

MAINE STATE LEGISLATURE

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SIXTY-FIRST LEGISLATURE.

HOUSE.

No. 90.

STATE OF MAINE.

IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED AND
EIGHTY-THREE.

AN ACT to establish a municipal court in the town
of Dexter.

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

SECTION 1. There is hereby established in and
2 for the town of Dexter, in the county of Penob-
3 scot, a court, to be denominated the municipal
4 court of Dexter.

SECT. 2. Said court shall be a court of record,
2 and have a seal, to be affixed to all original pro-
3 cesses issuing therefrom.

SECT. 3. Said court shall consist of one judge,
2 to be appointed in the manner, and for the term
3 provided by the constituton, who shall be an in-

4 habitant of the county of Penobscot, of sobriety of
5 manner, and learned in the law.

SECT. 4. Said judge shall have concurrent juris-
2 diction with trial justices, in all matters, civil or
3 criminal, within the county of Penobscot, and with
4 trial justices in all cases of forcible entry and de-
5 tainer arising in said county. Nothing in this act
6 shall be construed to give said court jurisdiction of
7 any civil action in which the title to real estate,
8 according to the pleading or brief statement filed
9 therein by either party is in question; and all such
10 actions brought therein shall be removed to the
11 supreme judicial court or otherwise disposed of, as
12 in like cases before a trial justice.

SECT. 5. Said judge shall have original and ex-
2 clusive jurisdiction of all offences against the ordi-
3 nances and laws of the town of Dexter, and in all
4 civil actions, wherein the amount claimed in dam-
5 ages shall not exceed twenty dollars, in which both
6 parties interested, or the attorney of the plaintiff
7 who made the writ and the defendant, or in which
8 the plaintiff or his attorney and the person or per-
9 sons summoned as trustees shall be inhabitants of,
10 or residents in said town of Dexter, and in all cases
11 of forcible entry and detainer arising in said town,

12 excepting all actions in which said judge may be
13 interested; *provided*, that any action civil or crim-
14 inal, in which the judge is interested or related to
15 either of the parties by consanguinity or affinity
16 within the sixth degree, according to the rules of
17 the civil law, or within the degree of second cousin
18 inclusive, but which would otherwise be within the
19 exclusive jurisdiction of said court, may be brought
20 before and disposed of by any trial justice within
21 said county, in the same manner, and with like
22 effect as other actions before said trial justices.

SECT. 6. Said judge shall have jurisdiction in all
2 cases of simple larceny, where the property alleged
3 to have been stolen, shall not exceed in value the
4 sum of twenty dollars, and of all cases of cheating
5 by false pretences, where the property, money or
6 other thing alleged to have been fraudulently ob-
7 tained shall not exceed in value the sum of twenty
8 dollars, and shall have power to try the same, and
9 in either of said cases, to award sentence upon
10 conviction by fine not exceeding twenty dollars, or
11 imprisonment in the county jail, with or without
12 labor for a term not exceeding ninety days. He
13 shall have exclusive jurisdiction of all offences
14 arising in said town, which are by any law or

15 statute within the jurisdiction of a trial justice and
16 concurrent jurisdiction with trial justices of the
17 county of Penobscot, of all such offences arising in
18 said county, out of said town.

SECT. 7. Said court shall be held on the fourth
2 Tuesday of each month except in September,
3 when it shall be held on the third Tuesday, at ten
4 o'clock in the forenoon for the transaction of civil
5 business, at such place within said town as the
6 judge shall determine, but the town may at any
7 time provide a court room, in which case the court
8 shall be held therein, and all civil processes shall
9 be made returnable accordingly, and it may be
10 adjourned from time to time by the judge, at his
11 discretion, but it shall be considered in constant
12 session for the cognizance of criminal actions,
13 *provided*, that if said judge is prevented by any
14 cause from attending at the time said court is to
15 be held for civil business, it may be adjourned
16 from day to day by a constable of the town of
17 Dexter without detriment to any action then re-
18 turnable or pending until he can attend, when said
19 actions may be entered or disposed of with the
20 same effect as if it was the first day of the term;
21 and it may be so adjourned without day when

22 necessary, in which event pending actions shall be
23 considered as continued, and actions then returna-
24 ble may be returned and entered at the next term,
25 with the same effect as if originally made re-
26 turnable at said term.

SECT. 8. It shall be the duty of the judge of
2 said court to make and keep the records thereof,
3 or cause the same to be made and kept, and to
4 perform all other duties required of similar tribu-
5 nals in this state; and copies of said records, duly
6 certified by said judge, shall be legal evidence in
7 all courts.

SECT. 9. Any party may appeal from any judg-
2 ment or sentence of said court, to the supreme
3 judicial court, in the same manner as from a judg-
4 ment or sentence of a trial justice.

SECT. 10. Writs and processes issued by said
2 court shall be in the usual forms, and shall be
3 served as like precepts are required to be served
4 when issued by trial justices.

SECT. 11. All the provisions of the statutes of
2 the state relative to attachments of real and per-
3 sonal property and the levy of executions, shall be
4 applicable to actions brought in this court, and
5 executions on judgments rendered therein; *pro-*

6 *vided*, that property may be attached in addition
7 to the ad damnum sufficient to satisfy the costs of
8 suit.

SECT. 12. Actions in said court shall be entered
2 on the first day of the term, and not afterwards,
3 except by special permission. When a defendant,
4 legally served, fails to enter his appearance, by
5 himself or his attorney, on the first day of the re-
6 turn term, he shall be defaulted; but if he after-
7 wards appear during the term, the court may, for
8 sufficient cause, permit the default to be taken off.
9 Pleas on abatement must be filed on or before the
10 day of the entry of the action. The defendant
11 may file his pleadings, which shall be the general
12 issue, with a brief statement of special matters
13 of defence, on the return day of the writ, and
14 must file them on or before the first day of the
15 next term, or he shall be defaulted, unless the
16 court, for good cause, enlarge the time, for which
17 it may impose reasonable terms. Actions in
18 which the defendant files his pleadings on the re-
19 turn day, and all actions of forcible entry and de-
20 tainer seasonably answered to, shall be in order for
21 trial at the return term, and shall remain so until
22 tried or otherwise disposed of, unless continued

23 by consent or on motion of either party, for good
24 cause, in which latter case the court may impose
25 such terms as it deems reasonable; but all other
26 actions, unless defaulted or otherwise finally dis-
27 posed of, shall be continued as of course, and be
28 in order for trial at the next term.

SECT. 13. The costs and fees allowed to parties,
2 attorneys and witnesses, in said court, shall be the
3 same as allowed by trial justices in actions before
4 them, except that the plaintiff, if he prevail, shall
5 be allowed one dollar for his writ; and the defend-
6 ant, if he prevail, one dollar for his pleadings.

SECT. 14. The judge of said court may demand
2 and receive the same fees allowed to trial justices
3 for like services, except that he may demand and
4 receive for a complaint and warrant in criminal
5 cases, one dollar; for the entry of a civil action,
6 fifty cents; and for the trial of an issue, civil or
7 criminal, two dollars for the first day, and one dol-
8 lar for each day after the first, occupied in such
9 trial, to be paid to him by the plaintiff, in civil cases,
10 before trial, who shall recover the same as costs if
11 he prevail in the suit; and the fees so received by
12 said judge shall be payment in full for his services;
13 *provided*, that the legal voters of said town may,

14 at any time, by vote determine to pay him a salary,
15 which may be accepted by him instead of said
16 fees, in which case he shall pay all fees of office
17 by him received into the town treasury.

SECT. 15. Trial justices are hereby restricted
2 from exercising any jurisdiction in the town of
3 Dexter over any matter or thing, civil or criminal,
4 except such as are within the jurisdiction of jus-
5 tices of the peace and of the quorum and except
6 that they may issue warrants on complaints for
7 criminal offences, to be returned before said mu-
8 nicipal court; *provided*, that said restrictions shall
9 be suspended until the judge of said court shall
10 enter upon the duties of his office.

SECT. 16. Nothing in this act shall be construed
2 to interfere with actions already commenced before
3 trial justices in the town of Dexter, but all such
4 actions shall be disposed of by such trial justices,
5 the same as if this act had not passed.

SECT. 17. This act shall take effect when ap-
2 proved

STATE OF MAINE.

IN HOUSE OF REPRESENTATIVES, }
February 13, 1883. }

Reported by Mr. WILSON, from Committee on Judiciary, and
ordered printed on motion of Mr. ELDRIDGE of Dexter.

ORAMANDAL SMITH, *Clerk.*