

# MAINE STATE LEGISLATURE

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# ACTS AND RESOLVES

OF THE

## SIXTY-SEVENTH LEGISLATURE

OF THE

## STATE OF MAINE

1895.

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PUBLIC LAWS  
OF THE  
STATE OF MAINE.

1895.

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**Chapter 135.**

An Act to amend chapter one hundred and thirty-four of the Public Acts of eighteen hundred and thirty-four, entitled "An Act to establish a Municipal Court in the city of Bath" as amended by chapter one hundred and sixty-seven of the Public Acts of eighteen hundred and thirty-five, as amended by section eleven of the city charter of the city of Bath.

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

Ch. 135, Public  
Laws of 1835,  
amended.

SECT. 1. Chapter one hundred and thirty-four of the public acts of eighteen hundred and thirty-four entitled "An Act to establish a municipal court in the town of Bath," and as amended by chapter one hundred and sixty-seven of the public acts of eighteen hundred and thirty-five, and as amended by section eleven of the city charter of the city of Bath, is hereby further amended, so that the same when amended, shall read as follows :

Municipal  
court estab-  
lished.

—name.

Judge, ap-  
pointment of.

—salary of.

Docket shall  
be kept, and  
be open to  
inspection.

‘SECT. 1. A municipal court is hereby established in and for the city of Bath and the towns of Woolwich, Arrowsic, Georgetown, Phippsburg and West Bath in the county of Sagadahoc, which shall be called the Bath Municipal Court and have and use a seal on all original processes, and shall consist of one judge who shall be appointed, commissioned and qualified as provided by the law and constitution of the state. Said judge shall be a member of the bar of Sagadahoc county and shall reside during his continuance in office in the city of Bath, and who shall receive from said city an annual salary of eight hundred dollars per year to be paid him in quarterly payments. Said salary shall be in full for all the fees and emoluments of the office. The present judge shall continue in office until the end of the term for which he was appointed. The said judge shall enter, or cause to be entered on the docket of said court all civil and criminal actions, with full minutes of the proceedings in and disposition of the same, which docket shall be at all times open to inspection ; and he shall perform all other duties required of similar tribunals in this state.

Jurisdiction  
concurrent  
with trial jus-  
tices, in cer-  
tain cases.

‘SECT. 2. Said court shall exercise jurisdiction over all such matters and things, civil and criminal within the county of Sagadahoc as trial justices may exercise and under similar restrictions and limitations, and concurrent jurisdiction with trial justices in cases of forcible entry and detainer in said county and exclusive jurisdiction in all such matters and things

when both parties interested, or any plaintiff and a person summoned as trustee resides in the city of Bath or either of the towns named in section one of this act, and over all offenses committed against the ordinances and by-laws of said city, though the penalty thereof may accrue to said city and towns and in the prosecution on any such ordinances or by-laws or any special law of the state relating to said city or to either of said towns, such by-law, ordinance or special law need not be recited in the complaint or process, nor the allegations therein be more particular than in prosecutions on a public statute, and over all such criminal offenses within the limits of the same as are cognizable by trial justices, and no trial justice or justice of the peace shall take cognizance over any crime or misdemeanor committed in said city, or in either of said towns, or any civil action over which said court has exclusive jurisdiction; and concurrent jurisdiction with the supreme judicial court in all personal actions where the debt or damage demanded exclusive of costs is over twenty dollars and not over one hundred dollars, and in all actions of replevin under chapter ninety-six of revised statutes, when it appears that the sum demanded for the penalty, forfeiture or damages, or the value of the goods replevined, does not exceed one hundred dollars, and any defendant or any person summoned as trustee reside in the county of Sagadahoc, but this jurisdiction shall not include proceedings under the divorce laws, nor jurisdiction over actions in which the title to real estate according to the pleadings filed in the case by either party is in question except as provided in chapter ninety-four, sections six and seven of the revised statutes.

Concurrent  
with  
S. J. court, in  
certain cases.

SECT. 3. Said court shall have concurrent jurisdiction with the supreme judicial court in the county of Sagadahoc, of all offenses not required by the constitution or any statute to be answered for on a presentment or indictment of a grand jury, and may punish by fine not exceeding one hundred dollars or by imprisonment for a term less than one year, and of all other offenses over which such jurisdiction is or may be granted not herein specified.

Concurrent  
jurisdiction  
with  
S. J. court, in  
all offenses to  
be answered  
by indictment.

SECT. 4. If any defendant in any action in said court where the amount claimed in the writ exceeds twenty dollars or his agent or attorney shall on the return day of the writ, file in said court his pleadings and a motion asking that said

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cause be removed to the supreme judicial court, and deposit with the judge the sum of two dollars for copies and entry and entry fee in said supreme court, to be taxed in his costs, if he prevails the said action shall be removed into the supreme judicial court for said county. The judge shall forthwith cause certified copies of the writ, officer's return and defendant's motion to be filed in the clerk's office of said supreme court within ten days, and shall pay the entry fee thereof, and said action shall be entered on the docket of the following term, unless said court shall then be in session, when it shall be entered forthwith and shall be in order for trial at that term. If no such motions and pleadings are filed, the said municipal court shall proceed and determine said action, subject to the right of appeal in either party as now provided by law. The pleadings in such cases shall be the same as in the supreme judicial court.

‘SECT. 5. In any action in which the plaintiff recovers not over twenty dollars debt or damage, the costs to be taxed shall be the same as before trial justices except that the plaintiff shall have two dollars for his writ; where the defendant prevails in any action in which the sum claimed in the writ is not over twenty dollars or property the value of which does not exceed that sum, he shall recover two dollars for his pleadings and other costs as before trial justices. In actions where the amount recovered by plaintiff exclusive of costs, exceeds twenty dollars or property the value of which exceeds that sum, or the amount claimed exceeds twenty dollars, where the defendant prevails the costs of parties, trustees and witnesses shall be same as in the supreme court, except the costs to be taxed for attendance shall be two dollars and fifty cents for each term.

—costs.

Appeals may  
be taken to  
S. J. court.

‘SECT. 6. Any person aggrieved at any judgment or sentence of said court may appeal to the supreme judicial court in the same manner as from a judgment or sentence of a trial justice, and all such appeals shall be in order for trial at the first term of said appellate court after such appeal is taken. Final judgments where the amount in controversy exceeds twenty dollars in said municipal court, may be examined in the supreme judicial court on a writ of error or on a petition for review, and when the judgment is reversed, the supreme judicial court shall render such judgment as said municipal

—judgments  
may be  
reviewed.

court should have rendered, and when a review is granted it shall be tried in said supreme judicial court.

‘SECT. 7. All the provisions of the statutes of the state relative to the attachment of real and personal property and the levy of executions shall be applicable to actions in this court, and executions on judgments rendered therein, where the amount recovered exceeds twenty dollars, provided, that property may be attached, equal in value to ad damnum.

Provisions of the statutes, relative to attachment of real estate, applicable.

‘SECT. 8. Said court is hereby authorized to administer oaths, render judgments, issue executions, certify copies of its records, punish for contempt and compel attendance as in the supreme judicial court, and to make all such rules and regulations, not repugnant to law, as may be necessary and proper for the administration of justice, and to facilitate its business.

Powers and duties.

‘SECT. 9. Price of blank writs with the summonses, with the seal of the court, signed by the judge or recorder shall be four cents, and all other fees in civil cases shall be the same as are taxable by a trial justice except as otherwise provided in sections four and five of this act. All writs and processes in civil matters shall be in the name of the state, bear the teste of said judge under the seal of said court and signed by the judge, be served in time and manner as now provided by law in case of writs issued by trial justices, and be obeyed and executed throughout the state.

Fees.

Writs and processes shall be under seal of court.

‘SECT. 10. Said court may adjourn from time to time and shall be held at such place as shall be provided by the city of Bath, and shall be considered in constant session for the trial of criminal offenses; and said court shall be in session each Monday at ten o'clock in the forenoon for the entry of civil actions and the entering up of judgments in all defaulted actions and for the trial of actions of forcible entry and detainer, and on the first and third Mondays of each month for the trial and determination of all other civil processes. Every defendant and every person summoned as trustee shall have twenty-four hours in which to enter his appearance.

Sessions.

‘SECT. 11. It shall be the duty of the city of Bath to provide a suitable court room, conveniently situated and appropriately furnished, in which to hold said court, and keep the same in proper condition for use, and also to provide for said court an appropriate seal, and all blanks, blank books, dockets,

City shall provide court room, blanks, stationery, etc.

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stationery and other things necessary in the transaction of its business, and said city shall have authority to raise money for that purpose and for the payment of the salary of the judge.

Judge shall keep all records.

‘SECT. 12. The records of said court and of the municipal court as formerly existing in said city shall be deposited with and kept by the judge, and said municipal court shall have jurisdiction thereof and full power and authority to issue and renew executions and other processes and carry into effect the judgments and decrees heretofore rendered by said former municipal court, and to certify and authenticate the records thereof, and shall for reasonable fees grant and certify copies of the records of both courts when required, which shall be evidence of the contents of such records in any legal proceedings, and have the same legal and probative force and effect as those of the supreme judicial court.

All fines and fees shall be paid over to the city.

‘SECT. 13. All fines and penalties awarded and collected by said court in criminal cases shall be accounted for and paid over monthly; and all fees in both civil and criminal cases received by said court shall be paid monthly into the city treasury for the use of said city.

‘SECT. 14. All acts and parts of acts inconsistent with this act, are hereby repealed.’

Approved March 25, 1895.

### Chapter 136.

An Act to compel Husbands and Fathers to contribute to the support of Wives and Children.

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

A husband and father, living apart from his family, may be compelled to contribute to support of wife or minor children.

Whenever a man, having a wife, a minor child, or both, residing in this state, and from whom he lives apart, and being of sufficient ability, or being able to labor and provide for them, willfully and without reasonable cause, refuses or neglects to provide suitable maintenance for them, the supreme judicial court in the county where the wife or children reside, on petition of the wife for herself, and for such children, or of such children by their guardian, after such notice to the husband or father as it may order, and hearing, may order him to contribute to the support of his wife, if the