

MAINE STATE LEGISLATURE

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SEVENTY-SECOND LEGISLATURE

HOUSE.

No. 459

STATE OF MAINE.

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

AN ACT to amend chapter four hundred and eighty-five of the private and special laws of nineteen hundred and one, establishing 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
2 such matters and things, civil and criminal, within the
3 county of Somerset, as a trial justice, justice of the peace,
4 and justice of the peace and quorum may lawfully exercise,
5 and under similar restrictions and limitations and in addition
6 thereto have jurisdiction as follows:

. First: Exclusive jurisdiction of all offences 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
12 town or corporation, and also concurrent jurisdiction with
13 trial justices in the county of Somerset and the municipal
14 court of Pittsfield of all such crimes, offenses and mis-
15 demeanors committed in any town or place in said county,
16 other than where this court or some other has the exclusive
17 jurisdiction thereof.

Second: Concurrent jurisdiction with the supreme judicial
19 court in the county of Somerset of all offenses not required
20 by the constitution or any statute to be answered for on a
21 presentment or indictment of a grand jury, when the offense
22 is not of a high and aggravated nature, and may punish for
23 said offenses by a fine not exceeding fifty dollars and impris-
24 onment not exceeding six months, and of all other offenses
25 over which such jurisdiction is or may be granted, not
26 herein specified.

Third: Exclusive original jurisdiction of all civil actions
28 wherein the debt or damages demanded does not exceed
29 twenty dollars and both parties, or one of them and a per-
30 son summoned as trustee, reside in Skowhegan, or if the
31 party summoned as trustee is a corporation it has a place of
32 business in Skowhegan, including prosecutions for penalties
33 in which said town or village corporation therein is inter-
34 ested, and actions of forcible entry and detainer arising
35 therein and actions of replevin when it appears that the
36 sum demanded for the penalty, forfeiture or damages, or
37 the property in the beasts or other property is in question
38 and the value thereof does not exceed twenty dollars; and
39 original jurisdiction concurrent with trial justices in the

40 county of Somerset and the municipal court of Pittsfield of
41 all such actions when the defendants or one of them or any
42 party summoned as trustee resides, or if a corporation has a
43 place of business, in any town or place in said county, other
44 than where this or some other court has the exclusive juris-
45 diction thereof:

Provided, that all civil actions or criminal processes in
47 which the judge is interested, but which would otherwise be
48 within the exclusive jurisdiction of said court, may be
49 brought before and disposed of by any trial justice in said
50 county in the same manner and with like effect as other
51 actions before such tribunals.

Fourth: Original jurisdiction concurrent with the supreme
53 judicial court and the municipal court of Pittsfield of all
54 civil actions in which the debt or damages demanded does
55 not exceed one hundred dollars, and the defendants or one
56 of them, or a person summoned as trustee resides in the
57 county of Somerset; or if the party summoned as trustee is
58 a corporation it has an established place of business in said
59 county of Somerset, including actions of replevin when it
60 appears that the sum demanded for penalty, forfeiture or
61 damages exceeds twenty dollars and does not exceed one
62 hundred dollars or the property in the beasts or other
63 chattels is in question and the value thereof exceeds twenty
64 dollars and does not exceed one hundred dollars.

But this jurisdiction shall not include civil actions in which
66 the title to real estate, according to pleadings or brief state-
67 ment filed in the case is involved, except as provided in sec-
68 tions three and four of chapter eighty-five of the Revised
69 Statutes, nor between towns where the settlement of any
70 pauper is involved, nor proceedings under the divorce laws,
71 nor complaints under the Mill Act, so called, nor proceedings
72 under the bastardy law, except as provided in sections one,

73 two and three of chapter ninety-nine of the Revised
74 Statutes.

Sect. 3. Said court shall be held in the grand jury room
2 of the court house in Skowhegan, but at no time to inter-
3 fere with its occupancy by the grand jury, and regular terms
4 of said court for the transaction of civil business shall be
5 held on the first Monday of every month, commencing at
6 ten of the clock in the forenoon, and all civil processes shall
7 be made returnable accordingly, and it may be adjourned
8 from time to time by the judge at his discretion, but it
9 shall be in constant session for the cognizance of criminal
10 offenses, provided that if said judge is prevented by any
11 cause from attending at the time and place said court is to be
12 held for civil business, it may be adjourned from day to day
13 by any sheriff or his deputy or constable of the town with-
14 out detriment to any action then returnable or pending, until
15 he can attend when said actions may be entered or disposed
16 of as if it was the first day of the term, and it may be
17 adjourned without day if necessary, in which event pending
18 actions shall be considered as continued, and actions then
19 returnable may be returned and entered at the next term with
20 the same effect as if originally made returnable at said term.

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

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

Section 5. Actions in said court shall be entered on the
2 first day of the term before twelve of the clock at noon and
3 not afterwards except by leave of court.

When a defendant legally summoned fails to enter his
5 appearance by himself or attorney, on the first day of return
6 term, he shall be defaulted, but if he afterwards appears
7 within twenty-four hours after the default, the court may
8 for sufficient reason 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,
11 which shall be the general issue, with a brief statement of
12 special matter of defence, on the return day of the writ, and
13 must file them on or before the first day of the next term, or
14 be defaulted, unless the court for good cause enlarge the
15 time, for which he may impose reasonable terms.

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

But any action answered to and after pleadings are filed,
26 may on motion of either party, at the discretion of the court,
27 be assigned for trial in any town in the county where the
28 parties will be better convened than in Skowhegan, and a
29 special session of said court may be held for that purpose at

30 such time and place as the court may designate. But judg-
31 ment in such cases shall be rendered at the next regular
32 term of said court held at Skowhegan.

Sect. 6. Writs and processes issued by this court shall be
2 in the usual form, and shall be served as like processes 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. 7. Said court may render judgment and issue exe-
2 cutions, 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
7 duties under this act.

Sect. 8. If any defendant, his agent or attorney, in an
2 action in said court in which the debt or damages claimed in
3 the writ exceed twenty dollars, shall during the term at
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 defense, 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
9 defendant's bill of cost if he prevails, the said judge shall
10 attach to the original writ his order under his hand and seal
11 of court transferring said action to the supreme judicial
12 court in said county, and deliver the writ, together with all
13 papers filed in the case, together with entry fee, to the clerk
14 of said supreme judicial court, whose duty it shall be to enter
15 said action at the next term of said supreme judicial court,

16 and it shall there have day, be tried and disposed of, the same
17 as if originally brought in said supreme judicial court.

Sect. 9. 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. 10. 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
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.

But in cases where the amount of debt or damages recov-
10 ered exceed twenty dollars, the costs and fees of parties,
11 attorney and witnesses shall be the same as in the supreme
12 judicial court, except that the defendant if he prevails shall
13 be allowed two dollars for his pleadings, and the costs to be
14 taxed for attendance shall be two dollars and fifty cents each
15 term for as many terms as the court may allow, not exceed-
16 ing three; provided that in all actions transferred to the
17 supreme judicial court, as provided in section eight, and
18 there defaulted, or otherwise disposed of without a jury trial,
19 if the judge of said court shall be of the opinion that the jury
20 trial was not claimed in good faith, but for the purposes of
21 delay, said supreme judicial court may, at its discretion,
22 award against the party in fault, double or treble costs.

Sect. 11. 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
5 duly certified by said judge shall be legal evidence in all
6 courts.

Sect. 12. The judge of said court may demand and receive
2 the same fees allowed trial justices for similar services;
3 except that he shall receive for every blank writ five cents,
4 for the entry of civil action fifty cents, for every warrant
5 issued by him one dollar, for the trial of issue in either civil
6 or criminal cases two dollars for every day employed, except
7 that in actions in which the debt or damages claimed in the
8 writ exceed twenty dollars, the trial fee shall be five dollars
9 per day; and said fee for the trial of an issue, in both civil
10 and criminal cases, shall be paid by the county, and the fees
11 so received, together with any others which the law allows
12 him, shall be payment in full for all of his services.

Sect. 13. Trial justices are hereby restricted from exercis-
2 ing any jurisdiction in the town of Skowhegan over any mat-
3 ter or thing, civil or criminal, except such as are within the
4 jurisdiction of justices of the peace and of the quorum, and
5 except cases in which the judge is interested or related, and
6 in case of the absence from the town of Skowhegan or sick-
7 ness of the judge of this court, and during such sickness or
8 absence any trial justice residing in said Skowhegan shall
9 have and exercise in criminal matters the same jurisdiction as
10 though this municipal court had never been established.
11 And warrants duly issued for criminal offences by any trial
12 justice of Somerset county may be returned before and dis-
13 posed of by this court.

Sect. 14. This act shall take effect on the first day of April
2 nineteen hundred and five.

STATE OF MAINE.

HOUSE OF REPRESENTATIVES,
Augusta, March 9, 1905.

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

E. M. THOMPSON, *Clerk.*