

MAINE STATE LEGISLATURE

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REVISED STATUTES
OF THE
STATE OF MAINE
1954

1957 CUMULATIVE SUPPLEMENT

ANNOTATED

IN FIVE VOLUMES
VOLUME 4

**Place in Pocket of Corresponding
Volume of Main Set**

THE MICHIE COMPANY
CHARLOTTESVILLE, VIRGINIA
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Chapter 122.

Forcible Entry and Detainer. Tenancies.

Sec. 3. Jurisdiction.—Trial justices, judges and recorders of municipal courts have jurisdiction of cases of forcible entry and detainer respecting estates within their counties. Such justices, judges and recorders have exclusive jurisdiction of such cases within their cities or towns unless interested and except in such cases in which such justices, judges or recorders are the plaintiffs; provided, however, that judges and recorders of municipal courts shall also have jurisdiction of such cases in all towns in which they are authorized to hold court, notwithstanding the fact that their residence may be in some other town. Such cases in which such justices, judges or recorders are the plaintiffs may be made returnable before any other municipal court within their county. (R. S. c. 109, § 3. 1955, c. 301.)

Effect of amendment.—The 1955 amendment made this section applicable to recorders. It also inserted the words “and except in such cases in which such jus-

“tices, judges or recorders are the plaintiffs” in the second sentence, and added the third sentence.

Chapter 123.

Petitions and Actions of Review.

Petitions for Review.

Sec. 1. Review within 3 years after judgment.

VII.

I. GENERAL CONSIDERATION.

Each petition rests on its own proven facts.

In accord with original. See *Munsey v. Public Loan Corp.*, 151 Me. 17, 116 A. (2d) 416.

Petitioner must establish 3 propositions.

In accord with original. See *Munsey v. Public Loan Corp.*, 151 Me. 17, 116 A. (2d) 416.

II. WHAT CONSTITUTES “ACCIDENT, MISTAKE OR MISFORTUNE.”

A petition for review will be denied if

the attorney was negligent, for his negligence unexplained is the negligence of his client. *Munsey v. Public Loan Corp.*, 151 Me. 17, 116 A. (2d) 416.

Fraud, accident or mistake not shown.—Where clerk entered judgment on note after parties agreed to judgment, petition for review alleging that the petitioner had not been given credit for full value of repossessed truck did not show evidence of fraud, accident or mistake required by the statute to entitle petitioner to review. *Munsey v. Public Loan Corp.*, 151 Me. 17, 116 A. (2d) 416.

Chapter 126.

Habeas Corpus. Bail Commissioners.

Sec. 35. Commissioners admit to bail persons committed for not finding sureties.—When a person is confined in a jail for a bailable offense or for not finding sureties on a recognizance, except when a verdict of guilty has been rendered against him for an offense punishable in the state prison and except when such person is committed pending decision on report or exceptions as provided in section 29 of chapter 148, any such commissioner, on application, may inquire into the case and admit him to bail and exercise the same power as any justice of the supreme judicial court or superior court can; and may issue a writ