

# MAINE STATE LEGISLATURE

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# SEVENTY-FOURTH LEGISLATURE

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HOUSE.

No. 453

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## STATE OF MAINE.

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

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AN ACT to establish the Kingman Municipal Court.

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*Be it enacted by the People of the State of Maine, as follows:*

Section 1. A municipal court is hereby established in the  
2 town of Kingman, in the county of Penobscot, which shall  
3 be called the Kingman Municipal Court and it shall be a  
4 court of record with a seal. All the original processes  
5 issuing from said court, shall be under the teste of the  
6 judge and shall have the seal of said court affixed.

Sect. 2. Said court shall consist of one judge, who shall  
2 be a member of the bar of this State, who shall be ap-  
3 pointed in the manner and for the term provided by the  
4 Constitution of this State, and he shall be, ex-officio, a  
5 justice of the peace for the State. The judge shall enter,

6 or cause to be entered, on the docket of said court all civil  
7 and criminal actions, with full minutes of the proceedings  
8 in and disposition of the same, which docket shall be at  
9 all times open to inspection; and he shall perform all other  
10 duties required of similar tribunals in this State; and copies  
11 of the records of said court, duly certified by the judge  
12 thereof, shall be legal evidence in all courts of this State.

Sect. 3. Said judge shall give a bond to the county of  
2 Penobscot, approved by the county commissioners of said  
3 county, in the sum of one thousand dollars before entering  
4 upon the duties of his office. The conditions of said bond  
5 shall be the faithful performance of the duties of his office.  
6 It shall be the duty of said judge to keep all the records  
7 of said court. Said judge shall keep a correct account of  
8 all criminal and civil fees paid into said court. Upon the  
9 first day of March, June, September and December of each  
10 year during the term of office of said judge it shall be his  
11 duty to make under oath, and return to the commissioners  
12 for their approval, a true statement of all fees received by  
13 said court and at the same time to deposit with the county  
14 treasurer of said county, the amount of said fees so re-  
15 ceived by him for the preceding quarter or fraction thereof.

Sect. 4. The governor by and with the consent of the  
2 council, may appoint a recorder who shall be an attorney  
3 at law, who shall hold his office for the same term for  
4 which the judge is appointed, and who shall be sworn by  
5 said judge and who shall keep the records of said court

6 when requested to do so by said judge. In case of the  
7 absence or sickness of said judge or when the office of  
8 judge may be vacant, the recorder shall have and exercise  
9 all the powers of said judge; receiving compensation from  
10 the personal funds of said judge. The signature of said  
11 recorder, as such, shall be sufficient evidence of his right  
12 to act instead of the judge.

Sect. 5. Said court shall have original jurisdiction con-  
2 current with trial justices in all such criminal matters within  
3 the county of Penobscot as are by law within the jurisdic-  
4 tion of trial justices within said county; and original juris-  
5 diction concurrent with the Supreme Judicial Court of all  
6 other crimes, offenses and misdemeanors, committed in said  
7 county, which are by law punishable by fine not exceeding  
8 fifty dollars and by imprisonment not exceeding three  
9 months, and where the property in question or injury done  
10 is not alleged to exceed thirty dollars in value.

Sect. 6. Said court shall have original and concurrent  
2 jurisdiction with trial justices in all civil matters within the  
3 county of Penobscot as are by law within the jurisdiction  
4 of trial justices within said county. For the purpose of  
5 establishing a territorial jurisdiction for said court in all  
6 other civil actions, the townships of Kingman, Drew Plan-  
7 tation, Mattawamkeag, Woodville, Winn, Webster Planta-  
8 tion, Chester, Prentiss, Springfield, Carroll, Lakeville, Med-  
9 way; Township 2, Range 9; Township 3, Range 9; Town-  
10 ship 3, Range 8; and Township 2, Range 8, shall be within

11 the civil jurisdiction of said court, as follows: First, of all  
12 civil actions wherein the debt or damage demanded does  
13 not exceed one hundred dollars in which any person sum-  
14 moned as trustee resides within said jurisdictional district,  
15 or, if a corporation has an established place of business in  
16 said district; or, in which, if any actions are not commenced  
17 by a trustee process, any defendant resides in said district,  
18 or, if no defendant resides within the limits of this State,  
19 any defendant is served with process in said district, or  
20 the goods, estates or effects of any defendant are found  
21 within said district and are attached on the original writ;  
22 but no proceedings under the laws relating to divorce shall  
23 be included within the jurisdiction of said court.

Sect. 7. Said court shall not have jurisdiction of any  
2 civil action wherein the title to real estate, according to the  
3 pleadings or brief statement filed therein by either party,  
4 is in question; and all such actions brought in said court  
5 shall be removed to the Supreme Judicial Court or other-  
5 wise disposed of as in like cases before a trial justice;  
7 provided, that nothing herein contained shall prevent said  
8 court from proceeding in accordance with the provisions  
9 of sections six and seven of chapter ninety-six of the  
10 Revised Statutes.

Sect. 8. Any action, civil or criminal, in which the judge  
2 of said court is interested or related to either of the par-  
3 ties by consanguinity or affinity, within the sixth degree,  
4 according to the rules of the civil law, or within the degree

5 of second cousin inclusive, but which would otherwise be  
6 within the exclusive jurisdiction of said court, may be  
7 brought before, and disposed of by, any trial justice in said  
8 county in the same manner as other actions before trial  
9 justices. If any action wherein said judge is interested in  
10 either party, is made returnable before this court, the par-  
11 ties thereto, by themselves or their attorneys, may in writing  
12 consent that said judge shall hear and dispose of the same;  
13 or such action may be disposed of as follows: civil actions,  
14 wherein the debt or damage demanded exclusive of costs,  
15 exceeds twenty dollars, shall, upon motion in writing by  
16 the defendant or his attorney be removed to the Supreme  
17 Judicial Court for said county; and all other civil actions  
18 and all criminal actions shall be removed and tendered before  
19 any such trial justices within said county as may be agreed  
20 upon in writing by the parties entering an appearance in  
21 such action, and such trial justice shall have and take cog-  
22 nizance of such action and dispose of the same as if the  
23 same had been originally returnable before such trial jus-  
24 tice; provided that nothing in this section contained shall  
25 prevent any civil action wherein the title to real estate is  
26 in question, from being disposed of in accordance with the  
27 provisions of the preceding sections. In any action in which  
28 any of the towns in said district is a party, or is summoned  
29 as trustee, this court shall not lose its jurisdiction by reason  
30 of the said judge being an inhabitant of or owning property  
31 in such town; but in any such case the action may, upon

32 written motion of either party, filed before trial, be removed  
33 to the Supreme Judicial Court.

Sect. 9. A term of said court for the transaction of civil  
2 business shall be held on the first Tuesday of each month  
3 at ten o'clock in the forenoon. For the cognizance of crim-  
4 inal actions said court shall be in constant session. In all  
5 cases it may be adjourned from time to time by the judge;  
6 and in civil actions said judge shall have the power for  
7 cause shown upon application of either party, or his attor-  
8 new, to adjourn the hearing to any place within his juris-  
9 diction, by consent of both parties. Said court shall be  
10 held in the office of the judge in said town of Kingman,  
11 and all expenses of said court including blank books of  
12 record, dockets and blanks necessary for the use of said  
13 court shall be paid from the treasury of the county of  
14 Penobscot.

Sect. 10. If at any regular or adjourned term of said  
2 court to be held for civil business, the judge is not present  
3 at the place for holding said court within two hours after  
4 the time for opening said court, and in the absence of the  
5 said recorder, any trial justice or justice of the peace for  
6 the county of Penobscot may preside for the purpose of  
7 entering and continuing actions and filing papers in said  
8 court, in which event all actions returned or pending, shall  
9 be continued to the next term. No trial justice or justice  
10 of the peace shall be disqualified from presiding for the  
11 purpose mentioned in this section, by reason of his being

12 interested in any action returnable before or pending in  
13 said court.

Sect. 11. Any party may appeal from any judgment or  
2 sentence of said court to the Supreme Judicial Court in the  
3 same manner as from a judgment or sentence of a trial  
4 justice.

Sect. 12. Writs and processes issued by said court shall  
2 be in the usual form and shall be served as like precepts  
3 are required to be served when issued by trial justices. In  
4 civil actions where the debt or damage, exclusive of costs,  
5 exceeds twenty dollars, said service shall be the same as  
6 required for precepts issuing from the Supreme Judicial  
7 Court.

Sect. 13. All the provisions of the statutes relating to  
2 the attachment of real estate and personal property and the  
3 levy of executions shall be applicable to actions brought in  
4 this court and executions on judgment rendered therein.

Sect. 14. All civil actions in said court shall be entered  
2 on the first day of the term and not afterwards. And they  
3 shall be in order for trial, except actions of forcible entry  
4 and detainer, at the next regular term after entry, unless  
5 otherwise disposed of. All actions of forcible entry and  
6 detainer shall be in order for trial at the return term there-  
7 of, but may be continued at the discretion of the judge for  
8 good and sufficient cause shown, and said judge may impose  
9 terms upon the moving party. When a defendant legally  
10 summoned fails to enter his appearance by himself or his



11 agent or attorney, before twelve o'clock, noon, on the first  
12 day of the return term, he shall be defaulted; but if he  
13 afterwards appear during said term, the court may, for  
14 sufficient cause, permit the default to be taken off. Plead-  
15 ings shall be the same as in the Supreme Judicial Court,  
16 and all provisions of the law relative to the practice and  
17 proceedings in civil actions in the Supreme Judicial Court  
18 are hereby made applicable and extended to this court, ex-  
19 cept so far as they are modified by the provisions of this  
20 act.

Sect. 15. If any defendant, his agent or attorney, in any  
2 civil action in this court in which the debt or damage de-  
3 manded or claimed in the writ exceeds twenty dollars, shall,  
4 on or before the first day of the second regular term of  
5 said court after the entry of said action, file in said court  
6 a motion for the removal of said action to the Supreme  
7 Judicial Court, stating therein that he has a defense to said  
8 action and demands a jury trial therein, the said action shall  
9 at the next regular term of said municipal court, after the  
10 entry thereof, be removed into the Supreme Judicial Court  
11 for the said county, and shall be entered at the next ensu-  
12 ing term of said Supreme Judicial Court after said re-  
13 moval, and the judge of said municipal court shall forth-  
14 with cause certified copies of the writ, return of the officer,  
15 and all other papers in the case, to be filed in the office of  
16 the clerk of said Supreme Judicial Court.

Sect. 16. Said municipal court may render judgment and  
2 issue execution, punish for contempt and compel attend-  
3 ance as in the Supreme Judicial Court; make all such rules  
4 and regulations, not repugnant to law, as may be necessary  
5 and proper for the prompt administration of justice, and is  
6 clothed with all such lawful power as is necessary for the  
7 performance of its duties under this act.

Sect. 17. The costs and fees allowed the parties, attorneys  
2 and witnesses in all actions in this court, in which the debt  
3 or damage demanded shall not exceed twenty dollars, and  
4 in actions of forcible entry and detainer, shall be the same  
5 as allowed in similar actions before trial justices, except that  
6 the plaintiff, if he prevail, shall be allowed two dollars for  
7 his writ, and the defendant, if he prevail, shall be allowed  
8 one dollar for his pleadings; and in cases where the amount  
9 demanded shall exceed twenty dollars, the cost and fees  
10 of parties, attorneys and witnesses shall be the same as in  
11 the Supreme Judicial Court.

Sect. 18. The judge of said municipal court shall receive,  
2 as compensation, a salary of five hundred dollars per year  
3 to be paid quarterly from the treasury of the county of  
4 Penobscot. A condition precedent to the payment of said  
5 salary shall be the rendering by said judge of a correct  
6 statement to the county commissioners and the payment  
7 over by said judge to the county treasurer, of all fees, both  
8 civil and criminal, collected by said municipal court for the  
9 preceding quarter or fractional part thereof. All costs in

10 criminal cases shall be taxed the same, and paid into court  
11 in the same manner as in trial justice courts, except that  
12 every warrant issued by said judge shall be taxed one dollar.

Sect. 19. Trial justices in the town of Kingman are here-  
2 by prohibited from exercising any jurisdiction in said town  
3 over any matter, civil or criminal, except such as are within  
4 the jurisdiction of justices of the peace and except as pro-  
5 vided in preceding sections of this act, provided that until  
6 the judge of said court shall enter upon the duties of his  
7 office, and whenever the office of judge is vacant, any trial  
8 justice shall have and exercise the same jurisdiction as  
9 though this municipal court had never been established;  
10 and in such case any civil or criminal action made return-  
11 able before a trial justice shall be entered before and finally  
12 disposed of by said justice.

Sect. 20. Nothing contained in this act shall be construed  
2 to interfere with such actions returnable before a trial jus-  
3 tice as shall be commenced before this act takes effect.

Sect. 21. All acts or parts of acts inconsistent with this  
2 act are hereby repealed.

Sect. 22. This act shall take effect August first, nineteen  
2 hundred and nine.



STATE OF MAINE.

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HOUSE OF REPRESENTATIVES.

Augusta, March 4, 1909.

Reported by Mr. HALL from Committee on Legal Affairs  
and ordered printed under joint rules.

E. M. THOMPSON, *Clerk.*