

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

SIXTY-EIGHTH LEGISLATURE

OF THE

STATE OF MAINE

1897

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PRIVATE AND SPECIAL LAWS
OF THE
STATE OF MAINE.

1897.

CHAP. 325**Chapter 325.**

An Act to amend "An Act establishing a Municipal Court in the Town of Waterville."

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

Chapter 220
private
laws 1880,
amended.

Chapter two hundred twenty of the private and special laws of eighteen hundred eighty, as amended by chapter three hundred twenty-nine of the private and special laws of eighteen hundred ninety-one, and by chapter four hundred eighty-two of the private and special laws of eighteen hundred ninety-three, and by chapter twenty-nine of the private and special laws of eighteen hundred ninety-five, entitled "An Act to establish a Municipal Court in the Town of Waterville," is hereby amended, so as to read as follows:

Waterville
municipal
court
established.

'Sect. 1. There is hereby established in and for the city 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,
appoint-
ment, term
and
qualifica-
tions.

'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 a member of the bar in Kennebec county, who shall reside during his continuance in office in said city of Waterville, and who shall receive from said city, in monthly payments, an annual salary of nine hundred dollars, which shall be in full for all fees pertaining to his office; provided, however, that he shall receive in addition to said salary all fees allowed by law in matters relating to civil business.

—salary.

Concurrent
jurisdic-
tion.

'Sect. 4. Said court 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 pleadings 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
jurisdic-
tion.

'Sect. 5. Said court shall have original and exclusive jurisdiction of all offenses against the ordinances and laws of the city 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 city of Waterville, and in all cases of forcible entry and detainer arising in said city, excepting all actions in which said judge may be interested. Said court shall also have original concurrent jurisdiction with the superior court in and for the county of Kennebec in all civil actions where debt or damages demanded, exclusive of costs, do not exceed one hundred dollars, and the defendant, or any person summoned as trustee, resides in the city of Waterville, or in the towns of Oakland, Winslow, Benton, Clinton, Vassalboro or Albion, or in Unity Plantation; any action, however, in which the debt or damages demanded exceed twenty dollars, may be removed to the said superior court, on motion of the defendant, filed at the return term; provided, he shall, at the time he files his motion, also file an affidavit that he believes he has a good defence to said action in whole or in part, and intends, in good faith, to make such defence, and shall therewith deposit with the judge of said municipal court, the entry fee in the said superior court and one dollar for copies of writ, affidavit and motion, to be taxed in his costs if he prevail; the judge shall enter said action at the next term of the said superior court and shall file certified copies of the writ, affidavit and motion.

—actions
may be
removed to
superior
court.

—proviso.

‘Sect. 6. Said court shall have concurrent jurisdiction with the superior court in the county of Kennebec of the offenses described in chapter one hundred and twenty, sections one, six, seven, eight and nine, of the revised statutes, when the value of the property is not alleged to exceed fifty dollars; and also of the offenses described in chapter one hundred and thirty-two, section four, of the revised statutes; and also of the offenses described in chapter one hundred and eighteen, section twenty-eight, of the revised statutes, and may punish in all such offenses by fine not exceeding fifty dollars, or by imprisonment for a time not exceeding four months; also of the offenses described in chapter one hundred and twenty-four, section six, of the revised statutes. Said court shall have exclusive jurisdiction of all offenses arising in said city which are by any law or statute within the jurisdiction of a trial justice, and concurrent

Concurrent
jurisdiction
with
superior
court in
certain
cases.

CHAP. 325

jurisdiction with trial justices of the county of Kennebec of all such offenses arising in said county outside of said city.

Judge shall
keep
records.

'Sect. 7. 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 said judge shall have custody of the seal of said court, and shall perform all other duties required of judges of similar tribunals in this state; and copies of said records duly certified by said judge shall be legal evidence in all courts.

Appoint-
ment and
duties of
recorder.

'Sect. 8. There shall be appointed by the governor, for said court, a recorder, 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.

—compen-
sation of.

Terms.

'Sect. 9. Said court shall be held on the first Monday of each month, except the month of August, for the transaction of civil business, and all actions shall be made returnable at one of the two terms next begun and held after the commencement of the action; provided, however, that said court shall be held on every Monday of each month, except the month of August, for the entry and trial of actions of forcible entry and detainer, and judgment, in such actions, may be entered on the day when the same are heard and determined. Said court may be adjourned from time to time, but shall be considered as in constant session for the cognizance of criminal actions. Said court shall be held at such place as the city of Waterville shall provide; and said city shall have power, and it shall be its duty to raise money to pay the salary of said judge; to purchase blanks, blank books, seals, dockets, and all things necessary for the use of said court; to provide a suitable court room for said court; and to furnish the same in an appropriate manner. The city marshal of said city or one of his deputies shall be in attendance on said court in all criminal cases for the purpose of preserving order, and shall execute all legal orders and processes to him directed by the

—session of.

—city shall
provide
court room,
etc.

—city
marshal or
deputy shall
be in
attendance.

court, and shall be entitled to fees and travel the same as sheriff and deputies in Kennebec county.

'Sect. 10. All writs and processes, issued by said court, shall be of the usual forms, and all writs in which the debt or damages demanded do not exceed twenty dollars, shall be served as now provided by law in case of writs issued by trial justices, and all writs in which the debt or damages demanded exceed twenty dollars, shall be served in time and manner as now provided by law in case of writs issued by the supreme judicial court. Said court is hereby authorized to administer oaths, render judgments, issue executions, punish for contempt, and compel attendance as in the supreme judicial court, and make all such rules and regulations, not repugnant to law, as may be necessary and proper for the administration of justice.

Writs and processes, form and service.

—powers of court to administer oath, etc.

'Sect. 11. All actions may be tried by said court without the intervention of a jury, subject to the right of appeal. All actions shall be entered during the first day of the term at which they are returnable and not after without special permission. When a defendant, legally served, does not appear within the first two days of the term, he shall be defaulted, but the court may take off the default for sufficient cause. All pleas in abatement must be filed within the first two days. The defendant shall file his pleas within fourteen days after entry of the action, which shall consist of the general issue, with a brief statement of special matter of defence, if any. If the defendant does not file his pleadings as before provided, he shall be defaulted on the first day of the next term after entry, unless the court, for good reason, grants him leave to plead or otherwise lawfully dispose of the case. All actions duly answered to shall be in order for trial at the next term after entry. Any party may appeal from any judgment or sentence of said court to the superior court for the county of Kennebec, in the same manner as from a judgment or sentence of a trial justice.

Entry and trial of actions.

—appeals may be taken to superior 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, which shall have authority to render judgments and issue executions to be satisfied in the same manner as though issuing from the supreme judicial court; provided, that property may be attached in addition to the ad damnum sufficient to satisfy the costs of suit.

Attachments and levy of executions, how made.

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Costs and fees.

'Sect. 13. Costs and fees allowed to parties, witnesses and attorneys in all actions in said court, in which the amount of debt or damages claimed in the plaintiff's declaration do not exceed twenty dollars, shall be the same allowed in actions before trial justices, except that the plaintiff, if he prevail, shall be allowed one dollar for his writ, and the defendant, if he prevail, shall be allowed one dollar for his pleadings; but in all actions in which the debt or damages demanded in the plaintiff's declaration exceed twenty dollars, the costs and fees allowed to parties and attorneys shall be the same allowed in said superior court, except that the defendant, if he prevail, shall be allowed two dollars for his pleadings; and witnesses in such cases shall be allowed for their attendance one dollar per day and travel as in other cases. The fees allowed to the judge of said court shall be the same as now provided by law for trial justices, except that he may demand and receive for every warrant issued, one dollar; for the trial of a criminal issue, one dollar; and one dollar for every day occupied in the hearing of any case after the first day; for the entry of an action, civil or criminal, fifty cents; and for copies in any action appealed from said court, two dollars. All fines, penalties and costs paid into said court upon convictions and sentences in criminal matters, together with all fees allowed to the judge of said court by law in the transaction of criminal business, shall be paid to said judge. All fines and penalties received by said judge shall be accounted for and paid over in the same manner as is required by law of trial justices, and all fees allowed to said judge by law in criminal cases and received by said judge shall be accounted for and paid over by him to the treasurer of said city of Waterville quarterly; and all other fees received by him shall be paid to the persons entitled by law to the same as if received by a trial justice.

Jurisdiction.

'Sect. 14. Trial justices are hereby restricted from exercising any jurisdiction in the city 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.

Shall not interfere with pending actions.

'Sect. 15. Nothing contained in this act shall be construed to interfere with any actions already commenced and made returnable before said court.

Inconsistent acts are modified.

'Sect. 16. All existing acts or parts of acts, public or private, inconsistent herewith, are hereby modified so as to conform to the provisions of this act.

'Sect. 17. This act shall take effect when approved.'

Approved February 2, 1897.