

# MAINE STATE LEGISLATURE

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NEW DRAFT.

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# SEVENTY-FOURTH LEGISLATURE

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HOUSE.

No. 597

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## STATE OF MAINE.

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

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AN ACT to further amend chapter three hundred fifty-two of  
the Private and Special Laws of nineteen hundred five, re-  
lating to Caribou Municipal Court.

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

Section 1. Section two of chapter three hundred fifty-  
2 two of the private and special laws of nineteen hundred  
3 five, as amended by chapter four hundred forty of the pri-  
4 vate and special laws of nineteen hundred seven, is hereby  
5 further amended by striking out after the word "state" in  
6 the tenth line thereof the words "the judge may appoint a  
7 recorder in writing, who shall be an attorney at law, and  
8 who shall hold his office until the first day of July, one thou-  
9 sand nine hundred and nine," and inserting in place thereof

10 the following: 'said court shall have a recorder, who shall  
11 be an attorney at law and be appointed by the governor,  
12 and who shall hold his office for four years,' so that said  
13 section as amended shall read as follows:

'Section 2. Said court shall consist of one judge, who  
15 shall be a member of the bar of this State, who shall be  
16 appointed in the manner and for the term provided by the  
17 constitution of this State, and he shall be, ex-officio, a jus-  
18 tice of the peace for the State. The said judge shall enter  
19 or cause to be entered on the docket of said court all civil  
20 and criminal actions, with full minutes of the proceedings  
21 in and disposition of the same, which docket shall be at all  
22 times open to inspection; and he shall perform all other  
23 duties required of similar tribunals in this State. Said  
24 court shall have a recorder, who shall be appointed by the  
25 governor, and who shall hold his office for four years. He  
26 shall be sworn by said judge, and keep the records of said  
27 court when requested to do so by said judge. In case of  
28 the absence from the court room or sickness of the judge,  
29 or when the office of judge shall be vacant, the recorder  
30 shall have and exercise all the powers of said judge, and  
31 perform all the duties of said judge by this act, receiving  
32 as compensation the sum of one hundred dollars, to be paid  
33 quarterly from the treasury of the county of Aroostook;  
34 and the signature of the recorder as such, shall be sufficient  
35 evidence of his right to act instead of the judge; and copies  
36 of the records of said court, duly certified by the judge or

37 recorder thereof, shall be legal evidence in all courts of this  
38 State.'

Sect. 2. Section four of said chapter is hereby amended  
2 by inserting after the word "county" in the fourth line there-  
3 of the words "and warrants issued by any trial justice of  
4 said county may be returned before said court,' so that  
5 said section as amended shall read as follows:

'Sect. 4. Said court shall have original jurisdiction con-  
7 current with trial justices in all such criminal matters within  
8 the county of Aroostook as are by law within the juris-  
9 diction of trial justices within said county and warrants  
10 issued by any trial justice of said county may be returned  
11 before said court; and original jurisdiction concurrent with  
12 the supreme judicial court of all other crimes, offenses and  
13 misdemeanors committed in said county which are by law  
14 punishable by fine not exceeding fifty dollars and by im-  
15 prisonment not exceeding three months, and where the  
16 property in question or injury done is not alleged to exceed  
17 thirty dollars in value.'

Sect. 3. Section five of said chapter, as amended by chap-  
2 ter four hundred forty of the private and special laws of  
3 nineteen hundred five, is hereby further amended by adding  
4 after the word "county" in the fourth line thereof the words  
5 'including the right to renew execution issued by trial jus-  
6 tices in the same way and manner as trial justices,' so that  
7 said section as amended shall read as follows:

'Sect. 5. Said court shall have original and concurrent

9 jurisdiction with trial justices in all civil matters within the  
10 county of Aroostook, as are by law within the jurisdiction  
11 of trial justices within said county, including the right to  
12 renew execution issued by trial justices in the same way  
13 and manner as trial justices. For the purposes of estab-  
14 lishing a territorial jurisdiction for said court in all other  
15 civil actions, all of said Aroostook county which lies north  
16 and east of the following lines: beginning at the southeast  
17 corner of Easton, in said county, thence west on the south  
18 line of Easton, the south line of Presque Isle, and the south  
19 line of towns and plantations, numbered eleven, to the south-  
20 east corner of township eleven, range seven, thence north  
21 on east line of seventh range of townships to the southeast  
22 corner of township numbered fourteen, range seven, thence  
23 east on the south line of townships numbered fourteen to  
24 the southeast corner of township numbered fourteen, range  
25 five, thence north along the east line of townships in the  
26 fifth range to dividing line between the towns of French-  
27 ville and Madawaska, thence north along said dividing line  
28 to the Saint John river, shall be within the civil jurisdic-  
29 tion of said court, as follows: First, of all civil actions  
30 wherein the debt or damage demanded, does not exceed one  
31 hundred dollars in which any person summoned as trustee  
32 resides within said jurisdictional district, or, if a corpora-  
33 tion has an established place of business in said district;  
34 or, in which, if any actions are not commenced by a trustee  
35 process, any defendant resides in said district, or, if no

36 defendant resides within the limits of this State, any de-  
37 fendant is served with process in said district, or the goods,  
38 estates or effects of any defendant are found within said  
39 district and are attached on the original writ; but no pro-  
40 ceedings under the laws relating to divorce shall be included  
41 within the jurisdiction of said court.'

Sect. 4. Section eight of said chapter is hereby amended  
2 by striking out in the ninth line the words "county court  
3 house" and inserting in place thereof the words 'office of  
4 the judge of said court'; also by inserting at the end of  
5 said section the following: 'all criminal or civil cases may  
6 be adjourned to the county court house in said Caribou at  
7 the discretion of the judge of said court,' so that said sec-  
8 tion as amended shall read as follows:

'Sect. 8. A term of said court for the transaction of civil  
10 business shall be held on the first Tuesday of each month  
11 at ten o'clock in the forenoon. For the cognizance of crim-  
12 inal actions said court shall be in constant session. In all  
13 cases it may be adjourned from time to time by the judge;  
14 and in civil actions said judge shall have power for cause  
15 shown, upon application of either party, or his attorney, to  
16 adjourn the hearing to any place within his jurisdiction, by  
17 consent of both parties. Said court shall be held in the  
18 office of the judge of said court in said town of Caribou,  
19 and all expenses of said court including blank books of  
20 record, dockets and blanks necessary for the use of said

21 court shall be paid from the treasury of the county of Aroos-  
22 took. All criminal or civil cases may be adjourned to the  
23 county court house in said Caribou at the discretion of the  
24 judge of said court.'

Sect. 5. Section seventeen of said chapter is hereby  
2 amended by striking out the words "five hundred" in the  
3 second line thereof and inserting in place the words 'one  
4 thousand,' so that said section as amended shall read as  
5 follows:

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



STATE OF MAINE.

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HOUSE OF REPRESENTATIVES,

Augusta, March 12, 1909.

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

E. M. THOMPSON, *Clerk.*