

MAINE STATE LEGISLATURE

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FIFTY-FIRST LEGISLATURE.

HOUSE.

No. 93.

STATE OF MAINE.

IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED AND SEVENTY-TWO.

AN ACT to amend chapter six hundred thirty-six of the private laws of eighteen hundred seventy-one, establishing a municipal court in the city of Lewiston.

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

SECTION. 1. Chapter six hundred thirty-six of the
2 private laws of eighteen hundred seventy-one, estab-
3 lishing a municipal court for the city of Lewiston, is
4 hereby amended.

5 1. By adding to section three the words, 'all writs
6 and processes in civil matters shall be in the name of
7 the state, bearing the teste of said judge, under the
8 seal of said court, and shall be signed by its clerk, and
9 be obeyed and executed throughout the state.'

10 2. By inserting after the word "month" in the

11 second line of section four, the words, 'except the
12 month of August,' and after the word "action" in
13 the fourth line of said section, the words "and when-
14 ever said judge is prevented from attending at the
15 time when a court is to be held for civil business, the
16 city marshal or his deputy, may by oral proclamation
17 adjourn said court from day to day until said judge
18 can attend, and in case of necessity, without day, and
19 when so adjourned, actions brought for that term shall
20 be entered by the clerk, and they with all other actions
21 on the docket not otherwise disposed of, shall be con-
22 tinued to the next term.'

23 3. By striking out section five and inserting the
24 following section in its stead:

25 *Sect. 5.* When a defendant legally served does not
26 appear by himself or attorney, within the three first
27 days of the return term, he shall be defaulted as in
28 the supreme judicial court, but the court may take
29 off the default for sufficient cause. The defendant
30 shall file his pleadings on the first day of the next
31 term after the entry of the action, which shall be the
32 same as now required by law in the supreme judicial
33 court. If the defendant does not so file his pleadings,
34 he shall be defaulted unless the court, for good rea-
35 sons shown, grants him leave to plead or otherwise
36 lawfully disposes of the action. All actions answered

37 to shall be in order for trial at the next term after
38 entry, but the court may for good reasons shown order
39 the pleadings in any action of forcible entry and de-
40 tainer to be filed, and said action to be tried at the
41 first term.

42 , 4. By adding to section sixth, the words, 'and the
43 provisions of law relating to practice and proceedings
44 in the supreme judicial court in civil cases, are hereby
45 made applicable and extended to said municipal court
46 in all respects, except so far as they are modified by
47 the provisions of this act, and all acts relating to courts
48 and judicial proceedings shall be modified so far as to
49 give full effect to this act.'

50 5. By striking out section twelve and inserting the
51 following section in its stead :

52 *Sect. 12.* The governor, by and with the advice of
53 the council, shall appoint a clerk of said court, who
54 shall be a citizen of said Lewiston, and who shall hold
55 his office for the term of four years, who shall be sworn
56 and who shall give bond to the treasurer of said city
57 in the sum of two thousand dollars, to be approved by
58 said judge ; and who shall be entitled to demand and
59 receive for his services, the same fees allowed by law
60 to trial justices in matters relating to civil business,
61 except the trial fee ; *provided*, that for the entry of an
62 action and recording the same, he shall be allowed

63 sixty cents. In case of the absence of said clerk, or
64 vacancy in said office, the judge of said court may
65 appoint a clerk, who shall be sworn by said judge, and
66 act during said absence or till the vacancy is filled.

67 6. By striking out section thirteen, and inserting
68 the following section in its stead :

69 *Sect. 13.* Said clerk shall record the doings of said
70 court, may administer oaths, and shall have such
71 powers and perform such duties as are possessed and
72 performed by the clerks of the supreme judicial court.
73 Whenever said judge shall be engaged in the transac-
74 tion of civil business, or be absent from the court room,
75 said clerk shall have and exercise the same powers
76 and perform the same duties which said judge possesses,
77 and is authorized to perform in the transaction of crim-
78 inal business. All processes issued by said clerk in
79 criminal matters, shall bear the seal of said court and
80 be signed by said clerk, and have the same authority
81 as if issued and signed by said judge.

82 7. By striking out section fourteen, and inserting
83 the following section in its stead :

84 *Sect. 14.* All fines, penalties and costs paid into said
85 court upon convictions and sentences in criminal mat-
86 ters, together with all fees allowed to the judge of said
87 court by law in the transaction of criminal business,
88 shall be paid to said clerk ; *provided*, that there shall

89 be allowed for every warrant issued, one dollar, and
90 for the trial of an issue in criminal cases, two dollars;
91 and provided that there shall be paid to said clerk by
92 the plaintiff in civil cases, a trial fee of two dollars, and
93 one dollar for each day occupied in hearing the case
94 after the first, to be taxed with his costs if he prevail.

95 8. By inserting after the word "parties" in the
96 first line of section fifteen the word, 'witnesses.'

97 9. By striking out section sixteen and inserting
98 the following section in its stead :

99 *Sect. 16.* All fines and penalties received by said
100 clerk, shall be accounted for and paid over in the
101 same manner as is required by law of trial justices,
102 and all fees allowed to said judge by law in criminal
103 cases and received by said clerk, including the trial
104 fee in civil cases, shall be accounted for and paid
105 over by him to the treasurer of said city of Lewiston,
106 quarterly, and all other fees received by him shall
107 be paid to the persons entitled by law to the same,
108 as if received by a trial justice.

109 10. By adding to section one the words, 'and the
110 same for each subsequent year unless the city council
111 shall fix a different sum.'

SECT. 2. This act shall take effect when approved
2 by the governor.

IN SENATE, February 16, 1872.

Read twice and passed to be engrossed.

Sent down for concurrence.

SAMUEL W. LANE, *Secretary*.

STATE OF MAINE.

IN HOUSE OF REPRESENTATIVES, }
February 17, 1872. }

Laid on the table, on motion of Mr. WILSON of Thomaston,
and ordered to be printed.

S. J. CHADBOURNE, *Clerk.*