

MAINE STATE LEGISLATURE

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Sixty-Eighth Legislature.

SENATE.

No. 176.

STATE OF MAINE.

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

AN ACT to amend sections four and five of chapter 636 of the
Private and Special Laws of 1871, establishing a Municipal
Court for the City of Lewiston, as amended.

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

Section four of chapter six hundred and thirty-six, of the
2 Private and Special Laws of eighteen hundred and seventy-
3 one, establishing a municipal court for the city of Lewiston,
4 as amended, is hereby amended by inserting in the fifth
5 line of said section four, after the word "after" the following
6 words, to wit: 'Seven days from their date, and service
7 thereof may be made at any time not less than seven days
8 before the return day thereof, except that when any defend-

9 ant or trustee named in any such writ is a corporation, ser-
10 vice upon such corporation must be made at least thirty
11 days before the return day;’ and by striking out the words
12 “the commencement of the action,” in the fifth and sixth
13 lines of section four; and section five of the same chapter
14 is hereby amended by adding at the end thereof the follow-
15 ing, to wit: ‘All actions of forcible entry and detainer, and
16 any other action in which either party shall give written
17 notice to the adverse party ten days before the return day
18 that he desires a trial at the first term, shall be in order for
19 trial at the return term, and so remain until tried or other-
20 wise finally disposed of, unless continued by consent, or on
21 motion of either party for good cause,’ so that said sections
22 four and five, as amended, shall read as follows:

‘Section 4. Said court shall be held on the first Tuesday
24 of each month, except the month of August, for the trans-
25 action of civil business, and all actions shall be made return-
26 able at one of the two terms next begun and held after
27 seven days from their date, and service thereof may be
28 made at any time not less than seven days before the return
29 day thereof, except that when any defendant or trustee
30 named in any such writ is a corporation, service upon such
31 corporation must be made at least thirty days before the
32 return day; provided, however, that said court shall be held
33 on every Tuesday of each month except the month of
34 August, for the entry and trial of actions of forcible entry
35 and detainer; and judgment in such actions may be entered

36 on the day when the same is heard and determined; and
37 whenever said judge is prevented from attending at the
38 time when a court is to be held for civil business, the city
39 marshal or his deputy may by oral proclamation adjourn
40 said court from day to day, until said judge can attend, and
41 in case of necessity, without day; and when so adjourned,
42 actions brought for that term shall be entered by the clerk
43 and they, with all other actions on the docket not otherwise
44 disposed of shall be continued to the next term. Said
45 court may be adjourned from time to time, but shall be
46 considered as in constant session for the trial of criminal
47 offenses.'

'Section 5. When a defendant legally served does not
49 appear by himself or his attorney, within the three first days
50 of the return term he shall be defaulted as in the supreme
51 judicial court, but the court may take off the default for
52 sufficient cause. The defendant shall file his pleadings
53 on the first day of the next term after the entry of the
54 action, which shall be the same now required by law in the
55 supreme judicial court. If the defendant does not so file
56 his pleadings he shall be defaulted, unless the court, for
57 good reasons shown, grant him leave to plead, or other-
58 wise lawfully disposes of the action. All actions answered
59 to shall be in order for trial at the next term after entry, but
60 the court may, for good reasons shown, order the pleadings
61 in any action of forcible entry and detainer to be filed and
62 said actions to be tried at the first term. All actions of

63 forcible entry and detainer, and any other action in which
64 either party shall have given written notice to the adverse
65 party ten days before the return day that he desires a trial
66 at the first term, shall be in order for trial at the return
67 term, and so remain until tried or otherwise finally dis-
68 posed of, unless continued by consent, or on motion of
69 either party for good cause.'

STATE OF MAINE.

IN SENATE, March 17, 1897.

Reported by Mr. SAVAGE, from Committee on the Judiciary, and
aid on table to be printed under joint rules.

KENDALL M. DUNBAR, *Secretary*.