

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES
OF THE
SEVENTY-SECOND LEGISLATURE

OF THE
STATE OF MAINE

1905.

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PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE.

1905.

Chapter 352.

An Act to establish the Caribou Municipal Court.

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 town of Caribou which shall be called the Caribou Municipal Court and it shall be a court of record with a seal. All the original processes issuing from said court, shall be under the teste of the judge and signed by the judge and shall have the seal of said court affixed.

Caribou municipal court established.

Section 2. Said court shall consist of one judge, who shall be a member of the bar of this state, who shall be appointed in the manner and for the term provided by the constitution of this state, and he shall be ex-officio, a justice of the peace for the state. The said judge shall enter or cause to be entered on the docket of said court all civil and criminal actions, with full minutes of the proceedings in and disposition of the same, which docket shall be at all times open to inspection; and he shall perform all other duties required of similar tribunals in this state; and copies of the records of said court, duly certified by the judge thereof, shall be legal evidence in all courts of this state.

Judge, appointment of.

-docket.

Section 3. Said judge shall give a bond to the county of Aroostook approved by the county commissioners of said county in the sum of one thousand dollars before entering upon the duties of his office. The conditions of said bond shall be the faithful performance of the duties of his office. It shall be the duty of said judge to keep all the records of said court. Said judge shall keep a correct account of all criminal and civil fees paid into said court. Upon the first day of March, June, September and December of each year during the term of office of said judge it shall be his duty to make under oath and return to the commissioners for their approval a true statement of all fees received by said court and at the same time to deposit with the county treasurer for said county, the amount of said fees so received by him for the preceding quarter or fraction thereof.

Judge shall give bond.

-judge shall keep records

-shall quarterly pay all fees to county treasurer.

Section 4. Said court shall have original jurisdiction concurrent with trial justices in all such criminal matters within the county of Aroostook as are by law within the jurisdiction of trial justices within said county; and original jurisdiction concurrent with the supreme judicial court of all other crimes, offenses and misdemeanors committed in said county which are by law punishable by fine not exceeding fifty dollars and by imprisonment not exceeding three months, and where the prop-

Original concurrent jurisdiction of court with trial justices.

-with supreme judicial court.

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erty in question or injury done is not alleged to exceed thirty dollars in value.

Territorial jurisdiction.

Section 5. For the purposes of establishing a territorial jurisdiction for said court in civil actions, all of said Aroostook county which lies north and east of the following lines: beginning at the southeast corner of Easton, in said county, thence west on the south line of Easton, the south line of Presque Isle, and the south line of towns and plantations numbered eleven, to the southeast corner of township eleven, range seven, thence north on east line of the seventh range of townships to the southeast corner of township numbered fourteen, range seven, thence east on the south line of townships numbered fourteen to the southeast corner of township numbered fourteen, range five, thence north along the east line of townships in the fifth range to dividing line between the towns of Frenchville and Madawaska, thence north along said dividing line to the Saint John river, shall be within the civil jurisdiction of said court, original and concurrent with the supreme judicial court, as follows:

--jurisdiction when damages does not exceed one hundred dollars.

First, of all civil actions wherein the debt or damages demanded, does not exceed one hundred dollars in which any person summoned as trustee resides within said jurisdictional district, or, if a corporation has an established place of business in said district; or, in which, if any actions are not commenced by a trustee process, any defendant resides in said district, or, if no defendant resides within the limits of this state, any defendant is served with process in said district, or the goods, estates or effects of any defendant are found within said district 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.

--no proceedings under divorce laws.

Shall not have jurisdiction wherein title of real estate is in question.

Section 6. Said court shall not have jurisdiction of any civil action wherein the title of real estate, according to the pleading or brief statement filed therein by either party is in question; and all such actions brought in said court shall be removed to the supreme judicial court or otherwise disposed of as in like cases before a trial justice; provided, that nothing herein contained, shall prevent said court from proceeding in accordance with the provisions of sections six and seven of chapter ninety-six of the revised statutes.

Consanguinity within degree of which judge may not have authority to try case.

Section 7. Any action, civil or criminal, in which the judge of said court is interested or related to either of the parties by consanguinity or affinity, within the sixth degree according to the rules of the civil law, or within the degree of second cousin inclusive, but which would otherwise be within the exclusive jurisdiction of said court, may be brought before and disposed of by any trial justice in said county, in the same manner as

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other actions before trial justices. If any action wherein said judge is so interested in either party, is made returnable before this court, the parties thereto, by themselves or their attorneys, may in writing consent that said judge shall hear and dispose of the same; or such action may be disposed of as follows: civil actions, wherein the debt or damages demanded exclusive of costs, exceed twenty dollars, shall, upon motion in writing by the defendant or his attorney, be removed to the supreme judicial court for said county; and all other civil actions and all criminal actions, shall be removed and entered before any such trial justices within said county as may be agreed upon in writing by the parties entering an appearance in such action, and such trial justice shall have and take cognizance of such action and dispose of the same as if the same had been originally returnable before such trial justice; provided that nothing in this section contained shall prevent any civil action wherein the title of real estate is in question, from being disposed of in accordance with the provisions of the preceding sections. In any action in which any of the towns in said district is a party, or is summoned as trustee, this court shall not lose its jurisdiction by reason of the said judge being an inhabitant of or owning property in such town; but in any other case the action may, upon written motion of either party, filed before trial, be removed to the supreme judicial court.

--parties may consent in writing.

--actions, how disposed of.

Section 8. A term of said court for the transaction of civil business shall be held on the first Tuesday of each month at ten o'clock in the forenoon. For the cognizance of criminal actions said court shall be in constant session. In all cases it may be adjourned from time to time by the judge; and in civil actions said judge shall have power for cause shown, upon application of either party, or his attorney, to adjourn the hearing to any place within his jurisdiction, by consent of both parties. Said court shall be held in the county court house in said town of Caribou, and all expenses of said court including blank books of record, dockets and blanks necessary for the use of said court shall be paid from the treasury of the county of Aroostook.

Term time, first Tuesday of each month, at 10 A. M.

--held in county court house, in Caribou.

Section 9. If at any regular or adjourned term of said court to be held for civil business, the judge is not present at the place for holding said court within two hours after the time for opening said court, then any trial justice or justice of the peace for the county of Aroostook may preside for the purpose of entering and continuing actions and filing papers in said court, in which event all actions returned or pending, shall be continued to the next term. No trial justice or justice of the peace shall be disqualified from presiding for the purpose mentioned in this

Trial justice may preside in absence of judge, for certain purposes.

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section, by reason of his being interested in any action returnable before or pending in said court.

Appeals.

Section 10. Any party may appeal from any judgment or sentence of said court, to the supreme judicial court in the same manner as from a judgment or sentence of a trial justice.

Writs and processes, form and service of.

Section 11. Writs and processes issued by said court shall be in the usual form, and shall be served as like precepts are required to be served when issued by trial justices. In civil actions where the debt or damage, exclusive of costs, exceeds twenty dollars, said service shall be the same as in the supreme judicial court.

Attachments of real and personal property.

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

Civil actions, when entered.

Section 13. All civil actions in said court shall be entered on the first day of the term and not afterwards. And they shall be in order for trial, except actions of forcible entry and detainer, at the next regular term after entry, unless otherwise disposed of. All actions of forcible entry and detainer shall be in order for trial at the return term thereof, but may be continued at the discretion of the judge for good and sufficient cause shown, and said judge may impose terms upon the moving party. When a defendant legally summoned fails to enter his appearance by himself or his agent or attorney, before twelve o'clock, noon, on the first day of the return term, he shall be defaulted; but if he afterwards appear during said term, the court may, for sufficient cause, permit the default to be taken off. Pleadings shall be the same as in the supreme judicial court, and all provisions of law relative to the practice and proceedings in civil actions in the supreme judicial court are hereby made applicable and extended to this court, except so far as they are modified by the provisions of this act.

Removal of cases to supreme judicial court, motion for.

Section 14. If any defendant, his agent or attorney, in any civil action in this court in which the debt or damages demanded or claimed in his writ exceeds twenty dollars, shall, on or before the first day of the second regular term of said court after the entry of said action file in said court a motion for the removal of said action to the supreme judicial court, the said action shall at the next regular term of said municipal court, after the entry thereof, be removed into the supreme judicial court for the said county, and shall be entered at the next ensuing term of said supreme judicial court after said removal, and the judge of said municipal court shall forthwith cause certified copies of the writ,

return of the officer, and all other papers in the case to be filed in the office of the clerk of said supreme judicial court.

Section 15. Said municipal court may render judgment and issue execution, punish for contempt and compel attendance as in the supreme judicial court; make all such rules and regulations, not repugnant to law, as may be necessary and proper for the prompt administration of justice, and is clothed with all such lawful power as is necessary for the performance of its duties under this act.

Court may render judgments, etc.

Section 16. The costs and fees allowed parties, attorneys and witnesses in all actions in this court, in which the debt or damages demanded shall not exceed twenty dollars, and in actions of forcible entry and detainer, shall be the same as allowed in similar actions before trial justices, except that the plaintiff, if he prevails, shall be allowed two dollars for his writ, and the defendant if he prevails, shall be allowed one dollar for his pleadings; and in cases where the amount demanded shall exceed twenty dollars, the costs and fees of parties, attorneys and witnesses shall be the same as in the supreme judicial court.

Costs and fees to be allowed in civil cases.

Section 17. The judge of said municipal court shall receive as compensation a salary of five hundred dollars a year to be paid quarterly from the treasury of the county of Aroostook. A condition preceding the payment of said salary as aforesaid, shall be the rendering by said judge of a correct statement to the county commissioners and the payment over by said judge to the county treasurer, of all fees both civil and criminal collected by said municipal court for the preceding quarter or fractional part thereof. All costs in criminal cases shall be taxed the same, and paid into court in the same manner as in trial justice courts, except that every warrant issued by said judge shall be taxed at one dollar.

Salary of judge.

-costs in criminal cases, how taxed.

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

Trial justices in town of Caribou, jurisdiction limited.

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Actions commenced before this act takes effect.

Inconsistent acts repealed.

Act takes effect May 1, 1905.

Section 19. Nothing contained in this act shall be construed to interfere with such actions returnable before a trial justice as shall be commenced before this act takes effect.

Section 20. All acts inconsistent with this act are hereby repealed.

Section 21. This act shall take effect May first, nineteen hundred and five.

Approved March 21, 1905.

Chapter 353.

An Act to assist in building a free bridge across Sheepscot river between the towns of Wiscasset and Edgecomb.

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

Appropriation for free bridge across Sheepscot river.

—to be expended under direction of county commissioners of Lincoln county.

—amount paid by state limited to seventeen twentieths of cost.

—width of bridge.

Location of bridge.

Draw tender and repair of bridge, relating to expense of.

Section 1. Seventeen thousand dollars, eight thousand five hundred dollars of which shall be paid during the year nineteen hundred and five, and the balance during the year nineteen hundred and six, is hereby appropriated for the purpose of assisting in the construction of a bridge across the Sheepscot river between the towns of Wiscasset and Edgecomb, the amount to be expended under the direction of the county commissioners of the county of Lincoln who shall contract for the same with a competent bridge builder. The amount paid by the state shall not exceed seventeen-twentieths of the total cost of the bridge, not including the cost of obtaining the franchise and structure of the Wiscasset Bridge Company. The bridge shall be at least eighteen feet wide, and located at or near the location of the present toll bridge. All piling below low water mark to be of oak and the bridge, excepting plank, of hard pine. Said county commissioners shall determine the exact location of said bridge. As soon as built the county commissioners of the county of Lincoln shall lay out a free public highway to and across said bridge.

Section 2. The towns of Wiscasset, Edgecomb, Boothbay, Boothbay Harbor and Southport, assisted by the county of Lincoln, shall employ a suitable draw tender and keep said bridge in repair. The cost of maintaining said bridge shall be borne by said county and towns as follows: The county of Lincoln shall pay three hundred dollars annually, and the said towns shall pay the balance of the expense in the following proportion: Wiscasset, eight-twentieths; Edgecomb, four-twentieths; Boothbay, three-twentieths; Boothbay Harbor, four-twentieths and Southport, one-twentieth.