

MAINE STATE LEGISLATURE

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Seventy-first Legislature.

SENATE.

No. 66

STATE OF MAINE.

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

AN ACT to amend chapter four hundred and eighty-five of the
Private and Special Laws of nineteen hundred and one, estab-
lishing 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. Chapter four hundred and eighty-five of the
2 Private and Special Laws of nineteen hundred and one, is
3 hereby amended by striking out all after section one, and
4 inserting the following:

Sect. 2. Said court shall exercise jurisdiction over all such
2 matters and things, civil and criminal, within the county of
3 Somerset, as trial justices, justices of the peace, and justices
4 of the peace and quorum may lawfully exercise, and under
5 similar restrictions and limitations, and in addition thereto
6 have jurisdiction as follows:

First: Exclusive jurisdiction of all offenses against the
8 ordinances and by-laws of said Skowhegan and Skowhegan
9 Village Corporation, and all such other crimes, offenses and
10 misdemeanors committed therein as are cognizable by trial
11 justices, though the penalty therefor may accrue to said town
12 or corporation; and also concurrent jurisdiction with trial
13 justices in the county of Somerset and the municipal court of
14 Pittsfield of all such crimes, offenses and misdemeanors com-
15 mitted in any town or place in said county, other than where
16 this court or some other has exclusive jurisdiction thereof.
17 And in prosecutions for the violation of any such ordinance,
18 by-law or special law of the State relating to said town or
19 corporation, such ordinance, by-law or special law need not
20 be recited in the complaint or process, nor the allegation
21 therein be more particular than in prosecutions on a public
22 statute.

Second: Concurrent jurisdiction with the supreme judicial
24 court in the county of Somerset of the offenses described in
25 the sections specified in the following named chapters of the
26 Revised Statutes and amendments thereof, to wit, sections
27 one, six, seven, eight, nine and eleven of chapter one hundred
28 and twenty; sections one and four of chapter one hundred
29 and twenty-six; all of the offenses described in chapter one
30 hundred and twenty-seven, except those in sections one, four
31 and five, when the value of the property taken, embezzled,
32 obtained by false pretences, removed, concealed or destroyed
33 or injured, is not alleged to exceed fifty dollars, and may
34 punish for either of said offenses by a fine not exceeding one
35 hundred dollars, and imprisonment not exceeding six
36 months; also of the offenses described in sections four and
37 five of chapter one hundred and thirty-two, and section
38 twenty-eight of chapter one hundred and eighteen, and may
39 punish for either offense by fine not exceeding fifty dollars,
40 or by imprisonment for a term not exceeding three months;

41 also of all the offenses described in section six of chapter one
42 hundred and twenty-four; also of all offenses described in
43 chapter thirty relating to moose, deer, and caribou, and other
44 wild game, and in chapter forty relating to fish and fisheries;
45 also of the offenses described in sections seventeen and
46 twenty-two of chapter one hundred and twenty-eight; also
47 of all the offenses described in sections one and four of chap-
48 ter one hundred and twenty-three; and may punish for either
49 of said offenses by a fine not exceeding fifty dollars or by
50 imprisonment not exceeding three months; also of the
51 offenses described in sections one and two of chapter one
52 hundred and twenty-five; and of all other crimes, offenses
53 and misdemeanors over which jurisdiction is by any law
54 granted, not herein specified.

Third: Exclusive original jurisdiction of all civil actions
56 wherein the debt or damages demanded do not exceed twenty
57 dollars, and the defendants, or one of them, or any person
58 summoned as trustee, resides in the town of Skowhegan, or
59 if the party summoned as trustee is a corporation, if it has a
60 place of business in Skowhegan; including prosecutions for
61 penalties in which said town or village corporation therein is
62 interested; and actions of forcible entry and detainer arising
63 therein; and of actions of replevin when it appears that the
64 sum demanded for the penalty, forfeiture or damages does
65 not exceed twenty dollars, or the property in the beasts or
66 other chattels is in question, and the value thereof does not
67 exceed twenty dollars; and original jurisdiction concurrent
68 with trial justices in the county of Somerset and the municipi-
69 pal court of Pittsfield of all such actions, when the defendants
70 or one of them, or any party, summoned as trustee, resides
71 or has a place of business in any town or place in said county
72 other than where this or some other court has exclusive juris-
73 diction thereof. Provided that all civil actions or criminal
74 processes in which the judge is interested, but which would

75 otherwise be within the exclusive jurisdiction of said court,
76 may be brought before and disposed of by any trial justice
77 within said county in the same manner and with like effect
78 as other actions before such tribunals.

Fourth: Original jurisdiction concurrent with the supreme
80 judicial court and the municipal court of Pittsfield of all civil
81 actions in which the debt or damages demanded does not
82 exceed one hundred dollars, and the defendants, or one of
83 them, or a person summoned as trustee, resides in the county
84 of Somerset; or if the party summoned as trustee is a corpo-
85 ration, it has an established place of business in said county
86 of Somerset; or if no defendant resides within the limits of
87 this State, any such defendant is served with process in said
88 county; or the goods, estate or effects of any such defendant
89 are found within said county, and are attached on the orig-
90 inal writ, including actions of replevin, when it appears that
91 the sum demanded for penalty, forfeiture or damages
92 exceeds twenty dollars and does not exceed one hundred
93 dollars, or the property in the beasts or other chattels is in
94 question and the value thereof exceeds twenty dollars and
95 does not exceed one hundred dollars. But this jurisdiction
96 shall not include civil actions in which the title to real estate,
97 according to the pleadings filed in the case, is in question,
98 except as provided in sections six and seven of chapter
99 ninety-four of the Revised Statutes, nor between towns
100 where the settlement of any pauper is involved, nor proceed-
101 ings under the divorce laws, nor complaints under the mill
102 act, so called, nor proceedings under the bastardy laws,
103 except as provided in sections one, two and three of chapter
104 ninety-seven of the Revised Statutes.

Sect. 3. Said court shall be held on the first Monday of
2 each month, at nine of the clock in the forenoon, for the trans-
3 action of civil business at such place in said town as the judge
4 shall determine, but the town of Skowhegan may at any time

5 provide and suitably furnish a court room, in which case the
6 court shall be held therein, and all civil processes shall be
7 made returnable accordingly, and it may be adjourned from
8 time to time by the judge at his discretion, but it shall be in
9 constant session for the cognizance of criminal offenses:
10 Provided, that if said judge is prevented by any cause from
11 attending at the time said court is to be held for civil business,
12 it may be adjourned from day to day by any deputy sheriff
13 or constable of the town, without detriment to any action then
14 returnable or pending, until he can attend, when said actions
15 may be entered or disposed of as if it was the first day of the
16 term, and it may be adjourned without day if necessary, in
17 which event pending actions shall be considered as continued
18 and actions then returnable may be returned and entered at
19 the next term, with the same effect as if originally made
20 returnable at said term.

Sect. 4. Said court may render judgment and issue execu-
2 tions, punish for contempt and compel attendance as in the
3 supreme judicial court; make all such rules and regulations,
4 not repugnant to law, as may be necessary and proper for the
5 prompt administration of justice, and is clothed with all such
6 lawful power as is necessary for the performance of its duties
7 under this act.

Sect. 5. Actions in said court shall be entered on the first
2 day of the term before twelve o'clock at noon and not after-
3 wards, except by special permission. When a defendant
4 legally summoned fails to enter his appearance by himself or
5 his attorney on the first day of the return term, he shall be
6 defaulted, but if he afterwards appears within twenty-four
7 hours after the default, the court may, for sufficient cause,
8 take off the default.

Pleas in abatement must be filed on or before the day of the
10 entry of the action.

The defendant may file his pleadings, which shall be the
12 general issue, with a brief statement of special matter of
13 defence, on the return day of the writ, and must file them on
14 or before the first day of the next term or be defaulted, unless
15 the court, for good cause, enlarges the time, for which he may
16 impose reasonable terms.

Actions in which the defendant files his pleadings on the
18 return day, and all actions of forcible entry and detainer
19 seasonably answered to, shall be in order for trial at the
20 return term, and shall remain so until tried or otherwise dis-
21 posed of, unless continued by consent, or in motion for good
22 cause, in which latter case the court may impose such terms
23 as he deems reasonable; but all other actions, unless defaulted
24 or otherwise finally disposed of, shall be continued as of
25 course and be in order for trial at the next term.

But any action answered to, and after pleadings are filed,
27 may, on motion of either party, at the discretion of the court,
28 be assigned for trial in any town in the county where the
29 parties will be better convened than at Skowhegan, and a
30 special session of said court may be there held for that pur-
31 pose, at such time and place as the court may designate. But
32 judgment in such cases shall be rendered at the next regular
33 term of said court held at Skowhegan.

Sect. 6. In all actions where the amount of debt or damage
2 claimed in the writ exceeds twenty dollars, real estate and
3 interests in real estate, attachable on writs from the supreme
4 judicial court, may be attached on writs from this court, and
5 when the amount of debt or damages recovered in any judg-
6 ment exceeds twenty dollars, exclusive of costs, executions
7 issued on such judgments may be levied on such real estate
8 and interests therein, the same as executions from the
9 supreme judicial court, and all the provisions of the statutes
10 relative to the attachment of real estate and personal property
11 and the levy of executions shall be applicable to actions

12 brought in this court, and executions on judgments rendered
13 therein, provided that property may be attached, in addition
14 to the ad damnum, sufficient to satisfy the costs of suit, and
15 the writ may be framed accordingly.

Sect. 7. Writs and processes issued by this court shall be
2 in the usual form 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 to begin more
8 than sixty days after the commencement of the action.

Sect. 8. The costs and fees allowed to parties, attorney
2 and witnesses in all actions in this court, in which the debt or
3 damages recovered do 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 prevails, shall be allowed two dollars for
7 his writ and the defendant, if he prevails, two dollars for his
8 pleadings, and witnesses shall be allowed one dollar a day
9 and travel. But in cases where the amount of debt or dam-
10 ages recovered exceeds twenty dollars, costs and fees of
11 parties, attorneys and witnesses, shall be the same as in the
12 supreme judicial court, except that the defendant, if he pre-
13 vails, shall be allowed two dollars for his pleadings, and the
14 costs to be taxed for attendance shall be two dollars and fifty
15 cents each term for as many terms as the court may allow.
16 Provided, that in all actions transferred to the supreme judi-
17 cial court, as provided in section ten and there defaulted, or
18 otherwise disposed of without a jury trial, if the justice of
19 said court shall be of the opinion that the jury trial was not
20 claimed in good faith, but for the purpose of delay, said
21 supreme judicial court may at its discretion award against
22 the party in fault double or treble costs.

Sect. 9. Any party may appeal from any judgment or sentence of said court to the supreme judicial court, in the same manner as from a judgment or sentence of a trial justice.

Sect. 10. If any defendant, his agent or attorney, in an action in said court in which the debt or damages claimed in the writ exceeds twenty dollars, shall, during the term at which it was entered, file in said court an affidavit that he has a good defense to said action and intends in good faith to make such defense, and claims a jury trial, and shall pay the judge sixty cents for entry fee in the supreme judicial court and twenty-five cents for his order, to be taxed in said defendant's bill of costs if he prevails, the said judge shall attach to the original writ his order under his hand and seal of court, transferring said action to the supreme judicial court in said county, and deliver the writ, together with all papers filed in the case, and the entry fee, to the clerk of said supreme judicial court, whose duty it shall be to enter said action at the next term of said supreme judicial court, and it shall there have day, be tried and disposed of the same as if originally brought in said court.

Sect. 11. It shall be the duty of the judge of said court to make and keep the records thereof, or cause the same to be made and kept, and to perform all other duties required of similar tribunals in this State, and copies of said records duly certified by said judge, or recorder when there is one, shall be legal evidence in all courts. But the judge may at any time appoint in writing a recorder who shall be duly sworn, and then the records shall be kept by him and he shall hold office during the pleasure of the judge.

Sect. 12. The judge of said court may demand and receive the same fees allowed trial justices for similar services, except that he shall receive for every blank writ five cents, for the entry of a civil action fifty cents, for every warrant issued by him one dollar, for the trial of an issue in either civil or crim-

6 inal cases two dollars for every day employed, except that in
7 all actions in which the debt or damages demanded in the
8 writ exceed twenty dollars the trial fee shall be five dollars
9 per day and said fees for the trial of an issue in both civil and
10 criminal cases shall be paid. by the county and the fees so
11 received shall be payment in full for all his services.

Sect. 13. It shall be the duty of the judge to procure a seal
2 for said court and provide all books, blanks and necessary
3 stationery and supplies used in the performance of his official
4 duties at the expense of the county to an amount not to
5 exceed one hundred dollars per year, and the county commis-
6 sioners of Somerset county are hereby authorized and
7 directed to audit and allow the same.

Sect. 14. 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 except they may issue warrants on complaints for criminal
7 offenses to be returned before this court, and in case of the
8 absence from the town of Skowhegan, or sickness, of the
9 judge of this court, and during such sickness or absence, any
10 trial justice residing in said Skowhegan shall have and exer-
11 cise in criminal matters the same jurisdiction as though this
12 municipal court had never been established. And warrants
13 issued for criminal offenses by any trial justice in the county
14 may be returned before this court.

Sect. 15. This act shall take effect on the first day of
2 March, nineteen hundred and three.

STATE OF MAINE.

IN SENATE, February 12, 1903.

Reported by Mr. WING from the Committee on the Judiciary, and
ordered printed and referred to the Somerset County Delegation.

KENDALL M. DUNBAR, *Secretary.*