

# MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

FIFTY-NINTH LEGISLATURE

OF THE

STATE OF MAINE.

1880.

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PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE.

1880.

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An act to establish a Municipal Court in the town of Waterville.

*Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows :*

Waterville Municipal court established.

SECT. 1. There is hereby established in and for the town of Waterville, in the county of Kennebec, a court, to be denominated the Municipal Court of Waterville.

Court of record, with seal.

SECT. 2. Said court shall be a court of record, and have a seal, to be affixed to all original processes issuing therefrom.

Judge, appointment, term and qualifications.

SECT. 3. Said court shall consist of one judge, to be appointed in the manner, and for the term provided by the constitution, who shall be an inhabitant of the county of Kennebec, of sobriety of manner, and learned in the law.

Concurrent jurisdiction.

SECT. 4. Said judge shall have concurrent jurisdiction with trial justices in all matters, civil or criminal, within the county of Kennebec, and with trial justices in all cases of forcible entry and detainer arising in said county. 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 therein by either party, is in question ; and all such actions brought therein shall be removed to the supreme judicial court or otherwise disposed of, as in like cases before a trial justice.

Exclusive jurisdiction.

SECT. 5. Said judge shall have original and exclusive jurisdiction of all offenses against the ordinances and laws of the town of Waterville, and in all civil actions, wherein the amount claimed in damages shall not exceed twenty dollars, in which both parties interested, or the attorney of the plaintiff who made the writ, and the defendant, or in which the plaintiff or his attorney, and the person or persons summoned as trustees, shall be inhabitants of, or residents in, said town of Waterville, and in all cases of forcible entry and detainer arising in said town, excepting all actions in which said judge may be interested. *Provided*, that any action, civil or criminal, in which the judge is interested, or related to either of the parties by consanguinity or affinity, within the sixth degree, according to the rules of the civil law, or within the degree of second cousin inclusive, 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 said trial justices.

Proviso.

SECT. 6. Said judge shall have jurisdiction in all cases of simple larceny, where the property alleged to have been stolen, shall not exceed in value the sum of twenty dollars, and of all cases of cheating by false pretences, where the property, money, or other thing alleged to have been fraudulently obtained shall not exceed in value the sum of twenty dollars, and shall have power to try the same, and in either of said cases, to award sentence upon conviction by fine not exceeding twenty dollars, or imprisonment in the county jail, with or without labor, for a term not exceeding ninety days. He shall have exclusive jurisdiction of all offenses arising in said town, which are by any law or statute within the jurisdiction of a trial justice, and concurrent jurisdiction with trial justices of the county of Kennebec, of all such offenses arising in said county, out of said town.

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Further jurisdiction.

SECT. 7. The judge shall appoint in writing, a recorder, who shall be a trial justice for the county of Kennebec, duly qualified, who shall be sworn by said judge, who shall keep the records of said court when requested so to do by the judge; and in case of absence from the court room, or sickness of the judge, or when the office of judge shall be vacant, the recorder shall have and exercise all the powers of the judge, and perform all the duties required of said judge by this act, and shall be empowered to sign and issue all processes and papers, and to do all acts as fully and with the same effect as the judge could do were he acting in the premises; and the signature of the recorder, as such, shall be sufficient evidence of his right to act instead of the judge. When the office of judge is vacant, the recorder shall be entitled to the fees; in all other cases he shall be paid by the judge.

Recorder to be appointed by the court.

—duties, powers and compensation.

SECT. 8. Said court shall be held on the first and third Mondays of each month, except in September, when it shall be held on the first Monday, at nine o'clock in the forenoon, for the transaction of civil business, at such place within said town as the judge shall determine, but the town may at any time provide a court room, in which case the court shall be held therein, and all civil processes shall be made returnable accordingly, and it may be adjourned from time to time by the judge, at his discretion, but it shall be considered in constant session for the cognizance of criminal actions.

Terms.

Adjournment.

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Duty of judge.

SECT. 9. 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 shall be legal evidence in all courts.

Copies of record, evidence.

Appeals.

SECT. 10. Any party may appeal from any judgment or sentence of said court to the superior court in the same manner, as from a judgment or sentence of a trial justice.

Writs and processes, form and service.

SECT. 11. Writs and processes issued by said court shall be in the usual forms, and shall be served as like precepts are required to be served when issued by trial justices.

Statutes relative to attachments of property and levy of executions, applicable to court.

SECT. 12. All the provisions of the statutes of the state relative to attachment of real and personal property and the levy of executions, shall be applicable to actions brought in this court, and executions on judgments rendered therein, provided that property may be attached in addition to the ad damnum sufficient to satisfy the costs of suit.

Entry of actions, proceedings, costs and fees.

SECT. 13. Actions in said court shall be entered, and proceedings had thereon the same as before trial justices, and the same costs and fees shall be allowed to parties, attorneys and witnesses, in all actions in said court, as are now allowed before trial justices, and the judge shall be entitled to have and receive the same fees, and in the same manner, as are allowed by law to trial justices, except that he may demand and receive for a complaint and warrant in criminal cases one dollar; *provided*, that the legal voters of said town may, at any time, by vote, determine to pay him a salary, which may be accepted by him instead of said fees, in which case he shall pay all fees of office, by him received, into the town treasury.

Proviso.

Jurisdiction of trial justices restricted.

SECT. 14. Trial justices are hereby restricted from exercising any jurisdiction in the town of Waterville over any matter or thing, civil or criminal, except such as are within the jurisdiction of justices of the peace and of the quorum; *provided*, that said restrictions shall be suspended until the judge of said court shall enter upon the duties of his office.

Proviso.

Not to affect pending actions.

SECT. 15. Nothing in this act shall be construed to interfere with actions already commenced before trial justices in the town of Waterville, but all such actions shall be disposed of by such trial justices, the same as if this act had not been passed.