5 of said court after the entry of said action file in said court  
6 a motion for the removal of said action to the supreme  
7 judicial court, the said action shall at the next regular term

8 of said municipal court, after the entry thereof, be removed  
9 into the supreme judicial court for the said county, and shall  
10 be entered at the next ensuing term of said supreme judicial  
11 court after said removal, and the judge of said municipal  
12 court shall forthwith cause certified copies of the writ, return  
13 of the officer, and all other papers in the case to be filed in  
14 the office of the clerk of said supreme judicial court.

Sect. 15. 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. 16. 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.

Sect. 17. The judge of said municipal court shall receive  
2 as compensation a salary of five hundred dollars a year to  
3 be paid quarterly from the treasury of the county of Aroos-  
4 took. A condition preceding the payment of said salary as  
5 aforesaid, shall be the rendering by said judge of a correct  
6 statement to the county commissioners and the payment over  
7 by said judge to the county treasurer, of all fees both civil  
8 and criminal collected by said municipal court for the pre-

9 ceding quarter or fractional part thereof. All costs in crim-  
10 inal cases shall be taxed the same, and paid into court in the  
11 same manner as in trial justice courts, except that every  
12 warrant issued by said judge shall be taxed at one dollar.

Sect. 18. Trial justices in said town of Caribou are hereby  
2 prohibited from exercising any jurisdiction in said town over  
3 any matter, civil or criminal, except such as are within the  
4 jurisdiction of justices of the peace and except as provided  
5 in preceding sections of this act, provided that until the  
6 judge of said court shall enter upon the duties of his office,  
7 and whenever the office of judge is vacant, any trial justice  
8 shall have and exercise the same jurisdiction as though this  
9 municipal court had never been established; and in such case  
10 any civil or criminal action made returnable before a trial  
11 justice shall be entered before and finally disposed of by said  
12 justice.

Sect. 19. Nothing contained in this act shall be construed  
2 to interfere with such actions returnable before a trial jus-  
3 tice as shall be commenced before this act takes effect.

Sect. 20. All acts inconsistent with this act are hereby  
2 repealed.

Sect. 21. This act shall take effect May 1st, 1905.

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## STATE OF MAINE.

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HOUSE OF REPRESENTATIVES,  
Augusta, March 15, 1905.

Reported by Mr. HOLMES from Aroostook County Delegation and  
ordered printed under joint rules.

E. M. THOMPSON, *Clerk.*