

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

SEVENTY-FIRST LEGISLATURE

OF THE

STATE OF MAINE

1903.

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PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE.

1903.

Chapter 219.

An Act to establish a Municipal Court in the city of Eastport.

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

Eastport
municipal
court
established.

—qualifica-
tions and
duties of
judge.

Section 1. A municipal court is hereby established in and for the city of Eastport in our county of Washington, which shall be denominated the Eastport Municipal Court, shall be a court of record, with a seal, and shall consist of one judge who shall be an attorney at law and reside in said Eastport. He shall cause to be entered on the docket of said court all civil and criminal actions, with full minutes of the proceedings in and disposition of the same, which docket shall be at all times open to inspection, and he shall perform all other duties required of similar tribunals in this state; and copies of the records of said court, duly certified by said judge, shall be legal evidence in all courts. He shall not act as attorney or counsel in any action, matter or thing within the jurisdiction of said court.

Recorder,
appointment
of.

—may preside
in absence of
judge.

—justice of
the peace
may preside
in absence of
judge and
recorder.

Section 2. The judge shall appoint a recorder of said court, who shall be an attorney at law and reside in said Eastport, and hold his office for four years. He shall be sworn by said judge, and keep the records of said court when requested to do so by said judge. In case of absence from the court room or sickness of the judge, or when the office of judge shall be vacant, the recorder shall have and exercise all the powers of said judge, and perform all the duties of said judge by this act, and the signature of the recorder, as such, shall be sufficient evidence of his right to act instead of the judge. In the absence of both judge and recorder, any justice of the peace of the city of Eastport, may preside for the purpose of entering and continuing actions and filing papers in said court, and may adjourn the same from day to day, or till the next regular term.

Exclusive
original
jurisdiction
of court.

Section 3. Said court shall have exclusive original jurisdiction of all civil actions in which the debt or damage demanded do not exceed twenty dollars, and both parties, or one of the parties or a person summoned in good faith and on probable grounds as trustee, reside in said city of Eastport; and shall have exclusive original jurisdiction of all offenses committed against the ordinances and by-laws of said city, and all such criminal offenses and misdemeanors committed therein as are cognizable by trial justices; provided, that warrants may be issued on complaints for offenses committed in said city of Eastport, by any trial justice in said county, but all such warrants shall be made returnable before said court, and no trial justice shall take cognizance of any crime or offense committed

in said city, or any civil action of which said court has exclusive jurisdiction. Said court shall have original jurisdiction concurrent with trial justices of all such matters and things, civil and criminal, within the city of Eastport, and the towns of Cutler, Whiting, Perry and Pembroke as are by law within the jurisdiction of trial justices in said county.

—original
jurisdiction
with trial
justices.

Section 4. Said court shall have original jurisdiction, concurrent with the supreme judicial court, of all civil actions in which the debt or damage demanded, exclusive of costs, do not exceed one hundred dollars, in which either party, or a person summoned in good faith and on probable grounds as trustee, reside in said city of Eastport, or in the towns of Cutler, Whiting, Perry or Pembroke, or having his residence beyond the limits of this state, is served with process within said county. Said court shall have original jurisdiction, concurrent with the supreme judicial court in said county, of all larcenies described in sections one, six, seven, eight, and nine of chapter one hundred and twenty of the revised statutes, when the value of the property is not alleged to exceed thirty dollars; of all the cases of cheating by false pretenses, described in section one of chapter one hundred and twenty-six of the revised statutes, when the value of the property or other thing alleged to have been fraudulently obtained or sold does not exceed thirty dollars; of the assaults and batteries described in section twenty-eight of chapter one hundred and eighteen of the revised statutes and of the offense described in section six of chapter one hundred and twenty-four of the revised statutes, and may punish for either of said offenses by fine not exceeding fifty dollars, and by imprisonment not exceeding three months; and of all other crimes, offenses and misdemeanors committed in said county which are by law punishable by fine not exceeding fifty dollars, and by imprisonment not exceeding three months; provided, that said court shall not try civil actions in which the title to real estate according to pleadings filed in the case of either party, is in question, except as provided in chapter ninety-four, sections six and seven, of the revised statutes.

Original
jurisdiction
concurrent
with supreme
judicial court.

Section 5. A term of said court shall be held on the first Tuesday of each month, beginning at ten o'clock in the forenoon at such place in the city of Eastport as said city shall provide for the transaction of civil business, and all civil processes shall be made returnable accordingly; provided, however, that said court shall be held on every Tuesday at the usual hour, for the entry and trial of actions of forcible entry and detainer, and such actions shall be returnable accordingly, and be heard and determined and judgment entered on the return day of the writ, unless

Terms, when
and where
held.

CHAP. 219

continued for good cause. Said court may adjourn from time to time, but shall be considered as in constant session for the trial of criminal offenses.

Forms of
writs and
processes.

—service of
writs and
processes.

Section 6. Writs and processes issued by said court shall be in the usual forms, signed by the judge or recorder, and under the seal of said court. They shall be served as like precepts are required to be served when issued by trial justices, except original writs in civil actions, which shall be served not less than seven nor more than sixty days before the sitting of the court at which the same are made returnable. All the provisions of the statutes of the state relative to the attachment of real and personal property and the levy of executions, shall be applicable to actions in this court and executions on judgments rendered therein; provided that property may be attached equal in value to ad damnum, and in addition thereto sufficient to satisfy the costs of suit, and the writ may be framed accordingly.

Civil actions,
when entered.

Section 7. All civil actions in said court shall be entered the first day of the term and not afterwards, except by special permission, and they shall be in order for trial at the next term after the entry, if not otherwise disposed of. The pleading shall be the same as in the supreme judicial court, and all provisions of law relative to practice and proceedings in the supreme judicial court, in civil actions, as are hereby made applicable and extended to this court, except so far as they are modified by the provisions of this act.

Proceedings
when
defendant
claims jury
trial.

Section 8. If any defendant, his agent or attorney, in any action in said court in which the debt or damage claimed in the writ exceeds twenty dollars, shall on or before the first day of the second term claim a jury trial, and shall deposit with the judge of said court one dollar and fifty cents for copies and entry in the supreme judicial court, to be taxed in his costs if he prevails, the said action shall be removed on motion into and entered at the next term of the supreme judicial court, for said county, and the judge of said municipal court shall forthwith cause certified copies of the writ, return of the officer and all other papers in the case to be filed in the clerk's office of said supreme court.

Reference of
pending
actions.

Section 9. Actions pending in this court may be referred in the same manner as in the supreme judicial court, and on report of the referees to said municipal court. Judgment may be rendered in the same manner and with like effect as in the supreme judicial court.

Appeals.

Section 10. Any party may appeal from any judgment or sentence of said municipal court to the supreme judicial court, in the same manner as from a judgment or sentence of a trial justice.

Section 11. Exceptions may be alleged in cases certified on agreed statement of facts, or upon evidence reported by the judge in all civil actions, as in the supreme judicial court, and the same shall be entered, heard and determined at the next law term, or by agreement of parties may be certified at and to the chief justice of the supreme judicial court and when so certified to be argued in writing on both sides within thirty days; and the supreme judicial court, sitting as a court of law, shall have the same jurisdiction over all questions of law arising on said exceptions, statements and reports, as if they originated in the supreme judicial court for the county of Washington; and all the provisions of law and rules of the supreme judicial court relative to the transfer of actions and other matters from the supreme judicial court in said county shall apply to the transfer of actions from the said municipal court to said law court. Decisions of the law court on all cases from said municipal court, shall be certified to the judge of said municipal court, with the same effect as in cases originating in the supreme judicial court in said county.

Section 12. The costs and fees allowed to parties and attorneys in civil actions before said court, in which the debt or damages recovered do not exceed twenty dollars, shall be the same as are allowed in actions before trial justices, except the plaintiff, if he prevails, shall be allowed two dollars for his writ; and the defendant, if he prevails, one dollar for his fees. But in all actions in which the amount recovered exceeds twenty dollars, the costs and fees of parties and attorneys shall be same as in the supreme judicial court, except that the defendant, if he prevails, shall be allowed two dollars for his pleadings.

Costs and fees.

Section 13. The fees of the judge, or the recorder acting as judge, which they may demand and receive in full payment for their services, shall be the same as are allowed to the trial justices and clerks of the supreme judicial court for similar services, except he shall receive for every blank writ signed by him four cents; for the entry of each civil action fifty cents; for every warrant issued by him one dollar; and for the trial of an issue in civil or criminal cases one dollar and two dollars for each day actually employed after the first. All fines and penalties awarded and received by said judge, or said recorder, shall be accounted for and paid over as if the same had been awarded and received by a trial justice, and for neglect to do so they shall be subject to like penalties with trial justices.

Fees of judge.

—disposition of fines and penalties.

Section 14. The city marshal of the city of Eastport or one of his deputies, shall be in attendance on said court when requested so to be by the judge or recorder, for the purpose of

City marshal or his deputy shall be in attendance at court.

CHAP. 220

preserving order and he shall execute all legal orders and processes to him directed by said court.

Court room shall be provided by city of Eastport. Trial justice may take cognizance when judge or recorder is a party.

Section 15. The city of Eastport shall provide suitable rooms for said court and furnish the same in an appropriate manner.

Section 16. Any trial justice in the county of Washington may take cognizance of any action, matter or thing within his jurisdiction, wherein the judge or recorder of said court is a party or interested.

Section 17. This act shall take effect when approved.

Approved March 20, 1903.

Chapter 220.

An Act to authorize the town of Brunswick to raise money to defray the expense of locating a water supply.

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

Town of Brunswick may raise money to defray expenses of locating a water supply.

Section 1. The town of Brunswick is hereby authorized to raise or appropriate money to defray any expense that may be incurred by the Brunswick and Topsham Water District in locating a water supply for said district; and said district is hereby authorized to reimburse said town for any money actually expended under this act.

Section 2. This act shall take effect when approved.

Approved March 20, 1903.

Chapter 221.

An Act to regulate the appointment of Constables by the City Council of Portland.

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

City constables, election of.

Section 1. The city council of the city of Portland may, at the time of the election of subordinate city officers, or as soon thereafter as may be, elect not exceeding nine city constables and their term of office shall be for one year and until others are qualified in their place.

Proviso.

Section 2. The provisions of section one shall not be construed as repealing or amending the provisions of sections twelve and thirteen of chapter two hundred and seventy-five of