

# MAINE STATE LEGISLATURE

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# SEVENTY-FOURTH LEGISLATURE

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SENATE.

No. 465

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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 amend the Charter of the City of Augusta with  
reference to the Augusta Municipal Court.

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

Section I. Section II of the charter of the City of Au-  
2 gusta (which was numbered as section 13 in chapter 373 of  
3 the Private and Special Laws of 1905) is hereby amended  
4 so as to read as follows:

'Sect. II. There shall be and hereby is established a  
6 court, to be denominated the "Municipal Court" of the city  
7 of Augusta, which shall be a court of record, with a seal,  
8 to consist of one judge, who shall have concurrent jurisdic-  
9 tion with justices of the peace in all matters, civil and crim-

10 inal, within the county of Kennebec, and original and ex-  
11 clusive jurisdiction in all civil actions now triable before a  
12 justice of the peace in which both parties interested, or in  
13 which the party plaintiff and the person or persons sum-  
14 moned as trustees, shall be inhabitants of, or residents in  
15 said city, excepting all actions in which said judge may be  
16 interested; and he shall have concurrent jurisdiction with  
17 trial justices, in all cases of forcible entry and detainer aris-  
18 ing in said county, and original and exclusive jurisdiction  
19 in all such cases arising in said city, and said judge shall  
20 have jurisdiction of all cases of simple larceny arising in  
21 said county, wherein the property, alleged to have been  
22 stolen, shall not exceed in value the sum of fifty dollars;  
23 and shall have power to try the same and award such sen-  
24 tence upon conviction, as by law provided for such offense.  
25 Said judge shall also have jurisdiction of all cases of cheat-  
26 ing by false pretences, arising in said county, wherein the  
27 property, money, or other thing alleged to have been fraud-  
28 ulently obtained or sold is not alleged to exceed in value  
29 the sum of fifty dollars, and shall have power to try the  
30 same and award sentence upon conviction by fine not ex-  
31 ceeding fifty dollars, or by imprisonment in the county jail,  
32 or to hard labor in the house of correction, for a term not  
33 exceeding ninety days; and on a second conviction, by fine  
34 not exceeding one hundred dollars, or by imprisonment for  
35 not more than six months. Provided, however, that the

36 several justices of the peace in said city shall continue to  
37 have and exercise all the power and authority in them vest-  
38 ed by the laws of the United States. And the said judge  
39 shall also have exclusive jurisdiction of all offenses against  
40 the by-laws and regulations which may be established by  
41 the city council of said city; and may on conviction thereof,  
42 award such sentence as to law and justice may appertain,  
43 and in declarations for violations of by-laws or ordinances,  
44 the by-laws and ordinances need not be set forth; and any  
45 person aggrieved by any judgment awarded by said judge,  
46 may appeal therefrom to the superior court for the county  
47 of Kennebec, under the restrictions and conditions that the  
48 law requires in appeals from judgments awarded by any  
49 trial justice. Said court shall also have original jurisdic-  
50 tion, concurrent with the superior court, of all civil actions  
51 at law, except complaints for flowage, real actions and tres-  
52 pass, *quare clasum*, in which the debt or damages demanded  
53 exclusive of cost, does not exceed two hundred dollars, in  
54 which any party defendant or a person summoned in good  
55 faith and on probable grounds as trustee, resides in the  
56 county of Kennebec or having his residence beyond the  
57 limits of this State is served with process within said county.  
58 If any defendant, his agent or attorney in any action in said  
59 court, in which the debt or damages claimed in the writ  
60 exceeds twenty dollars, shall appear at the first term and  
61 on or before the first day of the second term, file in said

62 court an affidavit that he has a good defense to said action  
63 and intends in good faith to make such defense and claims a  
64 jury trial, the said action shall be removed into and entered  
65 at the next term of the superior court for said county. And  
66 the judge or recorder of said municipal court on payment  
67 to him of the entry fee in said superior court by the plain-  
68 tiff, shall forthwith cause the original writ and all other  
69 papers in the case to be filed in the clerk's office of said su-  
70 perior court. Any party may appeal from any judgment  
71 or sentence of said municipal court to the superior court in  
72 the same manner as from a judgment of a trial justice. The  
73 costs and fees allowed to parties and attorneys in civil ac-  
74 tions before said court, in which the debt or damages re-  
75 covered do not exceed twenty dollars shall be the same as  
76 are allowed before trial justices except that the plaintiff,  
77 if he prevails, shall be allowed two dollars for his writ, and  
78 the defendant, if he prevails, shall be allowed one dollar  
79 for his pleadings. In all actions in which the amount re-  
80 covered exceeds twenty dollars, the costs and fees of parties  
81 and attorneys shall be the same as in the superior court.  
82 Copies of the records of said court duly certified, shall be  
83 evidence in other courts.'

Sect. 2. Section 12 of the charter of the city of Augusta  
2 (which was numbered as section 14 in chapter 373 of the  
3 Private and Special Laws of 1905) is hereby repealed and  
4 the following section enacted in lieu thereof:

‘Sect. 12. The Governor with the advice and consent of  
6 his council, shall appoint a recorder who shall be a justice  
7 of the peace for said county duly qualified, and who shall be  
8 duly sworn, and in case of the absence, sickness, or disqual-  
9 ification of the judge, or in the event of a vacancy of the  
10 office of judge, or at any other time at the request of said  
11 judge in order to expedite business, shall have the same  
12 powers as said judge. Said recorder shall be appointed for  
13 a term of four years, and as compensation in full for his  
14 services shall receive four hundred dollars per year, payable  
15 by the city of Augusta in the same manner as the salary of  
16 said judge.’

Sect. 3. Section 13 of the charter of the city of Augusta  
2 (which was numbered as section 15 in chapter 373 of the  
3 Private and Special Laws of 1905) is hereby amended so  
4 as to read as follows:

‘Sect. 13. The compensation of the judge in full for all  
6 services, commencing April 1st, 1909, shall be eighteen hun-  
7 dred dollars per annum, payable quarterly from the treas-  
8 ury of the city of Augusta. The fees paid to and received  
9 by said court in criminal cases shall be paid quarterly into  
10 the county treasury; and no salary shall be paid to said judge  
11 until he shall file with the city treasurer a written statement  
12 of the fines and criminal fees by him paid to the county  
13 treasurer during and for the preceding quarter. Neither  
14 the judge nor the recorder shall act as counsel or attorney in

15 any case within the jurisdiction of said court nor in any  
16 suit, matter or thing which may depend on, or have rela-  
17 tion to any such case, matter or thing depending or recog-  
18 nizable in said court.'

Sect. 4. Section 14 of the charter of the city of Augusta  
2 (which was numbered as section 16 in chapter 373 of the  
3 Private and Special Laws of 1905) is hereby amended so  
4 as to read as follows:

'Sect. 14. The said court shall be held on the first and  
6 third Monday of each month, at nine of the clock in the  
7 forenoon, for the transaction of civil business, and all civil  
8 processes shall be made returnable at that time. All war-  
9 rants alleging any offense to have been committed within  
10 said city or within the town of Chelsea shall be made re-  
11 turnable before said court. No justice of the peace or trial  
12 justice residing in said city, the recorder excepted, shall take  
13 cognizance of, or exercise jurisdiction over any crime or  
14 offense, or in any civil actions, except under the authority  
15 of the United States, wherein the judge is not a party or in-  
16 terested, except in the absence or disability of said judge  
17 and recorder, under a penalty of twenty dollars to be recov-  
18 ered on indictment.'

Sect. 5. Section 16 of the charter of the city of Augusta  
2 (which was numbered as section 18 of chapter 373 of the  
3 Private and Special Laws of 1905) is hereby repealed.

Sect. 6. Section 17 of the charter of the city of Augusta  
2 (which was numbered as section 19 of chapter 373 of the

3 Private and Special Laws of 1905) is hereby repealed so far  
4 as it relates to the city of Augusta.

Sect. 7. Section 18 of the charter of the city of Augusta  
2 (which was numbered as section 20 of chapter 373 of the  
3 Private and Special Laws of 1905) is hereby amended so far  
4 as it relates to the city of Augusta, so as to read as follows:

‘Sect. 18. All fees for criminal cases shall be allowed  
6 and taxed as in behalf of trial justices and shall, together  
7 with the fees paid in by said judge to the county treasury,  
8 be annually paid to the city of Augusta; provided, however,  
9 that if the amount of such fees so allowed and the fees paid  
10 in by said judge during the year shall exceed the amount  
11 of his annual salary, such excess shall revert to the county  
12 and be covered into the county treasury. The word fees as  
13 used in this section includes all fees fixed by law in crim-  
14 inal cases including fees for copies. All fees paid to and  
15 received by such judge in civil cases commencing with  
16 April 1st 1909, shall be paid semi-annually into the treas-  
17 ury of the city of Augusta. All blanks for criminal cases  
18 used by such court shall be furnished by the county, and all  
19 blanks for civil cases used by said court shall be furnished  
20 by the city of Augusta. The provisions of section 1 of  
21 chapter 133 of the Revised Statutes shall not apply to the  
22 city of Augusta while this chapter is in force.’

Sect. 8. Section 25 of the charter of the city of Augusta  
2 (which was numbered as section 27 in the Private and Spe-



3 cial Laws of 1905) is hereby amended so as to read as fol-  
4 lows:

‘Sect. 25. Whenever in said county, intoxicating liquors  
6 are seized, with or without a warrant, under any of the pro-  
7 visions of chapter twenty-nine of the revised statutes, the  
8 fees of the marshal, deputy marshal, police officer, or con-  
9 stable, on the warrant or libel issued thereon, shall be taxed  
10 and allowed in the manner now provided by law, and shall  
11 be paid to them from the county treasury; and such fees,  
12 so paid, shall not be included in the fees required by this  
13 charter to be paid to the city or town, but shall be in addi-  
14 tion to the salaries, or compensation paid to such officer.  
15 When, however, such liquors are seized in transit, and on  
16 final hearing, are ordered returned to the claimant, the fees  
17 of the marshal, deputy marshal, police officer and constable,  
18 on the warrant and libel issued thereon, shall be subject to  
19 the provisions of section nineteen of this charter and dis-  
20 posed of as therein provided. Whenever on such warrant  
21 or libel, where intoxicating liquors have been seized, the  
22 county commissioners do not allow the costs as taxed by the  
23 magistrate, the person aggrieved may appeal to the judge  
24 of the superior court for said county, whose decision shall  
25 be final.’

Sect. 9. Section 26 of the charter of the city of Augusta  
2 (which was numbered as section 28 in chapter 373 of the  
3 Private and Special Laws of 1905) is hereby amended so  
4 as to read as follows:

‘Sect. 26. All existing acts, public and private, inconsistent with the eight preceding sections, are hereby modified, so far as relates to the city of Augusta, so as to conform with their provisions.’





STATE OF MAINE.

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IN SENATE,

March 19, 1909.

Reported by Mr. BAXTER from Committee on Judiciary  
and laid on table to be printed under joint rules.

F. G. FARRINGTON, *Secretary.*