

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.

CHAP. 277**Chapter 277.**

An Act to amend "An Act to establish a Municipal Court for the town of Brunswick."

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

Chapter 195, public laws of 1850, as amended by chapter 566, special laws of 1874, further amended.

Chapter one hundred and ninety-five of the public laws of eighteen hundred and fifty, as amended by chapter five hundred and sixty-five of the private and special laws of eighteen hundred and seventy-four, is hereby further amended so as to read as follows:

Brunswick municipal court established.

'Section 1. A municipal court is hereby established in and for the town of Brunswick, in the county of Cumberland, which shall be called the municipal court for the town of Brunswick; and said court shall consist of one judge, a citizen of said town, who shall be appointed by the governor, with the consent of the council, and who shall be duly sworn.

Concurrent jurisdiction.

'Section 2. The judge of said court shall, except when interested, exercise concurrent jurisdiction with trial justices over all such matters and things, civil and criminal, within said county of Cumberland, as are by law within the jurisdiction of trial justices; also concurrent jurisdiction with trial justices in cases of forcible entry and detainer in said county, and exclusive jurisdiction in all civil actions, if otherwise cognizable by a trial justice, in which both parties interested, or either of the principal parties and a person summoned as trustee, are inhabitants of or residents in said town; also exclusive jurisdiction in all cases of forcible entry and detainer in said town; also concurrent original jurisdiction with the superior court for the county of Cumberland, in all civil actions at law where the damage does not exceed one hundred dollars, in which both parties interested or either of the principal parties and a person summoned as trustee are inhabitants of or residents in the county of Cumberland. Actions may be referred, and judgment on the referee's report may be rendered, in the same manner and with the same effect as in said superior court.

—exclusive jurisdiction.

Proceedings for removal of action to superior court.

'Section 3. If any defendant in any action in said court, where the amount claimed in the writ exceeds twenty dollars, or his agent or attorney, shall, on the return day of the writ, file in said court his pleadings, and a motion asking that said action be removed to the superior court in the county of Cumberland, and deposit with the judge the sum of two dollars and ten cents for copies and entry fee in said superior court, to be taxed in his costs if he prevails, the said action shall be removed into the said superior court. The judge shall forth-

with cause certified copies of the writ, officer's return, and defendant's motion and pleadings, to be filed in the clerk's office of said superior court within ten days, and shall pay the entry fee thereof, and said action shall be entered on the docket of the following term of said superior court, unless said court shall then be in session, when it shall be entered forthwith, and shall be in order for trial at that term. If no such motion and pleadings are filed, the said municipal court shall proceed and determine said action, subject to the right of appeal in either party as now provided by law. The pleadings in such cases shall be the same as in the said superior court.

'Section 4. The said court may take cognizance of all larcenies at common law or by statute, when the property alleged to have been stolen shall not exceed in value thirty dollars, of offenses described in sections one and four of chapter one hundred and twenty-six of the revised statutes, when the value of the property shall not exceed thirty dollars, and of offenses described in section four of chapter one hundred and thirty-two of the revised statutes, when 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 ninety days; and shall have exclusive jurisdiction of all offenses against the by-laws of the town of Brunswick; and in prosecution on said by-laws, they need not be recited in complaint, nor the allegations therein be more particular than in prosecutions on a public statute.

Jurisdiction $\bar{7}$
in larceny, &c

'Section 5. Any person aggrieved by any sentence or judgment awarded by said judge, may appeal therefrom in the same manner as if sentence or judgment were awarded by a trial justice, and under such recognizance as said court may require.

Appeals, how
taken.

'Section 6. The said judge shall enter, or 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 copies of the records of said court, duly certified by the judge or recorder thereof, shall be legal evidence in all courts. All writs and processes returnable before said court, wherein the debt or damages demanded exceed twenty dollars, shall be served four-teen days at least before the return day thereof.

Docket.

—service of
writs and
processes.

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

Time and
place of
holding court.

CHAP. 277Recorder,
appointment
of.

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

-tenure.

-powers of
recorder.

Fees.

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

Costs, how
taxed.

'Section 10. In all actions in which the amount recovered shall not exceed twenty dollars, the same costs shall be taxed and allowed as in actions before trial justices, except that the plaintiff, if he prevails, shall have two dollars for his writ. In all actions in which the amount recovered shall exceed 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.

Salary of
judge.

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

Court room,
how
provided.

'Section 12. The town of Brunswick shall provide and furnish a suitable court room, for the purpose of holding said court therein, and shall heat and light the same. All other expenses of said court, including blank books of record, docket and blanks necessary for the use of said court, shall be paid from the treasury of the county of Cumberland.

'Section 13. This act shall take effect April first, nineteen hundred and three.'

Approved March 25, 1903.