

MAINE STATE LEGISLATURE

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Sixty-Eighth Legislature.

HOUSE.

No. 7.

STATE OF MAINE.

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

AN ACT to Amend An Act Establishing a Municipal Court
in the Town of Waterville.

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

Chapter two hundred twenty of the Private and Special
2 Laws of eighteen hundred eighty, as amended by chapter
3 three hundred twenty-nine of the Private and Special Laws
4 of eighteen hundred ninety-one, and by chapter four hun-
5 dred eighty-two of the Private and Special Laws of eighteen
6 hundred ninety-three, and by chapter twenty-nine of the
7 Private and Special Laws of eighteen hundred ninety-five,
8 entitled, "An Act to establish a municipal court in the town
9 of Waterville," is hereby amended so as to read as follows:

Section 1. There is hereby established in and for the city
2 of Waterville, in the county of Kennebec, a court, to be
3 denominated the municipal court of Waterville.

Sect. 2. Said court shall be a court of record, and have a
2 seal to be affixed to all original processes issuing therefrom.

Sect. 3. Said court shall consist of one judge, to be
2 appointed in the manner and for the term provided by the
3 constitution, who shall be a member of the bar in Kennebec
4 county, who shall reside during his continuance in office in
5 said city of Waterville, and who shall receive from said city,
6 in monthly payments, an annual salary of nine hundred
7 dollars, which shall be in full for all fees pertaining to his
8 office; provided, however, that he shall receive in addition
9 to said salary all fees allowed by law in matters relating to
10 civil business.

Sect. 4. Said court shall have concurrent jurisdiction with
2 trial justices in all matters, civil or criminal, within the
3 county of Kennebec, and with trial justices in all cases of
4 forcible entry and detainer arising in said county. Noth-
5 ing in this act shall be construed to give said court juris-
6 diction of any civil action in which the title to real estate,
7 according to the pleadings or brief statement filed therein
8 by either party, is in question; and all such actions brought
9 therein shall be removed to the supreme judicial court, or
10 otherwise disposed of as in like cases before a trial justice.

Sect. 5. Said court shall have original and exclusive
2 jurisdiction of all offences against the ordinances and laws

3 of the city of Waterville, and in all civil actions, wherein the
4 amount claimed in damages shall not exceed twenty dollars,
5 in which both parties interested, or the attorney of the
6 plaintiff who made the writ, and the defendant, or in which
7 the plaintiff or his attorney, and the person or persons
8 summoned as trustees, shall be inhabitants of or residents
9 in said city of Waterville, and in all cases of forcible entry
10 and detainer arising in said city, excepting all actions in
11 which said judge may be interested. Said court shall also
12 have original concurrent jurisdiction with the superior court
13 in and for the county of Kennebec in all civil actions where
14 debt or damages demanded, exclusive of costs, do not
15 exceed one hundred dollars, and the defendant, or any per-
16 son summoned as trustee, resides in the city of Waterville,
17 or in the towns of Oakland, Winslow, Benton, Clinton,
18 Vassalboro or Albion, or in Unity Plantation; any action,
19 however, in which the debt or damages demanded exceed
20 twenty dollars, may be removed to the said superior court,
21 on motion of the defendant, filed at the return term; pro-
22 vided he shall, at the time he files his motion, also file an
23 affidavit that he believes he has a good defence to said action
24 in whole or in part, and intends, in good faith, to make such
25 defence, and shall therewith deposit with the judge of said
26 municipal court, the entry fee in the said superior court and
27 one dollar for copies of writ, affidavit and motion, to be taxed
28 in his costs if he prevail; the judge shall enter said action
29 at the next term of the said superior court and shall file cer-
30 tified copies of the writ, affidavit and motion.

Sect. 6. Said court shall have current jurisdiction with the
2 superior court in the county of Kennebec of the offences
3 described in chapter one hundred and twenty, sections one,
4 six, seven, eight and nine, of the Revised Statutes, when the
5 value of the property is not alleged to exceed fifty dollars;
6 and also of the offences described in chapter one hundred
7 and thirty-two, section four, of the Revised Statutes; and
8 also of the offences described in chapter one hundred and
9 eighteen, section twenty-eight of the Revised Statutes, and
10 may punish in all such offences by fine not exceeding fifty
11 dollars, or by imprisonment for a time not exceeding four
12 months; also of the offences described in chapter one hun-
13 dred and twenty-four, section six of the Revised Statutes.
14 Said court shall have exclusive jurisdiction of all offences
15 arising in said city which are by any law or statute within
16 the jurisdiction of a trial justice, and concurrent jurisdiction
17 with trial justices of the county of Kennebec of all such
18 offences arising in said county outside of said city.

Sect. 7. It shall be the duty of the judge of said court
2 to make and keep the records thereof, or cause the same to
3 be made and kept, and said judge shall have custody of the
4 seal of said court, and shall perform all other duties required
5 of judges of similar tribunals in this state; and copies of said
6 records, duly certified by said judge, shall be legal evidence
7 in all courts.

Sect. 8. There shall be appointed, by the Governor, for
2 said court, a recorder, who shall keep the records of said

3 court when requested so to do by the judge; and in case of
4 absence from the court room, or sickness of the judge, or
5 when the office of judge shall be vacant, the recorder shall
6 have and exercise all the powers of the judge, and perform
7 all the duties required of said judge by this act, and shall be
8 empowered to sign and issue all processes and papers, and to
9 do all acts as fully and with the same effect as the judge
10 could do were he acting in the premises; and the signature
11 of the recorder, as such, shall be sufficient evidence of his
12 right to act instead of the judge. When the office of judge
13 is vacant, the recorder shall be entitled to the fees; in all
14 other cases he shall be paid by the judge.

Sect. 9. Said court shall be held on the first Monday of
2 each month, except the month of August, for the transaction
3 of civil business, and all actions shall be made returnable at
4 one of the two terms next begun and held after the com-
5 mencement of the action; provided, however, that said court
6 shall be held on every Monday of each month, except the
7 month of August, for the entry and trial of actions of forcible
8 entry and detainer, and judgment, in such actions, may
9 be entered on the day when the same are heard and deter-
10 mined. Said court may be adjourned from time to time,
11 but shall be considered as in constant session for the cogniz-
12 ance of criminal actions. Said court shall be held at such
13 place as the city of Waterville shall provide; and said city
14 shall have power, and it shall be its duty to raise money to
15 pay the salary of said judge; to purchase blanks, blank

16 books, seals, dockets, and all things necessary for the use of
17 said court; to provide a suitable court room for said court;
18 and to furnish the same in an appropriate manner. The
19 city marshal of said city, or one of his députies, shall be in
20 attendance on said court in all criminal cases for the pur-
21 pose of preserving order, and shall execute all legal orders
22 and processes to him directed by the court, and shall be
23 entitled to fees and travel the same as sheriff and deputies
24 in Kennebec county.

Sect. 10. All writs and processes, issued by said court,
2 shall be of the usual forms, and all writs in which the debt
3 or damages demanded do not exceed twenty dollars, shall
4 be served as now provided by law in case of writs issued
5 by trial justices, and all writs in which the debt or damages
6 demanded exceed twenty dollars, shall be served in time and
7 manner as now provided by law in case of writs issued by
8 the supreme judicial court.

Said court is hereby authorized to administer oaths, render
10 judgments, issue executions, punish for contempt, and com-
11 pel attendance as in the supreme judicial court, and make all
12 such rules and regulations, not repugnant to law, as may be
13 necessary and proper for the administration of justice.

Sect. 11. All actions may be tried by said court without the
2 intervention of a jury, subject to the right of appeal. All
3 actions shall be entered during the first day of the term at
4 which they are returnable and not after without special per-
5 mission. When a defendant, legally served, does not appear

6 within the first two days of the term, he shall be defaulted,
7 but the court may take off the default for sufficient cause.
8 All pleas in abatement must be filed within the first two days.
9 The defendant shall file his pleas within fourteen days after
10 entry of the action, which shall consist of the general issue,
11 with a brief statement of special matter of defence, if any. If
12 the defendant does not file his pleadings as before provided,
13 he shall be defaulted on the first day of the next term after
14 entry, unless the court, for good reason, grants him leave to
15 plead or otherwise lawfully dispose of the case. All actions
16 duly answered to shall be in order for trial at the next term
17 after entry. Any party may appeal from any judgment or
18 sentence of said court to the superior court for the county of
19 Kennebec, in the same manner as from a judgment or sen-
20 tence of a trial justice.

Sect. 12. All the provisions of the statutes of the State
2 relative to attachment of real and personal property and the
3 levy of executions, shall be applicable to actions brought
4 in this court, which shall have authority to render judgments
5 and issue executions to be satisfied in the same manner as
6 though issuing from the supreme judicial court; provided
7 that property may be attached in addition to the ad damnum
8 sufficient to satisfy the costs of suit.

Sect. 13. Costs and fees allowed to parties, witnesses
2 and attorneys in all actions in said court, in which the
3 amount of debt or damages claimed in the plaintiff's declara-
4 tion do not exceed twenty dollars, shall be the same allowed

5 in actions before trial justices, except that the plaintiff, if
6 he prevail, shall be allowed one dollar for his writ and the
7 defendant, if he prevail, shall be allowed one dollar for his
8 pleadings; but in all actions in which the debt or damages
9 demanded in the plaintiff's declaration exceed twenty dol-
10 lars, the costs and fees allowed to parties and attorneys shall
11 be the same allowed in said superior court, except that the
12 defendant, if he prevail, shall be allowed two dollars for his
13 pleadings; and witnesses in such cases shall be allowed for
14 their attendance one dollar per day and travel as in other
15 cases. The fees allowed to the judge of said court shall be
16 the same as now provided by law for trial justices, except
17 that he may demand and receive for every warrant issued,
18 one dollar; for the trial of a criminal issue, one dollar; and
19 one dollar for every day occupied in the hearing of any case
20 after the first day; for the entry of an action, civil or crim-
21 inal fifty cents; and for copies in any action appealed from
22 said court, two dollars. All fines, penalties and costs paid
23 into said court upon convictions and sentences in criminal
24 matters, together with all fees allowed to the judge of said
25 court by law in the transaction of criminal business, shall
26 be paid to said judge. All fines and penalties received by
27 said judge shall be accounted for and paid over in the same
28 manner as is required by law of trial justices, and all fees
29 allowed to said judge by law in criminal cases and received
30 by said judge shall be accounted for and paid over by him to
31 the treasurer of said city of Waterville quarterly; and all

32 other fees received by him shall be paid to the persons
33 entitled by law to the same as if received by a trial justice.

Sect. 14. Trial justices are hereby restricted from exercis-
2 ing any jurisdiction in the city of Waterville over any matter
3 or thing, civil or criminal, except such as are within the
4 jurisdiction of justices of the peace and of the quorum.

Sect. 15. Nothing contained in this act shall be construed
2 to interfere with any actions already commenced and made
3 returnable before said court.

Sect. 16. All existing acts or parts of acts, public or
2 private, inconsistent herewith, are hereby modified so as to
3 conform to the provisions of this act.

Sect. 17. This act shall take effect when approved.



STATE OF MAINE.

IN HOUSE OF REPRESENTATIVES,
January 22, 1897.

Reported by Mr. PHILBROOK of Waterville, from Committee on
Judiciary, and ordered printed under joint rules.

W. S. COTTON, *Clerk.*