

# MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

SIXTY-NINTH LEGISLATURE

OF THE

STATE OF MAINE

1899.

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PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE.

1899.

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**Chapter 22.**

An Act to authorize the town of Damariscotta to fund its indebtedness at maturity and to issue new bonds.

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

Section 1. The town of Damariscotta is hereby authorized to fund its indebtedness at maturity and for this purpose to issue bonds, in such form and amount, and with such rate of interest, and payable at such times and in such manner as shall be determined by vote of said town, under a proper article in the warrant at a legal town meeting.

Town authorized to fund debt.

Section 2. To carry into effect the provisions of this act, said town is hereby authorized to pass such votes as may be deemed necessary and proper, to enter into and make any contract or agreement not inconsistent with the laws of this state.

May pass votes to carry act into effect.

Section 3. This act shall take effect when approved.

Approved February 15, 1899.

**Chapter 23.**

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

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

Section 1. There is hereby established in and for the town of Newport, in the county of Penobscot, a court, to be denominated the Municipal Court of Newport.

Newport municipal court, established.

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

Seal and court of record.

Section 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 Penobscot county, and who shall reside during his continuance in office in said town of Newport.

Judge and qualification.

Section 4. Said judge shall have 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 in any civil action in which the title to real estate, according to the pleading of brief statement filed therein by either party, is in question; and all such actions brought therein shall be removed

Jurisdiction.

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to the supreme judicial court, or otherwise disposed of, as in like cases before a trial justice.

Exclusive jurisdiction, when debt does not exceed \$20.

Section 5. Said judge shall have original and exclusive jurisdiction of all offenses against the ordinances and laws of the town of Newport, and in all civil actions wherein the amount claimed in damages shall not exceed twenty dollars, in which one of the parties interested, or the attorney of the plaintiff who made the writ, or person or persons summoned as trustees in such action, shall be inhabitants or be residents of Newport, 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. Said court shall have 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 the revised statutes, when the sum demanded for the penalty, forfeiture or damages, or the value of the goods or chattels replevied does not exceed one hundred dollars; provided, any defendant or person or corporation summoned as trustee is a resident of said county of Penobscot, but this jurisdiction shall not include proceedings under the divorce laws or complaints under the mill act, so called, 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 jurisdiction with supreme judicial court.

--exceptions.

Jurisdiction in cases of larceny.

Section 6. Said judge shall have jurisdiction in all cases of simple larceny and 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

--exclusive jurisdiction of all

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.

Section 7. Said court shall be held on the third Wednesday of each month, at ten o'clock in the forenoon, except the month of August, 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 direction, but it shall be considered in constant session for the cognizance of criminal actions.

Section 8. 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. The judge may appoint in writing a recorder, who shall be a trial justice for the county of Penobscot, 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, and shall hold his said office at the discretion of said judge.

Section 9. Any party may appeal from any judgment or sentence of said court to the supreme judicial court, in the same manner as from a judgment or sentence of a trial justice. And 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, a motion asking that said action be removed to the supreme judicial court, accompanied by his pleadings in said action, and shall at the same time deposit with the judge the sum of two dollars for copies, to be taxed in his costs if he prevail, the said action shall be removed into the supreme judicial court for said county, and the judge shall forthwith cause certified copies of the writ, officer's return and pleas, to be filed in the clerk's office of said

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offenses  
arising in  
town.

Terms.

Records,  
how kept.

—judge may  
appoint  
recorder.

—powers  
and duties.

—fees, how  
disposed of  
when office  
is vacant.

Appeal may  
be taken  
to supreme  
judicial  
court.

**CHAP. 23** supreme judicial court and said action shall be entered on the docket of the term next preceding said filing, and shall be in order for trial at the next succeeding term.

Writs and processes, form of.

Section 10. 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.

Law relative to attachments, made applicable.

Section 11. All the provisions of the statutes of the state 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 ad damnum sufficient to satisfy the costs of suit.

Powers.

Section 12. Said court is hereby authorized to administer oaths, render judgment, 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.

When actions shall be entered.

Section 13. Actions in said court shall be entered on the 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 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.

Trial justice may preside in absence of judge and recorder.

Section 14. If at any regular or adjourned term of said court to be held for civil business, the judge or recorder is not present at the place for holding said court within two hours after the time for opening said court, then any trial justice or justice of the peace in the county of Penobscot, may preside for the purpose of entering and continuing actions, and filing papers in

said court, and may adjourn said court from time to time, not exceeding one week at any one time, without detriment to any action returnable or pending, and may in his discretion, adjourn said court without day, in which event all actions returned or pending, shall be considered as continued to the next term. No trial justice or justice of the peace shall be disqualified from presiding for the purpose mentioned in this section, by reason of his being interested in any action returnable before or pending in said court.

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—power in such cases.

Section 15. 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 two dollars for his writ; and the defendant, if he prevail, two dollars for his pleadings. In actions where the amount recovered by the plaintiff, exclusive of costs, exceed twenty dollars, or property, the value of which exceeds that sum, or the amount claimed, or the value of the property recovered exceeds twenty dollars, where the defendant prevails, the costs of the parties, trustees and witnesses shall be the same as in the supreme judicial court, except the costs to be taxed for attendance shall be two dollars and fifty cents for each term, for as many terms as may be allowed by the court.

Costs and fees, how allowed and taxed.

Section 16. The judge of said court may demand and receive the same fees 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 civil action, fifty cents; for every warrant issued by him, one dollar; for the trial of an issue in civil or criminal cases, two dollars for every day actually employed; and said fees for the trial of an issue in civil actions shall be paid by the plaintiff before proceeding with the trial each day, to be taxed in his costs, if he prevail; and the fees so received by said judge shall be payment in full for his services.

Fees of the judge.

Section 17. Trial justices are hereby restricted from exercising any jurisdiction in the town of Newport 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.

Jurisdiction of trial justices, restricted.

Section 18. Nothing in this act shall be construed to interfere with actions already commenced before trial justices in the town of Newport, but all such actions shall be disposed of by such trial justices the same as if this act had not passed.

Pending actions, how disposed.

Section 19. This act shall take effect when approved.