

MAINE STATE LEGISLATURE

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Seventy-first Legislature.

HOUSE.

No. 326

STATE OF MAINE.

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

AN ACT in relation to the Ellsworth Municipal Court.

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

Section 1. The jurisdiction of said court is hereby estab-
2 lished as follows: Said court shall have original jurisdiction,
3 First, of all cases of forcible entry and detainer respecting
4 estates in the county of Hancock; second, of all such criminal
5 offenses and misdemeanors committed in the said county as
6 are by law within the jurisdiction of trial justices; third,
7 of all offenses against the ordinances and by-laws of either
8 of the towns in said county, and in the prosecutions on any
9 such ordinances or by-laws, such by-law or ordinance need
10 not be recited in the complaint or process, nor the allegations
11 therein be more particular than in prosecutions on a public
12 statute. Warrants may be issued by any trial justice in said

13 county upon complaints for offenses committed in the city of
14 Ellsworth, but all such warrants issued by any trial justice
15 in said Ellsworth shall be made returnable before said court,
16 and no trial justice in said Ellsworth shall have or take
17 cognizance of offenses committed within said city of Ells-
18 worth.

Sect. 2. Said court shall have original jurisdiction concur-
2 rent with trial justices in all such matters civil and criminal,
3 within the county of Hancock, as are by law within the juris-
4 diction of trial justices within said county, and are not placed
5 within the exclusive jurisdiction of said court by the preced-
6 ing section.

Sect. 3. Said court shall have original jurisdiction concur-
2 rent with the supreme judicial court as follows: First, of all
3 civil actions wherein the debt or damages demanded, exclusive
4 of costs, does not exceed one hundred dollars, in which any
5 person summoned as trustee resides within the county of
6 Hancock, or, if a corporation has an established place of
7 business in said county of Hancock; or in which if such
8 actions are not commenced by a trustee process, any defendant
9 resides in said county, or, if no defendant resides within the
10 limits of this State, any defendant is served with process in
11 said county, or the goods, estate, or effects of any defendant
12 are found within said county and attached on the original
13 writ; but no proceedings under the laws relating to divorce
14 shall be included within the jurisdiction of said court; second,
15 of the assaults and batteries described in section twenty-eight
16 of chapter one hundred and eighteen of the Revised Statutes;
17 of all larcenies described in sections one, six, seven, nine and
18 eleven of chapter one hundred and twenty of the Revised
19 Statutes, when the value of the property is not alleged to
20 exceed thirty dollars; of the offense described in section
21 twenty-one of chapter one hundred and twenty-two of the

22 Revised Statutes; of all offenses described in sections one
23 and four of chapter one hundred and twenty-three of the
24 Revised Statutes; of all offenses described in section six and
25 in sections twenty-nine to forty-five, inclusive, of chapter one
26 hundred and twenty-four of the Revised Statutes; of the
27 offense described in section five of chapter one hundred and
28 twenty-five of the Revised Statutes; of all offenses described
29 in section one of chapter one hundred and twenty-six of the
30 Revised Statutes, when the value of the property or thing
31 alleged to have been fraudulently obtained, sold, mortgaged
32 or pledged, is not alleged to exceed thirty dollars; and of all
33 offenses described in sections two, nine, sixteen, seventeen
34 and twenty-one of chapter one hundred and twenty-seven
35 of the Revised Statutes, when the value of the property
36 destroyed or injury is done is not alleged to exceed thirty,
37 dollars, and all amendments thereto; and may punish for
38 either of said crimes or offenses by fine not exceeding fifty
39 dollars, and by imprisonment not exceeding three months,
40 provided, that when the offenses described in section twenty-
41 eight of chapter one hundred and eighteen, section twenty-
42 one of chapter one hundred and twenty-two, and sections
43 one and four of chapter one hundred and twenty-three, are
44 of a high and aggravated nature, the judge of said court may
45 cause persons charged of such offenses, to recognize with
46 sufficient sureties to appear before the supreme judicial court,
47 and in default thereof commit them; third, of all other
48 crimes, offenses and misdemeanors committed in said county
49 which are by law punishable by fine not exceeding fifty
50 dollars, and by imprisonment not exceeding three months,
51 and are not within the exclusive jurisdiction of some other
52 municipal or police court.

Sect. 4. Said court shall not have jurisdiction in any civil
2 action wherein the title of real estate, according to the plead-
3 ing or brief statement filed therein by either party, is in

4 question; and all such actions brought in said court shall be
5 removed to the supreme judicial court, or otherwise disposed
6 of as in like cases before a trial justice; provided, that nothing
7 herein contained, shall prevent said court from proceeding in
8 accordance with the provisions of sections six and seven of
9 chapter ninety-four of the Revised Statutes; neither shall said
10 court have jurisdiction under the divorce laws, complaints
11 under the mill act, so-called, nor proceedings under the has-
12 tardy act, and the judge of said court shall not act in the
13 capacity of a disclosure commissioner.

Sect. 5. Said court shall hold a term for the transaction of
2 civil business at Ellsworth on the first Tuesday of each month
3 beginning at ten o'clock in the forenoon, and shall remain in
4 session for four days; but said term may be continued or
5 adjourned for such term, or to such day as may be ordered
6 by the judge; said court shall be considered constantly in
7 session for the transaction of criminal business.

In case of the absence of the judge from the court room
9 or of his inability to attend to the business of the court by
10 reason of relationship, interest or other disability, or in case
11 of his death, all the powers of the judge may be exercised by
12 the recorder whose acts and proceedings shall be as valid and
13 effectual as if performed by the judge, and said recorder
14 shall continue to perform the duties of said judge until his
15 return, or until such disability is removed, or until his suc-
16 cessor is appointed and qualified.

Sect. 6. All original processes, both civil and criminal,
2 issuing from said court shall be under teste of the judge, and
3 signed by the recorder or by the judge, and shall have the
4 seal of said court affixed.

Sect. 7. The recorder of said court shall receive as com-
2 pensation a salary of four hundred dollars per year to be paid
3 quarterly from the treasury of the county of Hancock, and in
4 addition thereto he shall receive fees in all civil cases.

Sect. 8. Said municipal court may render judgment, issue
2 execution, punish for contempt and compel attendance as in
3 the supreme judicial court; make all such rules and regula-
4 tions not repugnant to law as may be necessary and proper
5 for the prompt administration of justice, and is clothed with
6 all such lawful power as is necessary for the performance of
7 its duties under this act, or any prior act in relation to said
8 court not hereby repealed.

Sect. 9. All fees, fines and costs in criminal actions in said
2 court shall be paid to the recorder, and he shall keep a correct
3 account thereof, and shall annually on the first day of January
4 make a detailed statement thereof, and pay the same to the
5 county treasurer.

Said recorder shall keep two dockets in which shall be
7 entered respectively all proceedings in criminal and civil mat-
8 ters, and the entries therein shall include the names of the
9 parties, their counsel and notes of all motions, judgments or
10 other proceedings in the cases, including rendition of judg-
11 ment and the issuing of execution; and it shall not be neces-
12 sary to further extend, or otherwise record any of such pro-
13 ceedings, and such docket entries shall be legal evidence as
14 records in the courts of this State.

Sect. 10. All prior acts or parts of acts inconsistent with
2 this act are hereby repealed.

Sect. 11. This act shall take effect when approved.





STATE OF MAINE.

IN HOUSE OF REPRESENTATIVES,

AUGUSTA, March 12, 1903.

Reported by BURRILL of Ellsworth, from the Hancock County Delegation, and ordered printed under joint rules.

W. S. COTTON, *Clerk.*