

MAINE STATE LEGISLATURE

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Seventieth Legislature.

HOUSE.

No. 459

STATE OF MAINE.

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

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 and
2 for the town of Skowhegan to be denominated the municipal
3 court of Skowhegan, which shall be a court of record having
4 a seal to be established by the judge of said court, which
5 court shall consist of one judge who shall be an inhabitant
6 of the county of Somerset, of sobriety of manners and
7 learned in the law who shall be appointed as provided in the
8 constitution and who shall have and exercise concurrent
9 authority and jurisdiction with trial justices, justices of the
10 peace and of the quorum, over all matters and things within
11 their jurisdiction, and such authority and jurisdiction addi-
12 tional thereto as is conferred upon him by this act.

Sect. 2. Said municipal court shall have jurisdiction as follows: First, original jurisdiction concurrent with the supreme judicial court of the larcenies described in sections one, six, seven, eight and nine of chapter one hundred and twenty of the Revised Statutes, when the value of the property is not alleged to exceed thirty dollars, of the assaults and batteries described in section twenty-eight of chapter one hundred and eighteen of the Revised Statutes; and of the offences described in section six of chapter one hundred and twenty-four of the Revised Statutes, and may punish for either of said offences by fine not exceeding fifty dollars and by imprisonment in the county jail not exceeding three months. Second, exclusive original jurisdiction of all civil actions wherein the debt or damages demanded do not exceed twenty dollars, and both parties, or any plaintiff and a person summoned as a trustee reside in the town of Skowhegan, including prosecutions for penalties in which said town is interested, and of all actions of forcible entry and detainer arising therein; and concurrent jurisdiction with trial justices of all other civil actions within their concurrent jurisdiction. Third, original jurisdiction concurrent with the supreme judicial court, of all civil actions in which the debt or damages demanded do not exceed fifty dollars, and both parties or the defendant and a person summoned as a trustee resides in the county of Somerset. Provided, that any action, civil or criminal, in which the judge is interested, but which would otherwise be within the exclusive jurisdiction of said court, may be brought before and disposed of by any trial justice within said county, in the same manner and with like effect as other actions before such tribunals.

Sect. 3. Nothing in this act shall be construed to give said court jurisdiction of any civil action in which the title to real estate according to the pleading or brief statement filed there-

4 in by either party is in question, and all such actions brought
5 therein, shall be removed to the supreme judicial court or
6 otherwise disposed of as in like cases before a trial justice.

Sect. 4. Said court shall be held on the first and third
2 Mondays of each month at ten o'clock in the forenoon for the
3 transaction of civil business at such place within said town
4 as the judge shall determine, but the town may at any time,
5 provide a court room, in which case the court shall be held
6 therein, and all civil processes shall be made returnable ac-
7 cordingly, and it may be adjourned from time to time by the
8 judge at his discretion; but it shall be in constant session for
9 the cognizance of criminal actions; *provided*, that if said
10 judge is prevented by any cause from attending at the time
11 said court is to be held for civil business, it may be adjourned
12 from day to day by any deputy sheriff or a constable of the
13 town, without detriment to any action then returnable or
14 pending until he can attend, when said actions may be en-
15 tered or disposed of with the same effect as if it were the first
16 day of the term; and it may be so adjourned without day when
17 necessary, in which event pending actions shall be considered
18 as continued, and actions then returnable may be returned
19 and entered at the next term with the same effect as if origi-
20 nally made returnable at said term.

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

Sect. 6. Any party may appeal from any judgment or sen-
2 tence of said court, to the supreme judicial court in the same
3 manner as from a judgment or sentence of a trial justice.

Sect. 7. If any defendant, his agent or attorney, in any
2 action in this court, in which the debt or damages claimed in

4 which it was entered, file in said court an affidavit, that he has
5 a good defence to said action, and intends in good faith to
6 make such defence, and claims a jury trial and shall pay the
7 judge sixty cents for entry fee in the supreme judicial court,
8 and twenty-five cents for his order, to be taxed in said de-
9 fendant's costs if he prevails, the said judge shall attach to
10 the original writ his order under his hand and seal of court,
11 transferring said action to the supreme judicial court in said
12 county, and deliver the writ together with all papers filed in
13 the case, and entry fee, to the clerk of said supreme judicial
14 court, whose duty it shall be to enter said action at the next
15 term of said supreme judicial court, and it shall there have
16 day, be tried and disposed of, the same as if originally
17 brought in said court.

Sect. 8. Writs and processes issued by said court shall be
2 in the usual forms, and shall be served as like precepts are
3 required to be served when issued by trial justices, except
4 that writs in which the debt or damages demanded exceed
5 twenty dollars shall be served at least fourteen days before
6 the sitting of the court at which they are made returnable,
7 and no writ shall be made returnable at a term of the court
8 to begin more than sixty days after the commencement of the
9 action.

Sect. 9. All the provisions of the Statutes relative to the
2 attachment of real and personal property and the levy of exe-
3 cutions, shall be applicable to actions brought in this court
4 and executions on judgments rendered therein; *provided*,
5 that property may be attached in addition to the ad damnum
6 sufficient to satisfy the costs of the suit.

Sect. 10. 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 summoned, fails to
4 enter his appearance, by himself or his attorney, on the first

5 day of the return term, he shall 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 in abate-
8 ment must be filed on or before the day of the entry of the
9 action. The defendant may file his pleadings which shall be
10 the general issue with a brief statement of special matters of
11 defence, on the return day of the writ, and must file them
12 on or before the first day of the next term, or he shall be
13 defaulted, unless the court for good cause, enlarge the time,
14 for which he may impose reasonable terms. Actions in
15 which the defendant files his pleadings on the return day, and
16 are actions of forcible entry and detainer seasonably an-
17 swered to, shall be in order for trial at the return term, and
18 shall remain so until tried or otherwise disposed of, unless
19 continued by consent or on motion of either party, for good
20 cause, in which latter case the court may impose such terms
21 as he deems reasonable ; but all other actions unless de-
22 faulted or otherwise finally disposed of, shall be continued
23 as of course, and be in order for trial at the next term.

Sect. 11. The costs and fees allowed to parties, attorneys
2 and witnesses, in all actions in said court, in which the debt
3 or damages recovered does not exceed twenty dollars, and in
4 actions of forcible entry and detainer shall be the same as
5 allowed by trial justices in actions before them, except that
6 the plaintiff, if he prevail, shall be allowed one dollar for his
7 writ, and the defendant, if he prevail, one dollar for his
8 pleadings. But in cases where the amount recovered ex-
9 ceeds twenty dollars, costs and fees of parties, attorneys and
10 witnesses, shall be the same as in the supreme judicial court,
11 except that the defendant if he prevail, shall be allowed two
12 dollars for his pleadings.

Sect. 12. The judge of said court shall furnish his own
2 blanks and may demand and receive therefor the sums al-
3 lowed by law to trial justices for like blanks, and may also
4 demand and receive the same fees allowed to trial justices for
5 like services, except that he may demand and receive for a
6 complaint and warrant in criminal cases, one dollar; for the
7 entry of a civil action, fifty cents; for the trial of an issue,
8 civil or criminal, two dollars for the first day and one dol-
9 lar for each day after the first, occupied in such trial, to be
10 paid to him by the plaintiff in civil cases before trial, who
11 shall recover the same as costs if he prevail in the suit, and
12 the fees so received by said judge shall be payment in full
13 for his services. *Provided*, that the legal voters of said
14 town may, at any time, by vote, determine to pay him a sal-
15 ary, which shall be accepted by him instead of said fees, in
16 which case, he shall pay all fees of office by him received, into
17 the town treasury.

Sect. 13. Trial justices are hereby restricted from exer-
2 cising any jurisdiction in the town of Skowhegan over any
3 matter or thing, civil or criminal, except such as are within
4 the jurisdiction of justices of the peace and of the quorum,
5 and except cases in which the judge is interested or related,
6 and except they may issue warrants on complaints for crim-
7 inal offences to be returned before said municipal court, and
8 in case of the absence from the town of Skowhegan, or sick-
9 ness of the judge of said court, and during such sickness or
10 absence, any trial justice residing in said Skowhegan, shall
11 have and exercise in criminal matters the same jurisdiction
12 as though said municipal court had never been established.
13 *Provided*, that said restrictions shall be suspended until the
14 judge of said court shall enter upon the duties of his office.

Sect. 14. Nothing in this act shall be construed to interfere with actions already commenced before trial justices in the town of Skowhegan, but all such actions shall be disposed of by such trial justices the same as if this act had not been passed.

Sect. 15. This act shall take effect when approved.

STATE OF MAINE.

IN HOUSE OF REPRESENTATIVES,

AUGUSTA, March 15, 1901.

Reported by Mr. SPOFFORD of Deer Isle, from Committee on the
Judiciary, and ordered printed under joint rules.

W. S. COTTON, *Clerk.*