

MAINE STATE LEGISLATURE

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NEW DRAFT.

Sixty-Ninth Legislature.

HOUSE.

No. 263

STATE OF MAINE.

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

AN ACT to establish a Municipal Court in the Town of East
Livermore.

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

Section 1. A municipal court is hereby established in and
2 for the towns of Livermore, East Livermore and Leeds, in
3 the county of Androscoggin, to be denominated the Liver-
4 more Falls municipal court; said court shall consist of one
5 judge, who shall reside during his continuance in said office,
6 in said town of Livermore, East Livermore or Leeds and
7 who shall be appointed, qualified and hold his office as pro-
8 vided in the constitution, and who shall be ex-officio, a justice
9 of the peace and of the quorum, and have and exercise a

10 concurrent authority and jurisdiction with trial justices over
11 all matters and things by law within their jurisdiction, and
12 such authority and jurisdiction additional thereto as is con-
13 ferred upon him by this act.

Sect. 2. Said court shall have jurisdiction as follows:
2 Exclusive jurisdiction of all such criminal offenses and mis-
3 demeanors committed within said towns of Livermore, East
4 Livermore or Leeds as are cognizable by trial justices.

‘Exclusive original jurisdiction of all civil actions wherein
6 the debt or damages demanded do not exceed twenty dollars,
7 and both parties, or any plaintiff, and a person summoned as
8 a trustee, resides in either of the towns of Livermore, East
9 Livermore or Leeds, including prosecutions for penalties in
10 which either of said towns are interested, and actions of
11 forcible entry and detainer arising therein; provided, that
12 any civil action, in which the judge is interested, but which
13 otherwise would be within the exclusive jurisdiction of said
14 court, may be brought in and disposed of by the municipal
15 court of the city of Auburn or the municipal court for the
16 city of Lewiston in the same manner and with like effect as
17 other actions therein.

3. Original jurisdiction concurrent with the supreme judi-
19 cial court, of the offenses committed in Livermore, East
20 Livermore or Leeds described in sections one, six, seven and
21 nine of chapter one hundred and twenty of the Revised
22 Statutes, when the alleged value of the property exceeds
23 twenty dollars, but does not exceed fifty dollars; of the
24 offenses described in section twenty-eight of chapter one
25 hundred and eighteen of the Revised Statutes; of the offenses
26 described in sections one and four of chapter one hundred
27 and twenty-six of the Revised Statutes, when the alleged
28 value of the property fraudulently obtained, mortgaged or
29 sold, or fraudulently removed or concealed, does not exceed

30 fifty dollars, and on conviction may punish for either of said
31 offenses by fine not exceeding one hundred dollars and by
32 imprisonment in the county jail for not more than six
33 months; and also of the offense described in section six of
34 chapter one hundred and twenty-four of the Revised Stat-
35 utes, and on conviction may punish therefor by fine not
36 exceeding fifty dollars and by imprisonment in the county
37 jail not more than thirty days; and also of the offenses
38 described in section four of chapter one hundred and forty-
39 one of the Revised Statutes, and on conviction may sentence
40 therefor to imprisonment in the county jail not more than
41 sixty days, and of the offenses described in sections seventeen
42 and twenty-two of chapter one hundred and twenty-eight of
43 the Revised Statutes, as amended relating to tramps, and on
44 conviction may punish therefor as therein provided.

4. Original jurisdiction concurrent with the supreme judi-
46 cial court and the municipal court of the city of Auburn and
47 the municipal court for the city of Lewiston, of all civil
49 twenty dollars, but do not exceed three hundred dollars and
49 twenty dollars, but do not exceed three hundred dollars and
50 the defendant or a party summoned as trustee resides within
51 the towns of Livermore, East Livermore or Leeds; provided,
52 however, that any action wherein the debt or damage de-
53 manded exceeds twenty dollars, brought in said court, shall
54 be removed by order of the judge into the supreme judicial
55 court, on motion of the defendant, filed at the return term,
56 if he files therewith, at the same time an affidavit that he
57 believes he has a good defense to said action, in whole or in
58 part, and in good faith intends to make such defense, and
59 deposits with the judge the fee of the clerk of the court above
60 for entering said action therein; and when such removal has
61 been ordered, the judge shall file in the supreme judicial
62 court at its next term in the county, an attested copy of the

63 writ in such action, and of said motion and affidavit, and
64 order of court thereon, and pay to the clerk of said court the
65 fee for entering the same, for which services he shall be
66 entitled to the same fees allowed for the necessary copies in
67 actions carried up by appeal, to be paid to him by the defend-
68 ant and recovered by him with his costs, if he prevail in the
69 suit.’

Sect. 3. Nothing in the foregoing section shall be con-
2 strued to give said court any authority, exceeding that of
3 trial justices, to hear and determine any civil action in which
4 the title to real estate, according to the pleadings or brief
5 statement filed therein by either party, is in question, but all
6 such actions brought therein shall be removed to the supreme
7 judicial court in the county, or otherwise disposed of as
8 provided in section four of chapter eighty-three of the
9 Revised Statutes.

Sect. 4. Said court shall have authority to administer all
2 necessary oaths or affirmations; to adopt an official seal; to
3 hear and determine civil causes before it, and to render judg-
4 ment therein, and issue execution, upon the same, such exe-
5 cutions, except when otherwise provided by law, to have the
6 same force and be satisfied in the same manner as if issued
7 by the supreme judicial court; to compel the attendance of
8 witnesses, and punish persons duly summoned as witnesses,
9 if they refuse or neglect to attend; to make and enforce such
10 rules and regulations not repugnant to law, as may be neces-
11 sary therein for the prompt administration of justice; and
12 all the provisions of law relating to proceedings and practice
13 in the supreme judicial court, and to the attachment of real
14 or personal estate, the taxation of costs, the rendition of
15 judgments and the issuing, service, satisfaction and return
16 of executions, shall be extended to any apply to said munici-
16 of executions, shall be extended to and apply to said munici-
18 application may be modified by the provisions of this act.

Sect. 5. Writs in civil actions commenced in said court shall be in the usual forms and all such writs and all other precepts and processes, civil or criminal, issued by said court, shall bear teste of the judge under seal of said court, and be signed by the judge. All such writs shall be made returnable at one of the next two terms of said court held after seven days from their date, and service thereof may be made at any time not less than seven days before the return day thereof, except that when any defendant or trustee named in any such writ is a corporation, service upon such corporation must be made at least thirty days before the return day.

Sect. 6. Said court shall be held on the third Tuesday of each month for the entry, trial and determination of civil actions of all kinds that may lawfully be brought before it, and for the transaction of other civil business, and upon each other Tuesday for the entry, trial and determination of actions of forcible entry and detainer only, at ten o'clock in the forenoon, at such suitable place as the judge may determine, until the town of East Livermore shall provide a court room, when the court shall be held therein, and all civil processes shall be made returnable accordingly; and it may be adjourned from time to time by the judge, at his discretion, but it shall be considered in constant session for the cognizance of criminal actions. Provided that, if said judge is prevented by any cause from attending at the time said court is to be held for civil business, it may be adjourned from day to day by a constable of said East Livermore or a deputy sheriff of the county of Androscoggin, without detriment to any action then returnable or pending, until he can attend, when said actions may be entered or disposed of with the same effect as if it were the first day of the term; and it may be so adjourned without day when necessary, in which event, pending actions shall be considered as con-

23 tinued, and actions then returnable may be returned and
24 entered at the next term, with the same effect as if originally
25 made returnable at said term.

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

Sect. 8. Any party may appeal from any judgment or
2 sentence of said court, to the supreme judicial court, in the
3 same manner as from a judgment or sentence of a trial
4 justice.

Sect. 9. Actions in said court shall be entered on the first
2 day of the term, and not afterwards, except by special per-
3 mission. When a defendant, legally served, fails to enter
4 his appearance, by himself, or his attorney, on the first three
5 days of the return term, he may be defaulted, but if he after-
6 wards appear during the term, the court may for sufficient
7 cause permit the default to be taken off. Pleas and motions
8 in abatement must be filed on one of the first two days of
9 the term to which the action is returnable. The defendant
10 may file his pleadings in bar, which shall be general issue,
11 with a brief statement of special matters of defense, on the
12 return day of the writ, and must file them on or before the
13 first day of the next term, or he shall be defaulted, unless
14 the court, for good cause, enlarge the time, for which it may
15 impose reasonable terms. Actions in which the defendant
16 files his pleadings on the return day, and all actions of forci-
17 ble entry and detainer seasonably answered to shall be in
18 order for trial at the return term, and shall remain so until
19 tried or otherwise finally disposed of, unless continued by
20 consent, or on motion of either party, for good cause, in

21 which latter case the court may impose such terms as it
22 deems reasonable; but all other actions, unless defaulted or
23 otherwise finally disposed of, shall be continued as of course,
24 and be in order for trial at the next term.

Sect. 10. In actions of forcible entry and detainer brought
2 in said court, the defendant's pleading in bar shall be the
3 general issue with a brief statement of any special matters
4 of defense, and must be filed within the first two days of the
5 return term, or the defendant shall be defaulted, unless the
6 court enlarge the time, for which it may impose terms. All
7 actions of forcible entry and detainer, and any other action
8 in which either party shall have given written notice to the
9 adverse party ten days before the return day that he desires
10 a trial at the first term, shall be in order for trial at the return
11 term, and so remain until tried or otherwise finally disposed
12 of, unless continued by consent, or on motion of either party
13 for good cause, in which latter case the court may impose
14 reasonable terms, but all other actions not defaulted or other-
15 wise finally disposed of, shall be continued as of course, and
16 be in order for trial at the next term.

Sect. 11. The costs and fees allowed to parties, attorneys
2 and witnesses in all civil actions in said court, in which the
3 debt or damage demanded does not exceed twenty dollars,
4 including actions of forcible entry and detainer, shall be the
5 same allowed by trial justices in like actions before them,
6 except that the plaintiff, if he prevail, shall be allowed two
7 dollars for his writ, and the defendant, if he prevail, two
8 dollars for his pleadings, but in actions in which the debt or
9 damage demanded exceeds twenty dollars, the costs and fees
10 shall be the same as allowed in the supreme judicial court
11 in like actions, except that the defendant, if he prevail, shall
12 be allowed two dollars for his pleadings, and that witnesses
13 shall be allowed one dollar per day, and travel as in other
14 cases.

Sect. 12. The judge of said court may tax and shall be
2 allowed for his services in a civil action the same fees, the
3 trial fee accepted, allowed by law to trial justices, for like
4 services and at the same rates, except that he shall be entitled
5 to sixty cents for entering and recording an action, and
6 twenty-five cents for taxing the costs, said fees to be paid
7 him by the party at whose instance the services were per-
8 formed, and taxed with the costs of such party if he prevail
9 in the suit. For his services in criminal proceedings he shall
10 be entitled to seventy-five cents for entering complaint,
11 swearing, witnesses, filing papers, and certifying costs to
12 the county commissioners, forty cents for taxing the costs
13 and recording judgment, ten cents for each sub-poena,
14 twenty-five cents for each mittimus and each recognizance,
15 fifty cents for making and recording each libel of intoxicat-
16 ing liquors, and twenty-five cents for each order to destroy
17 or to restore such liquors, said fees to be taxed in the bills
18 of costs, and unless paid into court, to be allowed by the
19 county commissioners, and paid by the county treasurer, as
20 provided by law in relation to other criminal expenses.

Sect. 13. The judge shall receive all fines, forfeitures and
2 costs paid into court in criminal proceedings, and may retain
3 from such costs his own fees, but shall pay over all other fees
4 to the persons to whom they were allowed when called for,
5 if called for within one year. All fines and forfeitures
6 received by him, and all fees so received but not seasonably
7 called for, he shall account for and pay over at the time and
8 in the manner required by law, but no account required by
9 this section shall be deemed sufficient unless verified by oath
10 of the judge.

Sect. 14. It shall be the duty of the town of East Liver-
2 more to provide a suitable court room, conveniently situated
3 and appropriately fitted up and furnished, in which to hold

4 said court, and keep the same in proper condition for use,
5 and also to provide for said court an appropriate seal, and
6 all blanks, blank books, dockets, stationery and other things
7 necessary in the transaction of its business; and said town
8 is hereby authorized to appropriate money therefor.

Sect. 15. Trial justices are hereby restricted from exercis-
2 ing any jurisdiction in the towns of Livermore, East Liver-
3 more and Leeds over any matter or thing, civil or criminal,
4 except such as are within the jurisdiction of justices of the
5 peace and quorum and except that they may issue warrants on
6 complaints for criminal offenses, to be returned before said
7 municipal court.

Sect. 16. All acts and parts of acts inconsistent with this
2 act, are hereby repealed.

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

STATE OF MAINE.

HOUSE OF REPRESENTATIVES,
Augusta, March 3, 1899.

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

W. S. COTTON, *Clerk.*