

MAINE STATE LEGISLATURE

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Seventieth Legislature.

HOUSE.

No. 415

STATE OF MAINE.

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

AN ACT to amend sections five, six, seven, seventeen and eighteen of chapter twenty-three of the Special Laws of eighteen hundred and ninety-nine entitled "An Act to establish a municipal court in the town of Newport."

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

Section 1. Section five of chapter twenty-three of the
2 Special Laws of eighteen hundred and ninety-nine is hereby
3 amended by inserting after the word "town" in the third and
4 ninth lines of said section the letter 's' and after the word
5 "Newport" in the third and seventh lines of said section the
6 words 'Corinna, Stetson and Plymouth,' so that section as
7 amended shall read as follows:

'Sect. 5. Said judge shall have original and exclusive juris-
9 diction of all offenses against the ordinances and laws of the

10 towns of Newport, Corinna, Stetson and Plymouth, and in
11 all civil actions wherein the amount claimed in damages shall
12 not exceed twenty dollars, in which one of the parties inter-
13 ested, or the attorney of the plaintiff who made the writ, or
14 person or persons summoned as trustees in such action, shall
15 be inhabitants or be residents of Newport, Corinna, Stetson
16 and Plymouth, and in all cases of forcible entry and detainer
17 arising in said towns, excepting all actions in which said
18 judge may be interested; provided, that any action, civil or
19 criminal, in which the judge is interested or related to either
20 of the parties by consanguinity or affinity within the sixth
21 degree, according to the rules of the civil law, or within the
22 degree of second cousins, inclusive, but which would other-
23 wise be within the exclusive jurisdiction of said court, may
24 be brought before and disposed of by any trial justice within
25 said county, in the same manner, and with like effect, as
26 other actions before said trial justices. Said court shall have
27 concurrent jurisdiction with the supreme judicial court, in
28 all personal actions where the debt or damage demanded,
29 exclusive of costs, is over twenty dollars and not over one
30 hundred dollars, and in all actions of replevin under chapter
31 ninety-six of the Revised Statutes, when the sum demanded
32 for the penalty, forfeiture or damages, or the value of the
33 goods, or chattels replevied does not exceed one hundred
34 dollars; provided, any defendant or person or corporation
35 summoned as trustee is a resident of said county of Penob-
36 scot, but this jurisdiction shall not include proceedings under
37 the divorce laws or complaints under the mill act, so called,
38 nor jurisdiction over actions in which the title to real estate
39 according to the pleadings filed in the case by either party
40 is in question except as provided in chapter ninety-four, sec-
41 tion six and seven of the Revised Statutes.'

Sect. 2. Section six of chapter twenty-three of the Special
2 Laws of eighteen hundred and ninety-nine is hereby amended
3 by adding the letter 's' to the word "town" in the eleventh
4 and fourteenth lines of said section, so that said section as
5 amended shall read as follows:

'Sect. 6. Said judge shall have jurisdiction in all cases of
7 simple larceny and where the property alleged to have been
8 stolen shall not exceed in value the sum of twenty dollars,
9 and of all cases of cheating by false pretenses, where the
10 property, money or other thing alleged to have been fraud-
11 ulently obtained shall not exceed in value the sum of twenty
12 dollars, and shall have power to try the same and in either
13 of said cases, to award sentence upon conviction by fine not
14 exceeding twenty dollars, or imprisonment in the county jail
15 with or without labor for a term not exceeding ninety days.
16 He shall have exclusive jurisdiction of all offenses arising in
17 said towns, which are by any law or statute within the juris-
18 diction of a trial justice, and concurrent jurisdiction with
19 trial justices of the county of Penobscot, of all such offenses
20 arising in said county, out of said towns.'

Sect. 3. Section seven of said chapter twenty-three of the
2 Special Laws of eighteen hundred and ninety-nine is hereby
3 amended by striking out the words, "except the month of
4 August," and by adding thereto after the word "town" in the
5 fourth line the words 'of Newport,' so that said section as
6 amended shall read as follows:

'Sect. 7. Said court shall be held on the third Wednesday,
8 of each month, at ten o'clock in the forenoon, for the trans-
9 action of civil business at such place within said town of
10 Newport as the judge shall determine; but the town of New-
11 port may at any time provide a court room, in which case
12 the court shall be held therein, and all civil processes shall be
13 made returnable accordingly; and it may be adjourned from

14 time to time by the judge, at his direction, but it shall be
15 considered in constant session for the cognizance of crim-
16 inal actions.'

Sect. 4. Section seventeen of said chapter twenty-three of
2 the special laws of eighteen hundred and ninety-nine is here-
3 by amended by adding thereto after the word "town" in the
4 second line the letter 's' and by adding thereto after the word
5 "Newport" in the second line the words, 'Corinna, Stetson
6 and Plymouth,' so that said section as amended shall read as
7 follows:

'Sect. 17. Trial justices are hereby restricted from exer-
9 cising any jurisdiction in the towns of Newport, Corinna,
10 Stetson and Plymouth over any matter or thing, civil or
11 criminal, except such as are within the jurisdiction of jus-
12 tices of the peace and of the quorum; provided, that said
13 restrictions shall be suspended until the judge of said court
14 shall enter upon the duties of his office.'

Sect. 5. Section eighteen of said chapter twenty-three of
2 the public laws of eighteen hundred and ninety-nine is hereby
3 amended by adding thereto, after the word "town" in the
4 third line the letter 's' and after the word "Newport in
5 the third line the words, 'Corinna, Stetson and Plymouth,'
6 so that said section as amended shall read as follows:

'Sect. 18. Nothing in this act shall be construed to interfere
8 with actions already commenced before trial justices in the
9 towns of Newport, Corinna, Stetson and Plymouth, but all
10 such actions shall be disposed of by such trial justices the
11 same as if this act had not passed.'

STATE OF MAINE.

IN HOUSE OF REPRESENTATIVES,

AUGUSTA, March 14, 1901.

Reported by Mr. PARKHURST of Bangor, from Committee on the
Judiciary, and ordered printed under joint rules.

W. S. COTTON, *Clerk.*