

MAINE STATE LEGISLATURE

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SEVENTY-NINTH LEGISLATURE

SENATE

NO. 59

In Senate, Feb. 6, 1919.

Reported by Senator Thombs from Committee on Legal Affairs and laid on table to be printed under joint rules.

P. F. CRANE, Secretary.

Presented by Senator Parent of Androscoggin.

STATE OF MAINE

IN THE YEAR OF OUR LORD ONE THOUSAND
NINE HUNDRED AND NINETEEN

AN ACT to amend chapter 636 of the Private and Special Laws of 1871 establishing a municipal court for the city of Lewiston.

Be it enacted by the People of the State of Maine, as follows:

Section 1. Section 2 of chapter 636 of the Private and
2 Special Laws of 1871 is hereby repealed and the section fol-
3 lowing herein enacted in lieu thereof.

'Sect. 2. Said municipal court shall have exclusive jur-
2 isdiction in all civil actions in which the debt or damages
3 demanded do not exceed twenty dollars, and both parties
4 or one of the parties and a person summoned as trustee,
5 reside in the city of Lewiston, and shall also have exclusive

6 jurisdiction over all offenses committed within the limits of
7 the same as are cognizable by trial justices; provided, that
8 warrants may be issued upon complaints, for offenses com-
9 mitted in said city of Lewiston by any trial justice in said
10 county; but all such warrants shall be returnable before
11 said court, and no trial justice shall take cognizance over
12 any crime or offense committed in said city or any civil
13 action where said court has exclusive jurisdiction. Said
14 court shall have concurrent jurisdiction with trial justices,
15 justices of the peace, and the municipal court of the city
16 of Auburn, over all such matters, civil or criminal, within
17 the county of Androscoggin, as are by law within their
18 jurisdiction, and also shall have original concurrent jur-
19 isdiction with the superior court for Androscoggin county
20 in all civil actions where the debt or damages demanded, ex-
21 clusive of costs, do not exceed one hundred dollars, and
22 the defendant resides in the county of Androscoggin; said
23 municipal court shall also have concurrent jurisdiction with
24 said superior court of the offenses described in chapter one
25 hundred and twenty-two, sections one, six, seven, eight
26 and ten of the revised statutes, when the value of the prop-
27 erty is not alleged to exceed fifty dollars, and may punish
28 by fine not exceeding one hundred dollars or by imprison-
29 ment not exceeding six months; and also of the offenses
30 described in chapter one hundred and twenty, section twen-
31 ty-six, of the revised statutes, and may punish by fine not
32 exceeding fifty dollars or by imprisonment for a term not

33 exceeding three months; also of the offenses described in
34 chapter one hundred and twenty-six, section seven of the
35 revised statutes, and may punish by fine not exceeding fifty
36 dollars or by imprisonment for a term not exceeding sixty
37 days; also of the offenses described in chapter one hundred
38 and twenty-eight, sections one and five, of the revised stat-
39 utes, when the value of the property is not alleged to ex-
40 ceed fifty dollars; provided that said court shall have no
41 jurisdiction over actions in which the title to real estate,
42 according to the pleadings filed in the case by either party,
43 is in question, except as is provided in chapter eighty-eight,
44 section three, of the revised statutes. Any action in which
45 the debt or damages demanded exceed twenty dollars, may
46 be removed to the aforementioned superior court, on mo-
47 tion of the defendant, filed at the return term, provided he
48 shall, at the time he files his motion, also file an affidavit
49 that he believes he has a good defense to said action, in
50 whole or in part, and intends, in good faith, to make such
51 defense, and shall therewith deposit with the clerk of said
52 municipal court, the entry fee in said superior court, to be
53 taxed in his costs, if he shall prevail. The clerk shall enter
54 said action at the next term of said superior court, and shall
55 file with the writ, certified copies of the affidavit and mo-
56 tion.'

Sect. 2. Section nine of said chapter 636 is hereby amend-
2 ed by striking out the words "supreme judicial" occurring
3 therein and substituting therefor the word 'superior' so
4 that the same, when amended, shall read as follows:

‘Sect. 9. Any party may appeal from any judgment or
2 sentence of said court to the superior court, in the same
3 manner as from a judgment or sentence of a trial justice. •