

MAINE STATE LEGISLATURE

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Sixty - Third Legislature.

HOUSE.

No. 50.

STATE OF MAINE.

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

AN ACT to establish a County Court in the County of
Somerset.

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

SECTION 1. A court is hereby established in and for the
2 county of Somerset, to be denominated the Somerset
3 County Court, which shall be a court of record, with a
4 seal, and shall consist of one judge, who shall be learned
5 in the law, of strictly temperate habits, and reside in the
6 county of Somerset, and be appointed as the constitution
7 provides, and while holding said office, shall not act as
8 attorney or counsel, in any action, matter or thing, within
9 the jurisdiction of said court.

SECT. 2. Regular terms of said court, for the transac-
2 tion of civil business, shall be held in Skowhegan and in
3 any other town or towns in said county, where one or more

4 members of the bar reside and request it, and a suitable
5 room for said court shall be provided.

SECT. 3. The judge of said court shall establish the
2 seal, and within twenty days after his appointment, by an
3 order issued under his hand and seal of court, designate
4 the towns and places where, and the times when, the reg-
5 ular terms of said court will be held, and cause the same
6 to be published in at least two newspapers published in
7 said county, three weeks in succession before the time of
8 holding any term of said court, and record the same with
9 the name and date of papers in which it was published.
10 And by a like order and proceedings, any of said terms
11 may be abolished, changed and new ones established,
12 from time to time, at the discretion of the judge.

SECT. 4. Said court shall have exclusive original juris-
2 diction of all civil actions in which the debt or damages
3 do not exceed twenty dollars, and the defendants or one
4 of them or a person summoned in good faith, and on prob-
5 able grounds, as trustee resides in the county of Somerset.
6 Also exclusive jurisdiction of all cases of forcible entry
7 and detainer in said county.

SECT. 5. Said court shall have original jurisdiction con-
2 current with the supreme judicial court of all civil actions,
3 in which the debt or damages demanded, exclusive of costs
4 do not exceed one hundred dollars, in which either party,
5 or a person summoned in good faith and on probable grounds
6 as trustee, resides in said county, or having his residence
7 beyond the limits of the State, is served with process
8 within said county. But this jurisdiction shall not include
9 civil actions in which their title to real estate, according to
10 the pleadings filed in the case, is in question; except as

11 provided in sections six and seven of chapter ninety-four
12 of the Revised Statutes. Nor actions between towns
13 where the settlement of any pauper is involved, nor pro-
14 ceedings under the divorce laws, nor complaints under
15 the mill act, so called, nor proceedings under the bastardy
16 law.

SECT. 6. Said court shall have original jurisdiction con-
2 current with trial justices of all offences committed against
3 the ordinances and by-laws of any town or village cor-
4 poration in said county, and all such criminal offences and
5 misdemeanors committed in said county as are cognizable
6 by trial justices, and original jurisdiction concurrent with
7 the supreme judicial court in said county of all larcenies
8 described in sections one, six, seven, nine and eleven of
9 chapter one hundred and twenty of the Revised Statutes,
10 when the value of the property is not alleged to exceed
11 thirty dollars of the offences described in sections one and
12 four of chapter one hundred and twenty-six of the Re-
13 vised Statutes, when the value of the property or other
14 thing alleged to have been fraudulently obtained or sold
15 does not exceed thirty dollars; of the assaults and bat-
16 teries described in section twenty-eight of chapter one
17 hundred and eighteen of the Revised Statutes; and of the
18 offences described in section six of chapter one hundred
19 and twenty-four of the Revised Statutes, and may punish
20 for either of said offences by fine not exceeding fifty dol-
21 lars and by imprisonment not exceeding three months, and
22 of all other crimes, offences and misdemeanors committed
23 in said county, which are by law punishable by fine not
24 exceeding fifty dollars, and by imprisonment not exceed-
25 ing three months.

SECT. 7. Writs and processes issued by said county court, shall be in the usual form, signed by the judge and under the seal of said court. They shall be served as like precepts are required to be served when issued by a trial justice; except that writs in which the debt or damages demanded exceed twenty dollars, shall be served at least fourteen days before the sitting of the court at which they are made returnable, and no writ shall be made returnable at a term of said court to begin more than ninety days after the commencement of the action.

SECT. 8. All civil actions in said court, shall be returnable at a term of said court holden in a town where one of the parties, or his attorney, or person summoned as trustee in said action resides; *provided* that in actions in which the debt or damages demanded exceed twenty dollars, or any action of forcible entry and detainer, may be returnable as above provided or at a term of said court holden in Skowhegan.

SECT. 9. All the provisions of the statute of the State, relative to the attachment of real and personal property, and the levy of executions, shall be applicable to actions in said court, and executions on judgments rendered therein; *provided* that property may be attached equal in value to the addamnum, and in addition thereto sufficient to satisfy the costs of suit and the writ may be framed accordingly.

SECT. 10. Actions in said court shall be entered the first day of the term and not afterwards, except by special permission, and they shall be in order for trial at the next term after entry, if not otherwise disposed of. The pleadings shall be the same as in the supreme judicial court,

6 and all the provisions of the statutes relating to practice
7 and proceedings in the supreme judicial court in civil
8 actions, are hereby made applicable and are extended to
9 said county court, except so far as they are modified by
10 the provisions of this act.

SECT. 11. If any defendant, his agent or attorney in
2 any action in said county court, in which the debt or dam-
3 ages claimed in the writ exceeds twenty dollars, shall,
4 during the term at which it was entered, file in said court
5 an affidavit, that he has a good defense to said action, and
6 intends in good faith to make such defense, and claims a
7 jury trial, and shall pay the judge sixty cents for entry
8 fee in the supreme judicial court, and twenty-five cents
9 for his order, to be taxed in said defendant's costs if he
10 prevails, the said judge shall attach to the original writ
11 his order under his hand and seal of court, transferring
12 said action to the supreme judicial court in said county,
13 and deliver the writ together with all papers filed in the
14 case, and entry fee, to the clerk of said supreme judicial
15 court, whose duty it shall be to enter said action at the
16 next term of said supreme judicial court, and it shall there
17 have day, be tried and disposed of, the same as if origi-
18 nally brought in said court.

SECT. 12. Exceptions may be alleged, and cases certified
2 on agreed statements of facts, or upon evidence reported
3 by the judge in all civil actions as in the supreme judicial
4 court, and the same shall be entered, heard and determined
5 at the next law term held in the middle district, or, by
6 agreement of parties, may be certified at once to the chief
7 justice of the supreme judicial court, and when so certified,
8 to be argued in writing on both sides within thirty days,

9 and the supreme judicial court, sitting as a court of law,
10 shall have jurisdiction of all questions of law arising on
11 said exceptions, statements and reports, as if they origi-
12 nated in the supreme judicial court of Somerset County.
13 And all the provisions of law and rules of court, relative
14 to the transfer of actions and other matters from the
15 supreme judicial court for the county of Somerset to said
16 law court, shall apply to the transfer of actions from said
17 county court to said law court. But in all cases from
18 said county court, the decisions of the law court shall be
19 certified to the judge of said county court, with the same
20 effect as in cases originating in the supreme judicial
21 court in said county.

SECT. 13. Any party may appeal from any judgment
2 or sentence of said court to the supreme judicial court, in
3 the same manner as from a judgment or sentence of a
4 trial justice.

SECT. 14. Actions pending in said county court, may be
2 referred in the same manner as in the supreme judicial
3 court, and on report of referees to said county court,
4 judgment may be rendered in the same manner and with
5 like effect as in the supreme judicial court.

SECT. 15. It shall be the duty of the judge of said
2 court to make the records thereof or cause the same to be
3 made and kept, and to perform all other duties required
4 of similar tribunals in this State. And copies of said
5 records, duly certified by said judge, shall be legal evi-
6 dence in all courts. Twice a year, in the months of Jan-
7 uary and July, said judge shall cause the papers in all
8 cases fully disposed of in said court to be properly ar-
9 ranged and filed and deposited in the office of the clerk of

10 the courts for said county. And all dockets and record
11 books when filled and completed shall be deposited in said
12 clerk's office.

SECT. 16. Said court may adjourn from time to time,
2 and if for any cause the judge shall be unable to attend at
3 the time and place for holding a court, either regular or
4 adjourned term, the sheriff, or any deputy, or any justice
5 of the peace, may by oral proclamation, in the court-room,
6 and by notice posted on the door thereof, adjourn the court
7 from time to time till the judge attends, and in cases of
8 necessity, without day, and when so adjourned, actions
9 brought for that term may be entered at the next term,
10 and all such actions, with all actions on the docket, shall
11 stand continued to the next term. But this court shall be
12 considered in constant session for the trial of criminals.

SECT. 17. Said court shall have power to issue any
2 process necessary for the discharge of its official duties,
3 and to punish for contempt of its authority the same as
4 the supreme judicial court may.

SECT. 18. The Sheriff of Somerset County, or one or
2 more of his deputies, or constable of the town where the
3 court is held, shall be in attendance on said court, when
4 requested so to be by the judge, for the purpose of keep-
5 ing order, and they shall execute all legal orders and pre-
6 cepts to them directed, by said court, and be allowed for
7 attendance one dollar and fifty cents per day, to be paid
8 out of the county treasury.

SECT. 19. The costs and fees allowed to parties and
2 attorneys in civil actions before said court in which the
3 damages recovered do not exceed twenty dollars shall be
4 the same as are allowed in actions before trial justices,

5 except that the plaintiff, if he prevails, shall be allowed
6 one dollar for his writ, and the defendant, if he prevails,
7 one dollar for his pleadings. But in all actions in which
8 the amount recovered exceeds twenty dollars, the costs
9 and fees of parties shall be the same as in the supreme
10 judicial court, except that the defendant, if he prevails,
11 shall be allowed two dollars for his pleadings. *Provided*
12 that in all cases transferred to the supreme judicial court,
13 as provided in section eleven, and there defaulted or other-
14 wise disposed of without a jury trial, if the justice of
15 said court shall be of the opinion that the jury trial was
16 not claimed in good faith, but for the purpose of delay,
17 said supreme judicial court may, at its discretion, award
18 against the party in fault, double or treble costs.

SECT. 20. The judge of said county court shall demand
2 and collect for the entry of each civil action, fifty cents,
3 and in all criminal prosecutions when the respondent is
4 required to pay costs as a part of his sentence, the judge
5 shall demand and collect the same fees as are allowed trial
6 justices for like services, except that in prosecutions for
7 offences beyond the jurisdiction of trial justices, he shall
8 collect one dollar for the warrant and two dollars for each
9 day employed in the trial.

SECT. 21. The judge of said court shall furnish his own
2 blanks, and may collect and retain for his own use, four
3 cents for each writ by him signed, fifteen cents for each
4 execution by him issued, twenty-five cents for each order
5 of transfer, and the usual fees for copies by him furnished,
6 but all other fees, fines and forfeitures by him collected
7 shall be paid into the county treasury, a true account of

8 which he shall keep and settle the same with the county
9 commissioners on oath, at least annually.

SECT. 22. The judge of said court shall receive for his
2 services a salary of six hundred dollars a year, to be paid
3 out of the treasury of the county of Somerset, quarterly,
4 and reasonable expenses for board of himself and team when
5 away from home on official business, a true account of
6 which he shall keep and settle with the county commis-
7 sioners semi-annually.

SECT. 23. Witnesses before said court shall be entitled
2 to one dollar a day and legal travel.

SECT. 24. The municipal officers of any town in which
2 regular terms of said court are held, are hereby authorized
3 to provide, at the expense of the town, a suitable room and
4 accommodations for said court.

SECT. 25. Trial justices in the county of Somerset, are
2 hereby restricted from exercising any jurisdiction over any
3 civil action, matter or thing, except such as are within the
4 jurisdiction of justices of the peace and of the quorum,
5 *provided* that any civil action in which the judge is inter-
6 ested or related to either party by consanguinity or affinity,
7 within the sixth degree according to the rules of the civil
8 law, or within the degree of second cousin inclusive, but
9 which would otherwise be within the exclusive jurisdic-
10 tion of said court, may be brought before and disposed of
11 by any trial justice in said county, in the same manner and
12 with like effect as other actions before trial justices.

SECT. 26. The first, second and third sections of this
2 act shall take effect when approved ; the remaining part on
3 the first day of April, A. D. eighteen hundred and eighty-
4 seven.

STATE OF MAINE.

**IN HOUSE OF REPRESENTATIVES, }
January 28, 1887.**

**Presented by Mr. HARRINGTON of Norridgewock, and on his motion
tabled and ordered printed, pending reference to a committee.**

NICHOLAS FESSENDEN, Clerk.