

MAINE STATE LEGISLATURE

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FIFTY-NINTH LEGISLATURE.

HOUSE.

No. 19.

STATE OF MAINE.

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

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

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 Waterville, in the county of Ken-
3 nebec, a court, to be denominated the municipal
4 court of Waterville.

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 constitution, who shall be an in-
4 habitant of the county of Kennebec, of sobriety of
5 manner, and learned in the law.

SECT. 4. Said judge shall have concurrent jurisdiction with trial justices in all matters, civil or criminal, within the county of Kennebec, and with trial justices in all cases of forcible entry and detainer arising in said county. Nothing in this act shall be construed to give said court jurisdiction of any civil action in which the title to real estate, according to the pleading or brief statement filed therein by either party, is in question; and all such actions brought therein shall be removed to the supreme judicial court or otherwise disposed of, as in like cases before trial a justice.

SECT. 5. Said judge shall have original and exclusive jurisdiction of all offenses against the ordinances and laws of the town of Waterville, and in all civil actions wherein the amount claimed in damages shall not exceed twenty dollars, in which both parties interested, or the attorney of the plaintiff who made the writ, and the defendant, or in which the plaintiff or his attorney, and the person or persons summoned as trustees, shall be inhabitants of, or residents in said town of Waterville, and in all cases of forcible entry and detainer arising in said town, excepting all actions in which said judge may be interested. *Provided*, that any action, civil or criminal, in which the judge is in-

15 terested, or related to either of the parties by con-
16 sanguinity or affinity, within the sixth degree
17 according to the rules of the civil law, or within
18 the degree of second cousin inclusive, but which
19 would otherwise be within the exclusive jurisdic-
20 tion of said court, may be brought before and dis-
21 posed of by any trial justice within said county in
22 the same manner and with like effect as other
23 actions before said 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 pretenses, where the property, money, or
6 other thing alleged to have been fraudulently
7 obtained shall not exceed in value the sum of
8 twenty dollars, and shall have power to try the
9 same, and in either of said cases to award sen-
10 tence upon conviction by fine not exceeding twenty
11 dollars, or imprisonment in the county jail, with or
12 without labor, for a term not exceeding ninety
13 days. He shall have exclusive jurisdiction of all
14 offenses arising in said town which are by any law
15 or statute within the jurisdiction of a trial justice,
16 and concurrent jurisdiction with trial justices of

17 the county of Kennebec, of all such offenses arising in said county out of said town.

SECT. 7. The judge shall appoint in writing, a recorder, who shall be a trial justice for the county of Kennebec, duly qualified, who shall be sworn by said judge, who shall keep the records of said court when requested so to do by the judge; and in case of absence from the court room, or sickness of the judge, or when the office of judge shall be vacant, the recorder shall have and exercise all the powers of the judge, and perform all the duties required of said judge by this act, and shall be empowered to sign and issue all processes and papers, and to do all acts as fully and with the same effect as the judge could do were he acting in the premises; and the signature of the recorder, as such, shall be sufficient evidence of his right to act instead of the judge. When the office of judge is vacant, the recorder shall be entitled to the fees; in all other cases he shall be paid by the judge.

SECT. 8. Said court shall be held on the first and third Mondays of each month, except in September, when it shall be held on the first Monday, at nine o'clock in the forenoon, for the transaction of civil business, at such place within said town as the 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.

SECT. 9. It shall be the duty of the judge of said
2 court to make and keep the records thereof, or
3 cause the same to be made and kept, and to per-
4 form all other duties required of similar tribunals
5 in this state; and copies of said records, duly cer-
6 tified by said judge, shall be legal evidence in all
7 courts.

SECT. 10. Any party may appeal from any judg-
2 ment or sentence of said court to the superior
3 court in the same manner as from a judgment or
4 sentence of a trial justice.

SECT. 11. 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 where issued by trial justices.

SECT. 12. All the provisions of the statutes of
2 the state relative to attachment of real and personal
3 property and the levy of executions, shall be appli-
4 cable to actions brought in this court, and execu-
5 tions on judgments rendered therein, *provided* that

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

SECT. 13. Actions in said court shall be entered,
2 and proceedings had thereon the same as before
3 trial justices, and the same costs and fees shall be
4 allowed to parties, attorneys and witnesses in all
5 actions in said court, as are now allowed before trial
6 justices, and the judge shall be entitled to have and
7 receive the same fees, and in the same manner as
8 are allowed by law to trial justices, except that
9 he may demand and receive for a complaint and
10 warrant in criminal cases one dollar; *provided*,
11 that the legal voters of said town may, at any time,
12 by vote determine to pay him a salary which may
13 be accepted by him instead of said fees, in which
14 case he shall pay all fees of office by him received
15 into the town treasury.

SECT. 14. Trial justices are hereby restricted from
2 exercising any jurisdiction in the town of Water-
3 ville over any matter or thing civil or criminal, ex-
4 cept such as are within the jurisdiction of justices
5 of the peace and of the quorum. *Provided*, that
6 said restrictions shall be suspended until the judge
7 of said court shall enter upon the duties of his
8 office.

SECT. 15. Nothing in this act shall be construed
2 to interfere with actions already commenced before
3 trial justices in the town of Waterville, but all such
4 actions shall be disposed of by such trial justices,
5 the same as if this act had not been passed.

STATE OF MAINE.

In HOUSE OF REPRESENTATIVES, }
February 12, 1880. }

Reported from the Committee on Legal Affairs by Mr. VER-
RILL, and ordered printed by joint resolution.

ORAMANDAL SMITH, *Clerk.*