

# 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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Published by the Secretary of State, agreeably to Resolves of June 28, 1820,  
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PRIVATE AND SPECIAL LAWS  
OF THE  
STATE OF MAINE.

1895.

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**Chapter 238.**

An Act to amend chapter five hundred and six of the Private and Special Laws of eighteen hundred and eighty-nine, relating to the Municipal Court of the City of Deering.

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

Sec. 22, ch. 506,  
Private Laws  
of 1889,  
amended.

SECT. 1. Section twenty-two of said chapter five hundred and six is hereby amended by striking out the first three sentences, down to and including the word "judge" in the tenth line; and by striking out the words "both" and "and recorder" in the eleventh line, so that said section as amended, shall read as follows :

In absence of  
judge, any  
justice of the  
peace, may  
preside.

'SECT. 22. In the absence of the judge, any justice of the peace of the city of Deering may preside for the purpose of entering and continuing actions and filing papers in said court, and may adjourn the same from day to day, or till the next regular term.'

Sec. 23,  
amended.

SECT. 2. Section twenty-three of said chapter is hereby amended, so as to read as follows :

Exclusive  
jurisdiction,  
in certain  
cases.

'SECT. 23. Said court shall have exclusive original jurisdiction of all civil actions in which the debt or damages demanded do not exceed twenty dollars, and both parties, or a defendant, or a person summoned in good faith and on probable cause as trustee, reside in said city of Deering; and shall have exclusive original jurisdiction of all offenses committed against the ordinances and by-laws of said city, and all such criminal offenses and misdemeanors committed therein as cognizable by trial justices; provided, that warrants may be issued upon complaints for offenses committed in said city of Deering, by any trial justice in said county, but all such warrants shall be returnable before said court, and no such trial justice shall take cognizance of any crime or offense committed in said city, or any civil action in which said court has exclusive jurisdiction.'

Warrants may  
be issued by  
any trial  
justice, in  
Deering.

Sec. 24.  
amended.

SECT. 3. Section twenty-four of said act is hereby amended, so as to read as follows :

Concurrent  
jurisdiction,  
with superior  
court, in cer-  
tain actions.

'SECT. 24. Said court shall have original jurisdiction, concurrent with the superior court of Cumberland county, of all civil actions in which the debt or damages, exclusive of costs do not exceed fifty dollars, in which a defendant, or a person summoned in good faith and on probable grounds as

trustee, resides in the county of Cumberland, or having his residence beyond the limits of this state, is served with process within said county. And said court shall have original jurisdiction, concurrent with the superior court in said county, of offenses committed in the city of Deering; namely, of all larcenies described in sections one, six, seven, eight and nine of chapter one hundred and twenty of the revised statutes, when the value of the property is not alleged to exceed thirty dollars; of all cases of cheating by false pretenses, described in section one of chapter one hundred and twenty-six of the revised statutes, when the value of the property or other thing alleged to have been fraudulently obtained or sold does not exceed thirty dollars; of the assaults and batteries described in section twenty-eight of chapter one hundred and eighteen of the revised statutes, and of the offense described in section six of chapter one hundred and twenty-four of the revised statutes, and may punish for either of said offenses by fine not exceeding fifty dollars, and by imprisonment not exceeding three months; provided, that said court shall not try civil 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.'

SECT. 4. Section twenty-five of said chapter is hereby amended, so as to read as follows: Sec. 25, amended.

'SECT. 25. A term of said court shall be held on Monday of each week, beginning at nine o'clock in the forenoon, at such place in the city of Deering as said city shall provide for the transaction of civil business, and all civil processes shall be made returnable accordingly. Actions of forcible entry and detainer shall be heard and determined, and judgment entered on the return day of the writ, unless continued for good cause. Said court may adjourn from time to time, but shall be considered as in constant session for the trial of criminal offenses.' —terms.

SECT. 5. Section twenty-six of said chapter is hereby amended, so as to read as follows: Sec. 26, amended.

'SECT. 26. Writs and processes issued by said court shall be in the usual form, signed by the judge, and under the seal of said court. They shall be served as like precepts are Writs and processes, forms and service.

CHAP. 238

—provisions  
of law, rela-  
tive to attach-  
ments,  
applicable.

required to be served when issued by trial justices, except original writs in civil actions, which shall be served not less than seven nor more than sixty days before the sitting of the court at which the same are made returnable. 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.'

Sec. 32,  
amended.

SECT. 6. Section thirty-two of said chapter is hereby amended, so as to read as follows :

Fees, received  
by the judge.

'SECT. 32. Fees of the judge which he may demand and receive for his services shall be the same as are allowed by law to trial justices and clerks of the supreme judicial court for similar services, except that he shall receive for every blank writ signed by him, four cents ; for the entry of each action, civil or criminal, fifty cents ; for every continuance, five cents ; for every execution, fifteen cents ; for every warrant issued, one dollar ; for copies of all papers in appeal cases, two dollars ; for copies of papers transferred to the superior court, one dollar and fifty cents ; for copy of any single paper, fifty cents ; for taking recognizance in either civil or criminal cases and making papers, fifty cents ; on an order of notice to complete service, for copies of all papers with attested copy of notice attached, two dollars ; for the trial of an issue in civil or criminal cases, one dollar ; and two dollars for each day actually employed after the first. All fines and penalties awarded and received by said judge shall be accounted for and paid over as if the same had been awarded and received by a trial justice, and for neglect to do so he shall be subject to like penalties with trial justices.'

Approved March 20, 1895.