

MAINE STATE LEGISLATURE

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Fifty-Seventh Legislature.

SENATE.

No. 30.

STATE OF MAINE.

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

[S. 2.] AN ACT to establish a Municipal Court in the
town of Farmington.

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

SECTION 1. A municipal court is hereby established
2 in and for the town of Farmington, to be denominated
3 the municipal court of the town of Farmington, which
4 shall consist of one judge, who shall be appointed as
5 provided in the constitution, and who shall be, ex-
6 officio, a justice of the peace and of the quorum, and
7 have and exercise concurrent authority and jurisdiction
8 with trial justices over all matters and things by law
9 within their jurisdiction, and such authority and juris-
10 diction additional thereto as is conferred upon him by
11 this act.

SECT. 2. Said municipal court shall have jurisdiction as follows :

3 *First.* Original jurisdiction, concurrent with the
4 supreme judicial court, of the larcenies described in
5 sections one, six, seven, eight and nine of chapter one
6 hundred and twenty of the revised statutes, when the
7 value of the property is not alleged to exceed thirty
8 dollars; of the assaults and batteries described in section
9 twenty-eight of chapter one hundred and eighteen
10 of the revised statutes; and of the offences described
11 in section six of chapter one hundred twenty-four of
12 the revised statutes, and may punish for either of said
13 offences by fine not exceeding fifty dollars, and by
14 imprisonment in the county jail not exceeding three
15 months.

16 *Second.* Exclusive original jurisdiction of all civil
17 actions wherein the debt or damages demanded do not
18 exceed twenty dollars, and both parties, or any plaintiff
19 and a person summoned as a trustee, reside in the
20 town of Farmington, including prosecutions for penalties
21 in which said town is interested, and of all actions
22 of forcible entry and detainer arising therein; and concurrent
23 jurisdiction with trial justices of all other civil
24 actions within their concurrent jurisdiction.

25 *Third.* Original jurisdiction, concurrent with the
26 supreme judicial court, of all civil actions in which the

27 debt or damages demanded do not exceed one hundred
28 dollars, and both parties, or the defendant and a per-
29 son summoned as a trustee, resides within the county
30 of Franklin. *Provided*, that any action, civil or crim-
31 inal, in which the judge is interested, but which would
32 otherwise be within the exclusive jurisdiction of said
33 court, may be brought before, and disposed of by any
34 trial justice within said county, in the same manner
35 and with like effect as other actions before such tri-
36 bunals.

SECT. 3. Nothing in this act shall be construed to
2 give said court jurisdiction of any civil action in which
3 the title to real estate, according to the pleading, or
4 brief statement filed therein by either party is in ques-
5 tion, and all such actions brought therein shall be re-
6 moved to the supreme judicial court or otherwise dis-
7 posed of, as in like cases before a trial justice.

SECT. 4. Said court shall be held on the fourth Tues-
2 day of each month, except in September, when it shall
3 be held on the third Tuesday, at ten o'clock in the fore-
4 noon, for the transaction of civil business, at such place
5 within said town as the judge shall determine, but the
6 town may at any time provide a court room, in which
7 case the court shall be held therein, and all civil pro-
8 cesses shall be made returnable accordingly, and it
9 may be adjourned from time to time by the judge, at

10 his discretion; but it shall be considered in constant
11 session for the cognizance of criminal actions; *provided*
12 that, if said judge is prevented by any cause from
13 attending at the time said court is to be held for civil
14 business, it may be adjourned from day to day by a
15 constable of the town, without detriment to any action
16 then returnable or pending, until he can attend, when
17 said actions may be entered or disposed of with the
18 same effect as if it were the first day of the term; and
19 it may be so adjourned without day when necessary,
20 in which event, pending actions shall be considered as
21 continued, and actions then returnable may be returned
22 and entered at the next term, with the same effect as
23 if originally made returnable at said term.

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

SECT. 6. Any party may appeal from any judgment
2 or sentence of said court, to the supreme judicial court,
3 in the same manner as from a judgment or sentence of
4 a trial justice.

SECT. 7. Writs and processes issued by said court
2 shall be in the usual forms, and shall be served as like

3 precepts are required to be served when issued by trial
4 justices, except that writs in which the debt or dam-
5 ages demanded exceed twenty dollars shall be served
6 at least fourteen days before the sitting of the court at
7 which they are made returnable; and no writ shall be
8 made returnable at a term of the court to begin more
9 than three months after the commencement of the
10 action.

SECT. 8. All the provisions of the statutes of the
2 state relative to attachment of real and personal prop-
3 erty and the levy of executions, shall be applicable to
4 actions brought in this court, and executions on judg-
5 ments rendered therein; *provided*, that property may
6 be attached in addition to the addamnum sufficient to
7 satisfy the costs of suit.

SECT. 9. Actions in said court shall be entered on
2 the first day of the term, and not afterwards, except
3 by special permission. When a defendant, legally
4 served, fails to enter his appearance, by himself or his
5 attorney, on the first day of the return term, he shall
6 be defaulted; but if he afterwards appear during the
7 term, the court may for sufficient cause permit the
8 default to be taken off. Pleas on abatement must be
9 filed on or before the day of the entry of the action.
10 The defendant may file his pleadings, which shall be
11 the general issue, with a brief statement of special

12 matters of defence, on the return day of the writ,
13 and must file them on or before the first day of the
14 next term, or he shall be defaulted, unless the court,
15 for good cause, enlarge the time, for which it may
16 impose reasonable terms. Actions in which the de-
17 fendant files his pleadings on the return day, and all
18 actions of forcible entry and detainer seasonably an-
19 swered to, shall be in order for trial at the return term,
20 and shall remain so until tried or otherwise disposed
21 of, unless continued by consent, or on motion of either
22 party, for good cause, in which latter case the court
23 may impose such terms as it deems reasonable ; but
24 all other actions, unless defaulted or otherwise finally
25 disposed of, shall be continued as of course, and be in
26 order for trial at the next term.

SECT. 10. The costs and fees allowed to parties,
2 attorneys and witnesses, in all actions in said court in
3 which the debt or damages recovered does not exceed
4 twenty dollars, and in actions of forcible entry and
5 detainer, shall be the same as allowed by trial justices
6 in actions before them, except that the plaintiff, if he
7 prevail, shall be allowed one dollar for his writ. And
8 the defendant, if he prevail, one dollar for his plead-
9 ings ; but in cases where the amount recovered exceeds
10 twenty dollars, costs and fees of parties, attorneys and
11 witnesses, shall be the same as in the supreme judicial

12 court, except that the defendant, if he prevail, shall
13 be allowed two dollars for his pleadings.

SECT. 11. The judge of said court may demand and
2 receive the same fees allowed to trial justices for like
3 services, except that he may demand and receive for a
4 complaint and warrant in criminal cases, one dollar,
5 for the entry of a civil action, fifty cents, and for the
6 trial of an issue, civil or criminal, two dollars for the
7 first day, and one dollar for each day after the first,
8 occupied in such trial, to be paid to him by the plain-
9 tiff, in civil cases, before trial, who shall recover the
10 same as costs if he prevail in the suit; and the fees
11 so received by said judge shall be payment in full
12 for his services; *provided*, that the legal voters
13 of said town may at any time, by vote, determine to
14 pay him a salary, which may be accepted by him in-
15 stead of said fees, in which case he shall pay all fees
16 of office by him received into the town treasury.

SECT. 12. Trial justices are hereby restricted from
2 exercising any jurisdiction in the town of Farmington
3 over any matter or thing, civil or criminal, except such
4 as are within the jurisdiction of justices of the peace
5 and of the quorum, and except that they may issue
6 warrants on complaints for criminal offences, to be
7 returned before said municipal court; *provided* that

8 said restrictions shall be suspended until the judge of
9 said court shall enter upon the duties of his office.

SECT. 13. Nothing in this act shall be construed to
2 interfere with actions already commenced before trial
3 justices in the town of Farmington, but all such actions
4 shall be disposed of by such trial justices the same as
5 if this act had not passed.

SECT. 14. This act shall take effect when approved.

STATE OF MAINE.

IN SENATE, February 4, 1878.

Reported by Mr. MOREISON of Franklin, from the Committee
on Legal Affairs, and on his motion laid on the table and ordered to
be printed.

SAMUEL W. LANE, *Secretary.*