

MAINE STATE LEGISLATURE

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NEW DRAFT.

Sixty-Ninth Legislature.

HOUSE.

No. 336

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
Skowhegan.

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

Section 1. A municipal court is hereby established in the
2 town of Skowhegan, which shall be denominated the Skow-
3 hegan municipal court; it shall be a court of record, with a
4 seal, and shall consist of one judge who shall reside in said
5 Skowhegan, and who shall be an attorney at law. He shall
6 cause to be entered on the docket of said court all civil and
7 criminal actions, with full minutes of the proceedings in and
8 disposition of the same, which docket shall be at all times
9 open to inspection, and he shall perform all other duties

10 required of similar tribunals in this State; and copies of the
11 record of said court, duly certified by said judge, shall be
12 legal evidence in all courts. He shall not act as attorney or
13 counsel in any action, matter or thing within the jurisdiction
14 of said court. In the absence of the judge any justice of
15 the peace of the town of Skowhegan, may preside for the
16 purpose of entering and continuing actions and filing papers
17 in said court, and may adjourn the same from day to day,
18 or till the next regular term.

Sect. 2. Said court shall have exclusive jurisdiction of
2 all civil actions in which the debt or damages demanded do
3 not exceed twenty dollars, and both parties, or one of the
4 parties and a person summoned in good faith, and on prob-
5 able grounds as trustee, reside in said town of Skowhegan;
6 and shall have exclusive original jurisdiction of all offenses
7 committed against the ordinances and by-laws of said town,
8 and all such criminal offenses and misdemeanors committed
9 therein as cognizable by trial justices; provided, that war-
10 rants may be issued upon complaints for offenses committed
11 in said town of Skowhegan, by any trial justice in the county
12 of Somerset, but all such warrants shall be returnable before
13 said court, and no trial justice shall take cognizance of any
14 crime or offense committed in said town or any civil action
15 of which said court has exclusive jurisdiction. Said court
16 shall have original jurisdiction, concurrent with trial justices,
17 of all such matters and things, civil and criminal, within the
18 county of Somerset, as are by law within the jurisdiction of
19 trial justices in said county.

Sect. 3. Said court shall have original jurisdiction, con-
2 current with the supreme judicial court of all civil actions in
3 which the debt or damages, exclusive of costs, do not exceed
4 one hundred dollars, in which either party, or a person sum-
5 moned in good faith and on probable grounds as trustee,

6 resides in the county of Somerset, or having his residence
7 beyond the limits of this State, is served with process within
8 said county. And said court shall have original jurisdiction
9 concurrent with the supreme judicial court in said county,
10 of all larcenies described in sections one, six, seven, eight and
11 nine of chapter one hundred and twenty of the Revised Stat-
12 utes, when the value of the property is not alleged to exceed
13 thirty dollars; of all cases of cheating by false pretences,
14 described in section one of chapter one hundred and twenty-
15 six of the Revised Statutes, when the value of the property
16 or other thing alleged to have been fraudulently obtained or
17 sold does not exceed thirty dollars; of the assaults and bat-
18 teries described in section twenty-eight of chapter one hun-
19 dred and eighteen of the Revised Statutes, and of the offense
20 described in section six of chapter one hundred and twenty-
21 four of the Revised Statutes, and may punish for either of
22 said offenses by fine not exceeding fifty dollars, and by
23 imprisonment not exceeding three months; provided, that
24 said court shall not try civil actions in which the title to real
25 estate, according to the pleadings filed in the case by either
26 party, is in question, except as provided in chapter ninety-
27 four, sections six and seven of the Revised Statutes.

Sect. 4. A term of said court shall be held on the third
2 Tuesday of each month, beginning at ten o'clock in the fore-
3 noon, at such place in the town of Skowhegan as said town
4 shall provide for the transaction of civil business, and all
5 civil processes shall be made returnable accordingly; pro-
6 vided, however, that said court shall be held on every Tues-
7 day at the usual hour for the entry and trial of actions of
8 forcible entry and detainer, and such actions shall be return-
9 able accordingly, and be heard and determined, and judgment
10 entered on the return day of the writ, unless continued for
11 good cause. Said court may adjourn from time to time, but

12 shall be considered as in constant session for the trial of crim-
13 inal offenses.

Sect. 5. Writs and processes issued by said court shall be
2 in the usual form, signed by the judge, and under the seal of
3 said court. They shall be served as like precepts are re-
4 quired to be served when issued by trial justices, except orig-
5 inal writs in civil actions, which shall be served not less seven
6 nor more than sixty days before the sitting of the court at
7 which the same are made returnable. All the provisions of
8 the statutes of the State, relative to the attachment of real
9 and personal property, and the levy of executions shall be
10 applicable to actions in this court and executions on judg-
11 ments rendered therein; provided, that property may be
12 attached equal in value to the ad damnum, in addition thereto
13 sufficient to satisfy the costs of suit, and the writ may be
14 framed accordingly.

Sect. 6. All civil actions in said court shall be entered the
2 first day of the term and not afterwards, except by special
3 permission, and they shall be in order for trial at the next
4 term after the entry if not otherwise disposed of. Pleadings
5 shall be the same as in the supreme judicial court, and all
6 the provisions of law relative to practice and proceedings in
7 the supreme judicial court, in civil actions, are hereby made
8 applicable and extended to this court, except so far as they
9 are modified by the provisions of this act.

Sect. 7. If any defendant, his agent or attorney, in any
2 action in said court in which the debt or damages claimed in
3 the writ exceeds twenty dollars, shall, on or before the first
4 day of the second term, file in said court an affidavit, that he
5 has a good defense to said action, and intends in good faith
6 to make such defense, and claims a jury trial, and shall
7 deposit with the judge of said court one dollar and fifty cents
8 for copies and entry in the supreme judicial court, to be taxed

9 in his costs if he prevails, the said action shall be removed
10 into and entered at the next term of the supreme judicial
11 court for said county, and the judge of said municipal court
12 shall forthwith cause certified copies of the writ, return of
13 the officer, and all the other papers in the case to be filed in
14 the clerk's office of the said supreme judicial court.

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

Sect. 9. The costs and fees allowed to parties and attor-
2 neys in civil actions before said court, in which the debt or
3 damages recovered do not exceed twenty dollars, shall be
4 the same as are allowed in actions before trial justices, except
5 that the plaintiff, if he prevails, shall be allowed one dollar
6 for his writ; and the defendant, if he prevails, shall be
7 allowed one dollar for his pleadings. But in all actions in
8 which the amount recovered exceeds twenty dollars, the costs
9 and fees of parties and attorneys shall be the same as in the
10 supreme judicial court, except that the defendant, if he pre-
11 vails, shall be allowed two dollars for his pleadings.

Sect. 10. Fees of the judge which he may demand and
2 receive for his services, shall be the same as allowed by law
3 to trial justices and clerks of the supreme judicial court for
4 similar services, except that he shall receive for every blank
5 writ signed by him, four cents; for the entry of each civil
6 action, fifty cents; for every warrant issued by him, one dol-
7 lar; and for the trial of an issue in civil or criminal cases,
8 one dollar, and two dollars for each day actually employed
9 after the first. All fines and penalties awarded and received
10 by said judge, shall be accounted for and paid over as if the
11 same had been awarded and received by trial justice, and for
12 neglect to do so he shall be subject to like penalties with trial
13 justices.



STATE OF MAINE.

HOUSE OF REPRESENTATIVES,

Augusta, March 10, 1899.

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

W. S. COTTON, *Clerk.*