

# MAINE STATE LEGISLATURE

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NEW DRAFT.

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# SEVENTY-THIRD LEGISLATURE

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HOUSE.

No. 538

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## STATE OF MAINE.

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

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AN ACT to amend chapter 352 of the laws of 1905 relating to  
the Caribou Municipal Court.

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

Section two, of chapter three hundred and fifty-two, of the  
2 Private and Special Laws of the year one thousand nine hun-  
3 dred and five, is hereby amended by adding after the words  
4 "in this state," in the ninth line of said section, the following:  
5 "The judge may appoint a recorder in writing, who shall be  
6 an attorney at law, and shall hold his office until the first  
7 day of July, one thousand nine hundred and nine. He shall  
8 be sworn by said judge, and keep the records of said court

9 when requested to do so by said judge. In case of the  
10 absence from the court room, or sickness of the judge, or  
11 when the office of judge shall be vacant, the recorder shall  
12 have and exercise all the powers of said judge, and perform  
13 all the duties of said judge by this act; receiving compensa-  
14 tion from the personal funds of said judge; and the signa-  
15 ture of the recorder as such, shall be sufficient evidence of  
16 his right to act instead of the judge,' so that said section as  
17 amended shall read as follows:

'Sect. 2. Said court shall consist of one judge, who shall  
19 be a member of the bar of this state, who shall be appointed  
20 in the manner and for the term provided by the constitution  
21 of this state, and he shall be ex-officio, a justice of the peace  
22 for the state. The said judge shall enter or cause to be  
23 entered on the docket of said court all civil and criminal  
24 actions, with full minutes of the proceedings in and disposi-  
25 tion of the same, which docket shall be at all times open to  
26 inspection; and he shall perform all other duties required  
27 of similar tribunals in this state; the judge may appoint a  
28 recorder in writing, who shall be an attorney at law, and who  
29 shall hold his office until the first day of July, one thousand  
30 nine hundred and nine. He shall be sworn by said judge,  
31 and keep the records of said court when requested to do so  
32 by said judge. In case of the absence from the court room  
33 or sickness of the judge, or when the office of judge shall be  
34 vacant, the recorder shall have and exercise all the powers  
35 of said judge, and perform all the duties of said judge by

36 this act, receiving compensation from the personal funds of  
37 said judge; and the signature of the recorder as such, shall  
38 be sufficient evidence of his right to act instead of the judge;  
39 and copies of the records of said court, duly certified by the  
40 judge or recorder thereof, shall be legal evidence in all courts  
41 of this state.'

Section 5 of chapter three hundred and fifty-two of the  
2 Private and Special Laws of the year one thousand nine  
3 hundred and five is hereby amended by striking out all of  
4 said section and inserting in place thereof the following:

'Sect. 5. Said court shall have original and concurrent  
6 jurisdiction with trial justices in all civil matters within the  
7 county of Aroostook, as are by law within the jurisdiction  
8 of trial justices within said county; and original and con-  
9 current jurisdiction with the supreme judicial court in said  
10 county as follows: First, of all civil actions wherein the debt  
11 or damage demanded, does not exceed one hundred dollars  
12 in which any person summoned as trustee resides within  
13 said county, or, if a corporation has an established place of  
14 business within said county; or, in which, if any actions are  
15 not commenced by a trustee process, any defendant resides  
16 in said county, or, if no defendant resides within the limits  
17 of this state, any defendant is served with process in said  
18 county, or the goods, estates, or effects of any defendant  
19 are found within said county and are attached on the original  
20 writ; but no proceedings under the law relating to divorce  
21 shall be included within the jurisdiction of said court.'

Section eight of chapter three hundred and fifty-two of the  
2 Private and Special Laws of one thousand nine hundred and  
3 five, is hereby amended by adding after the word "Caribou,"  
4 in the tenth line of said section the following: 'Provided,  
5 however, that said court may be held on any Tuesday at the  
6 office of the judge at the usual time, for the entering and trial  
7 of actions of forcible entry and detainer, and such actions  
8 may be returnable accordingly, and be heard and determined,  
9 and judgment entered on the return date of the writ, unless  
10 continued for good cause.' So said section when amended  
11 shall read as follows:

'Sect. 8. A term of said court for the transaction of civil  
13 business shall be held on the first Tuesday of each month  
14 at ten o'clock in the forenoon. For the cognizance of crim-  
15 inal actions said court shall be in constant session. In all  
16 cases it may be adjourned from time to time by the judge;  
17 and in civil actions said judge shall have power for cause  
18 shown, upon application of either party, or his attorney, to  
19 adjourn the hearing to any place within his jurisdiction by  
20 consent of both parties. Said court shall be held in the  
21 county court house in said town of Caribou, provided, how-  
22 ever, that said court may be held on any Tuesday at the  
23 office of the judge at the usual hour for the entering and  
24 trial of actions of forcible entry and detainer, and such  
25 actions may be returnable accordingly, and be heard and  
26 determined, and judgment entered on the return date of the  
27 writ, unless continued for good cause. And all expenses of

28 said court including blank books of record, dockets and  
29 blanks necessary for the use of said court shall be paid from  
30 the treasury of the county of Aroostook.'

Section seventeen of chapter three hundred and fifty-two  
2 of the Private and Special Laws of the year one thousand  
3 nine hundred and five is hereby amended by striking out  
4 the word "five" in the second line of said section and insert-  
5 ing in place thereof the word 'eight' so said section when  
6 amended shall read as follows:

'Sect. 17. The judge of said municipal court shall receive  
8 as compensation a salary of eight hundred dollars a year to  
9 be paid quarterly from the treasury of the county of Aroos-  
10 took. A condition preceding the payment of said salary as  
11 aforesaid, shall be the rendering to said judge of a correct  
12 statement to the county commissioners and the payment over  
13 by said judge to the county treasurer, of all fees, both civil  
14 and criminal collected by said municipal court for the pre-  
15 ceding quarter or fractional part thereof. All costs in  
16 criminal cases shall be taxed the same, and paid into the  
17 court in the same manner as in trial justice courts, except  
18 that every warrant issued by said judge shall be taxed at  
19 one dollar.'

STATE OF MAINE.

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HOUSE OF REPRESENTATIVES,

Augusta, March 13, 1907.

Reported by Mr. HALL from Committee on Legal Affairs, and ordered  
printed under joint rules.

E. M. THOMPSON, *Clerk.*