

# MAINE STATE LEGISLATURE

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NEW DRAFT.

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# Seventy-first Legislature.

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HOUSE.

No. 301

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## STATE OF MAINE.

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IN THE YEAR OF OUR LORD ONE THOUSAND NINE  
HUNDRED AND THREE.

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AN ACT to amend "An Act to establish a Municipal Court for  
the Town of Brunswick."

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

Chapter one hundred and ninety-five of the Public Laws of  
2 eighteen hundred and fifty, as amended by chapter five hun-  
3 dred and sixty-five of the Private and Special Laws of  
4 eighteen hundred and seventy-four, is hereby further amended  
5 so as to read as follows:

6 Sect. 1. A municipal court is hereby established in and  
7 for the town of Brunswick, in the county of Cumberland,  
8 which shall be called the municipal court for the town of  
9 Brunswick; and said court shall consist of one judge, a citi-  
10 zen of said town, who shall be appointed by the governor,  
11 with the consent of the council, and who shall be duly sworn.

‘Sect. 2. The judge of said court shall, except when inter-  
13 ested, exercise concurrent jurisdiction with trial justices over  
14 all such matters and things, civil and criminal, within said  
15 county of Cumberland, as are by law within the jurisdiction  
16 of trial justices; also concurrent jurisdiction with trial jus-  
17 tices in cases of forcible entry and detainer in said county,  
18 and exclusive jurisdiction in all civil actions, if otherwise  
19 cognizable by a trial justice, in which both parties interested,  
20 or either of the principal parties and a person summoned as  
21 a trustee, are inhabitants of or residents in said town; also  
22 exclusive jurisdiction in all cases of forcible entry and  
23 detainer in said town; also concurrent original jurisdiction  
24 with the superior court for the county of Cumberland, in all  
25 civil actions at law where the damage demanded does not  
26 exceed one hundred dollars, in which both parties interested  
27 or either of the principal parties and a person summoned as  
28 trustee are inhabitants of or residents in the county of Cum-  
29 berland. Actions may be referred, and judgment on the  
30 referee’s report may be rendered, in the same manner and  
31 with the same effect as in said superior court.

‘Sect. 3. If any defendant in any action in said court, where  
33 the amount claimed in the writ exceeds twenty dollars, or his  
34 agent or attorney, shall, on the return day of the writ, file in  
35 said court his pleadings, and a motion asking that said action  
36 be removed to the superior court in the county of Cumber-  
37 land, and deposit with the judge the sum of two dollars and  
38 ten cents for copies and entry fee in said superior court, to  
39 be taxed in his costs if he prevails, the said action shall be  
40 removed into the said superior court. The judge shall forth-  
41 with cause certified copies of the writ, officer’s return, and  
42 defendant’s motion and pleadings, to be filed in the clerk’s  
43 office of said superior court within ten days, and shall pay  
44 the entry fee thereof, and said action shall be entered on the  
45 docket of the following term of said superior court, unless

46 said court shall then be in session, when it shall be entered  
47 forthwith, and shall be in order for trial at that term. If no  
48 such motion and pleadings are filed, the said municipal court  
49 shall proceed and determine said action, subject to the right  
50 of appeal in either party as now provided by law. The plead-  
51 ings in such cases shall be the same as in the said superior  
52 court.

'Sect. 4. The said court may take cognizance of all lar-  
54 cenes at common law or by statute, when the property alleged  
55 to have been stolen shall not exceed in value thirty dollars,  
56 of offences described in sections one and four of chapter one  
57 hundred and twenty-six of the Revised Statutes, when the  
58 value of the property shall not exceed thirty dollars, and of  
59 offences described in section four of chapter one hundred and  
60 thirty-two of the Revised Statutes, when they are not of a  
61 high and aggravated nature; and on conviction may punish  
62 by fine not exceeding twenty dollars, or by imprisonment in  
63 the county jail not exceeding ninety days; and shall have  
64 exclusive jurisdiction of all offences against the by-laws of  
65 the town of Brunswick; and in prosecutions on said by-laws,  
66 they need not be recited in the complaint, nor the allegations  
67 therein be more particular than in prosecutions on a public  
68 statute.

'Sect. 5. Any person aggrieved by any sentence or judg-  
70 ment awarded by said judge, may appeal therefrom in the  
71 same manner as if sentence or judgment were awarded by a  
72 trial justice, and under such recognizance as said court may  
73 require.

'Sect. 6. The said judge shall enter, or cause to be entered,  
75 on the docket of said court, all civil and criminal actions, with  
76 full minutes of the proceedings in and disposition of the same,  
77 which docket shall be at all times open to inspection; and  
78 copies of the records of said court, duly certified by the judge  
79 or recorder thereof, shall be legal evidence in all courts. All

80 writs and processes returnable before said court, wherein the  
81 debt or damages demanded exceed twenty dollars, shall be  
82 served fourteen days at least before the return day thereof.

‘Sect. 7. The court shall be held weekly, on Monday, at  
84 nine of the clock in the forenoon, at such place as shall be  
85 provided by the town of Brunswick, and all civil processes  
86 shall be made returnable accordingly; and the judge may  
87 adjourn from day to day if necessary. The said court shall  
88 be considered in constant session for the trial of criminal  
89 actions.’

‘Sect. 8. The governor, by and with the consent of the  
91 council, shall appoint a recorder of said court, who shall reside  
92 in said Brunswick, and hold his office for the term of four  
93 years. In case of the absence of the judge from the court  
94 room, or when said judge shall be an interested party, or  
95 when the office of judge shall be vacant, the recorder shall  
96 have and exercise all the powers of the judge, including the  
97 authority to sign original writs and processes. When the  
98 office of judge shall be vacant, the recorder shall be entitled  
99 to the fees; in all other cases he shall be paid by the judge.

‘Sect. 9. The judge of said court shall tax, in all criminal  
101 proceedings, the same fees and at the same rates, as are  
102 allowed by law in the Portland municipal court. In civil  
103 actions the fees shall be the same as in actions before trial  
104 justices, except that the judge may demand four cents for  
105 every blank writ signed by him, and thirty cents for entry  
106 of each civil action. In actions wherein the damages  
107 demanded exceed twenty dollars, the fee shall be two dollars  
108 for the trial of an issue. All fees, civil and criminal, shall  
109 inure to the county of Cumberland, and shall be paid over to  
110 the treasurer of said county quarterly, on the last days of  
111 March, June, September and December.

‘Sect. 10. In all actions in which the amount recovered  
113 shall not exceed twenty dollars, the same costs shall be taxed

114 and allowed as in actions before trial justices, except that  
115 the plaintiff, if he prevails, shall have two dollars for his  
116 writ. In all actions in which the amount recovered shall  
117 exceed twenty dollars, the costs and fees of parties and attor-  
118 neys shall be the same as in the superior court, except that  
119 the defendant, if he prevails, shall be allowed two dollars  
120 for his pleadings.

‘Sect. 11. The judge of said court shall receive an annual  
122 salary of six hundred dollars in full for all services, payable  
123 quarterly on the last days of March, June, September and  
124 December, from the treasury of Cumberland county.

‘Sect. 12. The town of Brunswick shall provide and fur-  
126 nish a suitable court room, for the purpose of holding said  
127 court therein, and shall heat and light the same. All other  
128 expenses of said court, including blank books of record,  
129 docket and blanks necessary for the use of said court, shall  
130 be paid from the treasury of the county of Cumberland.

‘Sect. 13. This act shall take effect April first, nineteen  
132 hundred and three.’







STATE OF MAINE.

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IN HOUSE OF REPRESENTATIVES,  
AUGUSTA, March 11, 1903.

Reported by Mr. POTTER of Brunswick, from the Committee on the  
Judiciary, and ordered printed under joint rules.

W. S. COTTON, *Clerk.*