

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

ACTS AND RESOLVES  
OF THE  
SEVENTY-THIRD LEGISLATURE  
OF THE  
STATE OF MAINE  
1907.

---

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

---

AUGUSTA  
KENNEBEC JOURNAL PRINT  
1907

---

PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE.

1907.

---

**Chapter 437.**

An Act to establish a Municipal Court in the town of Madison.

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

Section 1. There is hereby established in and for the town of Madison, in the county of Somerset, a court, to be denominated the municipal court of the town of Madison.

Municipal  
court of  
Madison es-  
tablished.

Section 2. Said court shall be a court of record, and have a seal to be affixed to all original processes issuing therefrom.

Shall have a  
seal.

Section 3. Said court shall consist of one judge, to be appointed in the manner and for the term provided by the constitution, who shall be a member of the bar in Somerset county, and who shall have and exercise concurrent jurisdiction and authority with trial justices, justices of the peace, and justices of the peace and quorum, over all matters and things by law within their jurisdiction, and such jurisdiction and authority additional thereto as is conferred upon him by this act.

Judge, ap-  
pointment  
of.

Section 4. Said municipal court shall have jurisdiction as follows:

Jurisdic-  
tion.

First. Original and exclusive jurisdiction of all civil actions in which the debt or damages demanded do not exceed twenty dollars, and one of the parties, or a person summoned in good faith and on probable cause as trustee, resides in said town of Madison; and of all cases of forcible entry and detainer arising in said town; and shall have original and exclusive jurisdiction of all offenses committed against the ordinances and by-laws of said town and of all offenses committed against the ordinances and by-laws of the Madison Village Corporation in said town, and all such criminal offenses and misdemeanors committed therein as are cognizable before trial justices; provided that warrants may be issued upon complaints for offenses committed in said town of Madison and in Madison Village Corporation by any justice in the county of Somerset, but all such warrants shall be returnable before said court, and no trial justice shall take cognizance of any crime or offense committed in said town and in Madison Village Corporation or any civil action, or action of forcible entry or detainer, of which said court has exclusive jurisdiction.

—when  
damages do  
not exceed  
twenty  
dollars.

Second. Said court shall have jurisdiction concurrent with trial justices of all such matters and things civil and criminal within the county of Somerset, as are by law within the jurisdiction of trial justices in said county, and with trial justices in all cases of forcible entry and detainer arising in said county.

—with trial  
justices.

## CHAP. 437

—with  
supreme  
judicial  
court when  
damages  
exceed  
twenty  
dollars and  
not over one  
hundred  
dollars.

Third. Said court shall have original jurisdiction concurrent with the supreme judicial court in all personal actions where the debt or damage demanded, exclusive of costs, is over twenty dollars, and not over one hundred dollars, and in all actions of replevin under chapter ninety-eight of the revised statutes, when the sum demanded for the penalty, forfeiture or damage, or the value of the goods or chattels replevied does not exceed one hundred dollars; provided that any defendant or any party summoned as trustee in good faith and on probable cause is a resident of said county of Somerset, but this jurisdiction shall not include proceedings under the divorce laws or complaints under the mill act, so called, or jurisdiction over actions in which the title to real estate according to the pleadings filed in the case by either party is in question, except as provided in chapter ninety-six, sections six and seven of the revised statutes.

Jurisdic-  
tion in  
larceny, etc.

Section 5. Said court shall have jurisdiction in all cases of simple larceny, and where the property alleged to have been stolen shall not exceed the value of thirty dollars, and of all cases of cheating by false pretenses, where the property, money or other thing alleged to have been fraudulently obtained, shall not exceed in value the sum of thirty dollars, and shall have power to try the same, and in either of said cases to award sentence upon conviction by fine not exceeding fifty dollars, or imprisonment in the county jail with or without labor, for a term not exceeding ninety days. He shall have exclusive jurisdiction of all offenses arising in said town and in Madison Village Corporation which are by any law or statute within the jurisdiction of a trial justice, and concurrent jurisdiction with trial justices of the county of Somerset, of all such offenses arising in said county, out of said town.

Shall not  
have  
jurisdiction  
wherein title  
to real  
estate is in  
question.

Section 6. Nothing in this act shall be construed to give said court jurisdiction to try any civil action in which the title to real estate according to the pleading of brief statement filed therein by either party is in question; and all such actions brought therein shall be removed to the supreme judicial court or otherwise disposed of, as in like cases before a trial justice.

Consan-  
guinity  
within  
degree of  
which judge  
may not  
have  
authority to  
act.

Section 7. But nothing in this act shall give or be construed to give said court jurisdiction of any case, civil or criminal, or of forcible entry and detainer where the judge shall be interested or related to either of the parties by consanguinity or affinity within the degree of second cousin inclusive. But all such cases, which would be otherwise within the exclusive jurisdiction of said court, shall be brought before and disposed of by any trial justice within said county, in the same manner and with like effect as other actions before said trial justices.

## CHAP. 390

Section 8. Said court shall be held on the first and fourth Mondays of each month at ten o'clock in the forenoon, for the transaction of civil business, at such place within said town as the judge shall determine, but the town or Madison Village Corporation may at any time provide a court room, in which the court shall be held therein, and all civil processes shall be made returnable accordingly; provided, however, that said court shall be held on every Monday 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 continued for good cause. Said court may be adjourned from time to time by the judge, but it shall be considered in constant session for the cognizance of criminal actions.

Term time,  
first and  
fourth  
Mondays of  
each month  
at 10 A. M.

Section 9. It shall be the duty of the judge of said court to make and keep the records thereof, or cause the same to be made and kept, and to perform all other duties required of similar tribunals in this state; and copies of said records, duly certified by said judge, shall be legal evidence in all courts. The judge may appoint in writing, a recorder, who shall be a trial justice for the county of Somerset, duly qualified, who shall be sworn by said judge, who shall keep the records of said court when requested so to do by the judge; and in case of absence from the court room or sickness of the judge, or when the office of the judge shall be vacant, the recorder shall have and exercise all the powers of the judge, and perform all the duties required of said judge by this act, and shall be empowered to sign and issue all processes and papers, and to do all acts as fully and with the same effect as the judge could do were he acting in the premises; and the signature of the recorder, as such, shall be sufficient evidence of his right to act instead of the judge. When the office of judge is vacant, the recorder shall be entitled to the fees; in all other cases he shall be paid by the judge, and shall hold his said office at the discretion of said judge.

Judge shall  
keep  
records.

—may  
appoint a  
recorder.

Section 10. Any party may appeal from any judgment or sentence of said court to the supreme judicial court, in the same manner as from a judgment or sentence of a trial justice. And 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, a motion asking that said action be removed to the supreme judicial court, accompanied by his pleadings in said action, and shall at the same time deposit with the judge the sum of two

Appeals,  
how taken.

CHAP. 437

dollars and sixty cents for copies and entry fee to be taxed in his costs if he prevail, the said action shall be removed into the supreme judicial court for said county, and the judge shall forthwith cause certified copies of the writ, officers' return and pleas to be filed in the clerk's office of said supreme judicial court and said action shall be entered on the docket of the term next preceding said filing, and shall be in order for trial at the next succeeding term.

Writs and  
processes,  
form and  
service of.

Section 11. Writs and processes issued by said court shall be in the usual form, signed by the judge, 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.

Attach-  
ments of  
real and  
personal  
property.

Section 12. All the provisions of the statutes of the state relative to attachments of real and personal property, and the levy of executions shall be applicable to actions brought in this court, and executions on judgments rendered therein; provided, that property may be attached in addition to the ad damnum sufficient to satisfy the costs of suit, and the writ may be framed accordingly.

May  
administer  
oaths, etc.

Section 13. Said court is hereby authorized to administer oaths, render judgment, issue executions, punish for contempt, and compel attendance, as in the supreme judicial court, and make all such rules and regulations, not repugnant to law, as may be necessary and proper for the administration of justice.

Actions,  
how entered  
and disposed  
of.

Section 14. Actions in said court shall be entered on the first day of the term, and not afterwards, except by special permission. When a defendant legally served, fails to enter his appearance by himself or his attorney, on the first day of the return term, he shall be defaulted; but if he afterwards appear during the term, the court may, for sufficient cause, permit the default to be taken off. Pleas in abatement must be filed on or before the day of the entry of the action. The defendant may file his pleadings, which shall be the general issue, with a brief statement of special matters of defense on the return day of the writ, and must file them on or before the first day of the next term, or he shall be defaulted, unless the court for good cause enlarge the time, for which it may impose reasonable terms. Actions in which the defendant files his pleadings on the return day, and all actions of forcible entry and detainer seasonably answered to, shall be in order for trial at the return term and shall remain so until tried or otherwise disposed of, unless

continued by consent or on motion of either party for good cause, in which latter case the court may impose such terms as it deems reasonable; but all other actions, unless defaulted or otherwise finally disposed of, shall be continued as of course and be in order for trial at the next term.

Section 15. If at any regular or adjourned term of said court to be held for civil business, the judge or recorder is not present at the place for holding said court within two hours after the time for opening said court, then any trial justice or justice of the peace in the county of Somerset, may preside for the purpose of entering and continuing actions and filing papers in said court, and may adjourn said court from time to time, not exceeding one week at any one time, without detriment to any action returnable or pending, and may in his discretion adjourn said court without day, in which event all actions returned or pending, shall be considered as continued to the next term.

Trial justices may preside in absence of judge or recorder, for certain purposes.

Section 16. The costs and fees allowed to parties, attorneys and witnesses in said court shall be the same as allowed by trial justices in actions before them, except that the plaintiff, if he prevail, shall be allowed two dollars for his writ; and the defendant, if he prevail, two dollars for his pleadings. In actions where the amount recovered by the plaintiff, exclusive of costs, exceed twenty dollars, or property, the value of which exceeds that sum, or the amount claimed, or the value of the property recovered exceeds twenty dollars, where the defendant prevails, the costs of the parties, trustees and witnesses shall be the same as in the supreme judicial court, except the costs to be taxed for attendance shall be two dollars and fifty cents for each term, for as many terms as may be allowed by the court.

Costs and fees to be allowed in civil cases.

Section 17. The judge of said court may demand and receive the same fees allowed by law to trial justices and clerks of the supreme judicial court for similar services, except that 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; for the trial of an issue in civil or criminal cases, two dollars for every day actually employed; and said fees for the trial of an issue in civil actions shall be paid by the plaintiff before proceeding with the trial each day, to be taxed in his costs, if he prevail; and the fees so received by said judge shall be payment in full for his services.

Judge may demand fees.

Section 18. Trial justices are hereby restricted from exercising any jurisdiction in the town of Madison over any matter or thing, civil or criminal, except such as are within the jurisdiction of justices of the peace and of the quorum; provided,

Trial justices, jurisdiction limited.



**CHAP. 438**

Actions  
commenced  
before this  
act takes  
effect.

that said restrictions shall be suspended until the judge of said court shall enter upon the duties of his office.

Section 19. Nothing in this act shall be construed to interfere with actions already commenced before trial justices in the town of Madison, but all such actions shall be disposed of by such trial justices the same as if this act had not passed.

Section 20. This act shall take effect when approved.

Approved March 28, 1907.

**Chapter 438.**

An Act to amend Chapter two hundred and thirteen of the Private and Special Laws of nineteen hundred and three as amended by Chapter three hundred fifty-five of the Private and Special Laws of nineteen hundred and five, authorizing the County Commissioners of Cumberland County to erect a county building in Portland.

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

Chapter 213,  
private and  
special laws,  
1903, as  
amended by  
chapter 355,  
private and  
special laws,  
1905,  
amended.

Section 1. Chapter two hundred and thirteen of the private and special laws of the year one thousand nine hundred and three as amended by chapter three hundred and fifty-five of the private and special laws of one thousand nine hundred and five is hereby amended by striking out the words "six hundred" and inserting in lieu thereof the words 'eight hundred and fifty' so that said paragraph as amended, shall read as follows:

Erection of  
county  
building  
authorized,

'1. The county commissioners of the county of Cumberland are authorized to erect and maintain in the city of Portland a county building of modern, fireproof construction, containing suitable court rooms, registries, county offices, library rooms and such other rooms, accommodations and conveniences as to such commissioners may seem necessary or desirable, and for that purpose to acquire suitable land, either by purchase, exchange, or by taking as for public uses, and in order to provide for the payment thereof to borrow money and issue interest-bearing bonds of said county to an amount not to exceed in the aggregate eight hundred and fifty thousand dollars and the rate of interest on said bonds shall not exceed three and one-half per cent per annum. Said county commissioners shall cause any land so taken to be surveyed, located and so described that the same can be identified, and shall cause a plan and descriptions thereof to be filed in their office and there recorded.

—county  
authorized  
to issue  
bonds.

The filing of said plan and description shall vest the title to said land in said county, or its grantees, to be held during the pleasure of said county.