

# MAINE STATE LEGISLATURE

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# ACTS AND RESOLVES

OF THE

## SIXTY-SEVENTH LEGISLATURE

OF THE

## STATE OF MAINE

1895.

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Published by the Secretary of State, agreeably to Resolves of June 28, 1820,  
February 18, 1840, and March 16, 1842.

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AUGUSTA:  
BURLEIGH & FLYNT, PRINTERS TO THE STATE.  
1895.

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PUBLIC LAWS  
OF THE  
STATE OF MAINE.

1895.

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SECT. 2. This act shall not apply to any pending action nor to any cause of action against estates in which administration has already been granted.

CHAP. 134

Act shall not apply to pending actions.

Approved March 21, 1895.

### Chapter 134.

An Act to amend chapter two hundred four of the Public Laws of eighteen hundred and fifty-six, 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:*

SECT. 1. Section two of chapter two hundred four of the public laws of eighteen hundred and fifty-six, as amended by chapter twenty-eight of the public laws of eighteen hundred and eighty-seven, is hereby amended by striking out said section and inserting the following:

Sec. 2, ch. 204, Public Laws of 1866, as amended by ch. 28, Laws of 1887, amended.

SECT. 2. Said court shall have exclusive jurisdiction of all civil actions in which the debt or damages demanded do not exceed twenty dollars, and both parties, or the defendant, or a person summoned in good faith as trustee, reside in the city of Portland, and of all cases of forcible entry and detainer, where the property demanded is in said city; and of all criminal offenses and misdemeanors committed in said city as are cognizable by municipal or police courts or trial justices, or are within the additional jurisdiction and authority conferred upon this court. In actions against two or more defendants or trustees, residing in different counties, where one defendant or trustee, resides in this county, concurrent jurisdiction with other trial justices or municipal or police courts, in the county where either of the defendants reside, as is provided in section sixteen, chapter eighty-one, and section five of chapter eighty-six of the revised statutes of this state, and concurrent with other trial justices or municipal or police courts in the county of Cumberland, over all matters and things, civil and criminal within their jurisdiction, where exclusive jurisdiction is not otherwise conferred by law; and concurrent jurisdiction with the superior court in the county of Cumberland, in all personal actions including actions of replevin when a defendant or person summoned in good faith as trustee, resides in the county of Cumberland, where the

Jurisdiction exclusive, in certain cases.

Concurrent with trial justices or municipal and police courts.

—with superior court.

CHAP. 134

Shall not include actions in which title to real estate is involved.

debt, damages or goods demanded, exclusive of costs, exceed twenty dollars and do not exceed fifty dollars. This jurisdiction shall not include actions in which the title to real estate according to pleadings filed by either party, is in question, excepting as is provided in chapter ninety-four of the revised statutes, sections six and seven, and excepting as is provided in chapter eighty-three of the revised statutes, section four. All the provisions of the statutes of this state relative to the attachment of real estate and personal property and the levying of executions, shall be applicable to actions in this court, and executions on judgments rendered therein. Said court is hereby authorized to administer oaths, render judgments, issue executions, certify copies of its records, punish for contempt and compel attendance as in the superior court of this county.'

Sec. 3,  
amended.

SECT. 2. Section three of said chapter two hundred and four is hereby amended, by striking out said section three and inserting the following section :

Judge and recorder shall not act as counsel.

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

Sec. 4,  
amended.

SECT. 3. Section four of said chapter two hundred and four, as amended by chapter one hundred and sixty-three, public laws of eighteen hundred and eighty-three, and chapter twenty-eight, public laws of eighteen hundred and eighty-seven, and chapter one hundred and fifty-eight, public laws of eighteen hundred and eighty-nine, is hereby amended, by striking out the word "thirty" in the third line and inserting the word 'fifty,' so that said section as amended, shall read as follows :

Jurisdiction in cases of larceny and other offenses.

'SECT. 4. The said court may take cognizance of simple larcenies, where the property alleged to be stolen shall not exceed in value fifty dollars, and of offenses described in sections six, seven and nine of chapter one hundred and twenty of the revised statutes, and in sections one and four of chapter one hundred and twenty-six of the revised statutes, where the value of the property does not exceed fifty dollars ; of offenses described in section four of chapter one hundred and thirty-two of the revised statutes, where they are not of a high and aggravated nature, and on conviction, may punish by fine not exceeding twenty dollars, or by imprisonment in the

county jail not exceeding six months ; and all violations of the tramp law, and of offenses described in section four of chapter one hundred and forty-one of the revised statutes, and on conviction, may punish by imprisonment in the county or city house of correction, not exceeding six months ; and have exclusive jurisdiction of all offenses against the by-laws of the city ; and in prosecution on such by-laws, they need not be recited in the complaint, nor in allegations therein be more particular than in prosecutions on a public statute.'

Exclusive jurisdiction of offenses against by-laws of city.

SECT. 4. Section sixteen of said chapter two hundred and four is hereby amended by striking out said section, and inserting the following section :

Sec. 16, amended.

'SECT. 16. When the judge is occasionally absent from the room or office in which the court is held, the recorder shall have the power to hear complaints in all criminals matters, draw complaints and issue warrants for the apprehension of persons charged with any criminal offense or breach of the peace ; to hear accusations in bastardy and issue warrants thereon, and all warrants so issued by the recorder shall have the same authority as if issued by the judge. Said recorder shall make, sign and issue all mittimuses, or other processes of commitment from said court, but said mittimuses or processes of commitment shall be equally valid if signed by the judge.'

In absence of judge, recorder may act in certain cases.

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

—costs and fees.