

MAINE STATE LEGISLATURE

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NEW DRAFT.

Sixty-Seventh Legislature.

HOUSE.

No. 286.

STATE OF MAINE.

**IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED
AND NINETY-FIVE.**

AN ACT to amend chapter 204 of the Public Laws of 1856,
in relation to the jurisdiction of the Municipal Court of
the city of Portland.

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

SECTION 1. Section 2 of chapter 204 of the Public
2 Laws of 1856, as amended by chapter 28 of the Public
3 Laws of 1887, is hereby amended by striking out said
4 section and inserting the following :

‘Section 2. Said court shall have exclusive jurisdiction
6 of all civil actions in which the debt or damages demanded
7 do not exceed twenty dollars, and both parties, or the
8 defendant, or a person summoned in good faith as trustee,
9 reside in the city of Portland, and of all cases of forcible

10 entry and detainer, where the property demanded is in
 11 said city ; and of all criminal offences and misdemeanors
 12 committed in said city as are cognizable by municipal or
 13 police courts or trial justices, or are within the additional
 14 jurisdiction and authority conferred upon this court. In
 15 actions against two or more defendants or trustees, resid-
 16 ing in different counties, where one defendant or trustee,
 17 resides in this county, concurrent jurisdiction with other
 18 trial justices or municipal or police courts, in the county
 19 where either of the defendants reside, as is provided in
 20 section 16, chapter 81, and section 5 of chapter 86, of
 21 the Revised Statutes of this state, and concurrent with
 22 other trial justices or municipal or police courts in the
 23 county of Cumberland, over all matters and things, civil
 24 and criminal within their jurisdiction, where exclusive
 25 jurisdiction is not otherwise conferred by law ; and con-
 26 current jurisdiction with the superior court in the county
 27 of Cumberland, in all personal actions, or including ac-
 28 tions of replevin, when a defendant or person summoned
 29 in good faith as trustee, resides in the county of Cumber-
 30 land, where the debt, damages or goods demanded, ex-
 31 clusive of costs exceed
 32 twenty dollars and do not exceed fifty dollars. This
 33 jurisdiction shall not include actions in which the title to
 34 real estate according to pleadings filed by either party,
 35 is in question, excepting as is provided in chapter 94
 36 of the Revised Statutes, sections 6 and 7, and excepting
 37 as is provided in chapter 83 of the Revised Statutes,
 38 section four. All the provisions of the statutes of this
 39 state relative to the attachment of real estate and personal
 40 property and the levying of executions, shall be applicable

41 to actions in this court, and executions on judgments ren-
42 dered therein. Said court is hereby authorized to admin-
43 ister oaths, render judgments, issue executions, certify
44 copies of its records, punish for contempt and compel
45 attendance as in the superior court of this county.'

SECT. 2. Section 3 of said chapter 204 is hereby
2 amended by striking out said section 3 and inserting the
3 following section :

'Section 3. The judge or recorder shall not act as
5 counsel or attorney in any case, cause, matter or thing
6 which depends upon or relates to any cause cognizable by
7 said court.'

SECT. 3. Section 4 of said chapter 204, as amended by
2 chapter 163, Public Laws of 1883, and chapter 28, Public
3 Laws of 1887, and chapter 158, Public Laws of 1889, is
4 hereby amended by striking out the word "thirty" in the
5 third line and inserting the word 'fifty;' so that said sec-
6 tion as amended shall read as follows :

'Section 4. The said court may take cognizance of
8 simple larcenies, where the property alleged to be stolen
9 shall not exceed in value, fifty dollars, and of offences
10 described in sections six, seven and nine of chapter one
11 hundred and twenty of the Revised Statutes, and in sec-
12 tions one and four of chapter one hundred and twenty-six
13 of the Revised Statutes, where the value of the property
14 does not exceed fifty dollars ; of offences described in sec-
15 tion four of chapter one hundred and thirty-two of the
16 Revised Statutes, where they are not of a high and aggra-
17 vated nature, and on conviction, may punish by fine not
18 exceeding twenty dollars, or by imprisonment in the
19 county jail not exceeding six months ; and all violations

20 of the tramp law, and of offences described in section
21 four of chapter one hundred and forty-one of the Revised
22 Statutes, and on conviction, may punish by imprisonment
23 in the county or city house of correction, not exceeding
24 six months. And have exclusive jurisdiction of all offences
25 against the by-laws of the city ; and in prosecution on such
26 by-laws, they need not be recited in the complaint, nor in
27 allegations therein be more particular than in prosecutions
28 on a public statute.'

SECT. 4. Section sixteen of said chapter 204 is hereby
2 amended by striking out said section, and inserting the
3 following section :

'Section 16. When the judge is occasionally absent
5 from the room or office in which the court is held, the
6 recorder shall have the power to hear complaints in all
7 criminal matters, draw complaints and issue warrants for
8 the apprehension of persons charged with any criminal
9 offence or breach of the peace ; to hear accusations in
10 bastardy and issue warrants thereon, and all warrants so
11 issued by the recorder shall have the same authority as if
12 issued by the judge. Said recorder shall make, sign and
13 issue all mittimuses, or other processes of commitment
14 from said court, but said mittimuses or processes of com-
15 mitment shall be equally valid if signed by the judge.'

SECT. 5. In all actions in which the amount recovered
2 exceeds twenty dollars, the costs and fees of parties and
3 attorneys shall be the same as in the superior court,
4 except that the defendant, if he prevails, shall be allowed
5 two dollars for his pleadings.





STATE OF MAINE.

HOUSE OF REPRESENTATIVES, }
March 6, 1895.

Reported by Mr. LARRABEE of Portland, from Committee on
Judiciary, and ordered printed under joint rules.

W. S. COTTON, *Clerk.*