

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

Sixty - Third Legislature.

HOUSE.

No. 131.

STATE OF MAINE.

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

AN ACT in relation to the Police Court of the city
of Bangor.

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

SECTION 1. The police court of the city of Ban-
2 gor, in the county of Penobscot, shall be hereafter
3 styled the Bangor Municipal Court; and shall be
4 a court of record, and have and use a seal on all
5 original processes; the present judge and record-
6 er of said court shall continue in office until the
7 end of the terms for which they were respectively
8 appointed.

SECT. 2. In addition to its present jurisdiction,
2 the said court shall further have concurrent juris-

3 diction with the supreme judicial court, in all
4 personal actions, where the debt or damage claimed
5 is over twenty dollars, and not over one hundred
6 dollars, and the defendants, or either of the defend-
7 ants or person or persons summoned as trustees,
8 is resident in said county of Penobscot; but this
9 jurisdiction shall not include proceedings under
10 the divorce laws, or complaints under the mill act,
11 so called.

SECT. 3. If any defendant, in any action in said
2 court, where the amount claimed in the writ exceeds
3 twenty dollars, or his agent or attorney shall, on
4 the return day of the writ, file in said court an
5 affidavit that he has a good defence to said action,
6 and intends in good faith to make such defence
7 and claim a jury trial, and shall at the same time
8 file his plea and deposit with the recorder or judge,
9 the sum of two dollars for copies, to be taxed in
10 his costs if he prevails, the said action shall be
11 removed into the supreme judicial court for said
12 county, and the recorder shall forthwith cause
13 certified copies of the writ, officer's return, and
14 defendant's affidavit and pleas, to be filed in the
15 clerk's office of said supreme court; and said
16 action shall be entered on the docket of the term
17 next preceding said filing, and shall be in order

18 for trial at the next succeeding term. If no such
19 affidavit is filed, the said municipal court shall
20 proceed and determine said action, subject to the
21 right of appeal in either party, as now provided
22 by law. The pleadings in such cases shall be the
23 same as in the supreme judicial court.

SECT. 4. In case the judge shall be temporarily
2 unable to attend said court, the recorder may enter
3 new actions returnable at said term, and enter up
4 judgment in all defaulted actions, and may then,
5 by proclamation, adjourn the court to a day cer-
6 tain, or to the next term. In case of the more
7 permanent disability of the judge or his being
8 interested in any suit, the recorder may notify any
9 justice of the supreme judicial court, who may
10 designate a trial justice in said county, who, upon
11 being duly sworn, may hold said court until such
12 disability is removed, or try any suit in which the
13 regular judge may be interested. Said judge shall
14 hold a court on the first and third Monday in each
15 month at ten of the clock in the forenoon, and
16 may adjourn from time to time, but shall be con-
17 sidered as in constant session for the trial of crim-
18 inal offenses. All processes from said municipal
19 court shall be under the teste of the judge there-
20 of, and signed by the recorder thereof.

SECT. 5. All the provisions of the statutes of
2 this State relative to the attachment of real and
3 personal property and the levy of executions, shall
4 be applicable to actions in this court, and execu-
5 tions on judgments rendered therein; *provided*,
6 that property may be attached, equal in value to
7 addamnum, and in addition thereto, sufficient to
8 satisfy costs of suit. Actions may be referred, and
9 judgment on the referee's report may be rendered
10 in the same manner and with the same effect as in
11 the supreme judicial court.

SECT. 6. In any action in which the plaintiff re-
2 covers not over twenty dollars debt or damage, the
3 costs to be taxed, shall be the same as before a trial
4 justice, except that plaintiff shall recover two dol-
5 lars for his writ. Where the defendant prevails in
6 any action in which the sum claimed in the writ is
7 not over twenty dollars, he shall recover two dol-
8 lars for his pleadings, and other costs as before
9 trial justices. In actions where the amount re-
10 covered by plaintiff, exclusive of costs, exceeds
11 twenty dollars, or the amount claimed exceeds
12 twenty dollars, where the defendant prevails, the
13 costs shall be the same as in the supreme judicial
14 court, except the costs to be taxed for attendance
15 shall be two dollars and fifty cents for said term.

SECT. 7. All appeals from any judgment of said
2 municipal court shall be in order for trial at the
3 first term of the supreme judicial court next after
4 said appeal is taken.

SECT. 8. In consideration of the increased duties
2 required of the judge and recorder of said court,
3 by reason of the provisions of this statute, they
4 shall receive to their own use in addition to any
5 other compensation allowed by law, the court fees
6 in all civil causes in which the amount claimed ex-
7 ceeds twenty dollars.

SECT. 9. This act shall have no effect to abate or
2 prejudice any action, suit, matter or thing now
3 pending in, or returnable to said police court, but
4 said municipal court shall have jurisdiction thereof,
5 and full power and authority to issue and renew
6 executions and other processes, and to carry into
7 effect the judgments and decrees heretofore ren-
8 dered by said police court, and to certify and au-
9 thenticate the records thereof as effectually as if
10 this act had not passed.

SECT. 10. All acts and parts of acts inconsistent
2 with this act, are hereby repealed.

STATE OF MAINE.

HOUSE OF REPRESENTATIVES, }
February 16, 1887. }

Tabled, pending third reading, and ordered printed on motion of Mr.
BARKER of Bangor.

NICHOLAS FESSENDEN, Clerk.