

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

SIXTY-FIRST LEGISLATURE

OF THE

STATE OF MAINE.

1883.

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1883.

PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE.

1883.

Railroad Company, as the successors of the said George F. Mel- CHAP. 260
 len and his associates, from further extending its railroad upon
 the terms and conditions named in said release, are hereby
 ratified, confirmed and made valid.

SECT. 3. This act shall take effect when approved.

Approved February 21, 1883.

Chapter 260.

An Act to establish a Municipal Court in the town of Dexter.

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

SECT. 1. There is hereby established in and for the town Dexter municipal
 court established.
 of Dexter, in the county of Penobscot, a court, to be denomi-
 nated the municipal court of Dexter.

SECT. 2. Said court shall be a court of record, and have Court of record,
 with seal.
 a seal, to be affixed to all original processes issuing there-
 from.

SECT. 3. Said court shall consist of one judge, to be ap- Judge, appoint-
 ment, term and
 qualifications.
 pointed in the manner and for the term provided by the con-
 stitution, who shall be an inhabitant of the county of Penob-
 scot, of sobriety of manner, and learned in the law.

SECT. 4. Said judge shall have concurrent jurisdiction Concurrent
 jurisdiction.
 with trial justices in all matters, civil or criminal, within the
 county of Penobscot, 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
Not to have
 jurisdiction when
 title to real estate
 is in question.
 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.

SECT. 5. Said judge shall have original and exclusive Exclusive juris-
 diction.
 jurisdiction of all offenses against the ordinances and laws of
 the town of Dexter, 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 plain-
 tiff who made the writ and the defendant, or in which the
 plaintiff or his attorney and the person or persons summoned

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Proviso.

as trustees, shall be inhabitants of or residents in said town of Dexter, 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.

Further jurisdiction.

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 Penobscot, of all such offenses arising in said county, out of said town.

Terms.

SECT. 7. Said court shall be held on the fourth Tuesday of each month, except in September, when it shall be held on the third Tuesday, at ten 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; *provided*, that if said judge is prevented by any cause from attending at the time said court is to be held for civil business, it may be adjourned from day to day by a constable of the town of Dexter without detriment to any action then returnable or pending, until he can attend, when said actions may be entered or

Adjournment.

disposed of with the same effect as if it was the first day of CHAP. 260
 the term; and it may be so adjourned without day when necessary, in which event, pending actions shall be considered as continued, and actions then returnable may be returned and entered at the next term, with the same effect as if originally made returnable at said term.

SECT. 8. It shall be the duty of the judge of said court Duty of judge.
 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.

SECT. 9. Any party may appeal from any judgment or Appeals.
 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. Writs and processes issued by said court shall Writs and processes, form and service.
 be in the usual forms, and shall be served as like precepts are required to be served when issued by trial justices.

SECT. 11. All the provisions of the statutes of the state Statutes relative to attachments of property and levy of executions, applicable to court.
 relative to attachments 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 addammum sufficient to satisfy the costs of suit.

SECT. 12. Actions in said court shall be entered on the Entry of actions, and proceedings.
 first day of the term, and not afterwards, except by special permission. When a defendant, legally served, fails to enter his appearance by himself or his attorney, on the first day of the return term, he shall be defaulted; but if he afterwards appear during the term, the court may, for sufficient cause, permit the default to be taken off. Pleas in abatement must be filed on or before the day of the entry of the action. The defendant may file his pleadings, which shall be the general issue, with a brief statement of special matters of defense, on the return day of the writ, and must file them on or before the first day of the next term, or he shall be defaulted, unless the court, for good cause, enlarge the time, for which it may impose reasonable terms. Actions in which the defendant files his pleadings on the return day, and all actions of forcible entry and detainer seasonably answered to, shall be in order for trial at the return term, and shall remain so until tried or

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otherwise disposed of, unless continued by consent or on motion of either party for good cause, in which latter case the court may impose such terms as it deems reasonable; but all other actions, unless defaulted or otherwise finally disposed of, shall be continued as of course, and be in order for trial at the next term.

Costs and fees to parties, attorneys and witnesses, how regulated.

SECT. 13. The costs and fees allowed to parties, attorneys and witnesses in said court shall be the same as allowed by trial justices in actions before them, except that the plaintiff, if he prevail, shall be allowed one dollar for his writ; and the defendant, if he prevail, one dollar for his pleadings.

Fees of judge.

SECT. 14. The judge of said court may demand and receive the same fees allowed to trial justices for like services, except that he may demand and receive for a complaint and warrant in criminal cases, one dollar; for the entry of a civil action, fifty cents; and for the trial of an issue, civil or criminal, two dollars for the first day and one dollar for each day after the first occupied in such trial, to be paid to him by the plaintiff in civil cases, before trial, who shall recover the same as costs if he prevail in the suit; and the fees so received by said judge shall be payment in full for his services; *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. 15. Trial justices are hereby restricted from exercising any jurisdiction in the town of Dexter over any matter or thing, civil or criminal, except such as are within the jurisdiction of justices of the peace and of the quorum, and except that they may issue warrants on complaints for criminal offenses, to be returned before said municipal court; *provided*, that said restrictions shall be suspended until the judge of said court shall enter upon the duties of his office.

Proviso

Not to effect pending actions.

SECT. 16. Nothing in this act shall be construed to interfere with actions already commenced before trial justices in the town of Dexter, but all such actions shall be disposed of by such trial justices, the same as if this act had not passed.

SECT. 17. This act shall take effect when approved.

Approved February 24, 1883.