

MAINE STATE LEGISLATURE

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CHAPTER 98.

MISCELLANEOUS PROVISIONS RELATING TO COURTS.

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Title to Real Estate

Sec. 1. When title to real estate is in question, proceedings. R. S. c. 97, § 3. When it appears by the pleadings or brief statement that the title to real estate is in question, the cause shall, on request of either party, be removed to the superior court in the county; and such party shall recognize to the other in a reasonable sum, with sufficient sureties, to enter the case at the next term thereof; and if he does not so recognize, the justice shall hear and decide the case, as if such request had not been made.

3 Me. 256; 9 Me. 113; 27 Me. 95.

Sec. 2. Copy and papers to be produced at appellate court; proceedings if not entered. R. S. c. 97, § 4. The party so recognizing shall produce at said court a copy of the record, and all such papers as are required to be produced by an appellant; and if he fails to do so, or to enter the action as before provided, he shall, on complaint of the adverse party, be nonsuited or defaulted, as the case may be; and such judgment shall be rendered as law and justice require.

Sec. 3. If plaintiff does not prevail, costs for defendant. R. S. c. 97, § 17. If the plaintiff fails to enter and prosecute his action, or if, on trial, he does not maintain his action, the defendant recovers judgment for his costs to be taxed by the justice; and execution shall issue therefor.

Appeals

Sec. 4. Appeal, when and how claimed; its effect. R. S. c. 97, § 18. 1941, c. 76. Any party aggrieved by the judgment of the justice, whether after trial or upon default, may appeal to the next superior court in the same county, and may enter such appeal at any time within 5 days after the judgment, Sunday not included. The appellant shall within 5 days after judgment, Sunday not included, pay to the clerk the required fees for such appeal, including the entry fee in and cost of forwarding such appeal to the appellate court, and in that case no execution shall issue, and the clerk shall enter the appeal in the appellate court where it shall be determined as a new entry.

24 Me. 438; 57 Me. 292; 64 Me. 533; 105 Me. 262.

Sec. 5. Appeal without trial. R. S. c. 97, § 19. 1933, c. 118, § 1. In actions in a municipal court or before a trial justice, either party, after appearing and filing his pleadings, may waive a trial and give the adverse party judgment, and then appeal, as if there had been an actual trial.

78 Me. 76.

Sec. 6. Appellant's recognizance. R. S. c. 97, § 20. If so requested by the adverse party, the appellant shall within 1 week after notice of such request,

or within such further time as may be allowed by the court, recognize to such adverse party in a reasonable sum, with condition to prosecute his appeal with effect, and pay all costs arising after the appeal.

42 Me. 328; 72 Me. 486; 76 Me. 546; 105 Me. 262.

Sec. 7. On appeal copies and papers to be produced. R. S. c. 97, § 21. When such appeal is completed, the clerk shall file in the appellate court the originals of all depositions and other written evidence or documents and a copy of the record and all papers filed in the cause.

44 Me. 41.

Sec. 8. Executions may be directed into other counties. R. S. c. 97, § 23. 1933, c. 118, § 1. When a debtor removes or is out of the county in which judgment is rendered against him by a trial justice or municipal court, such justice or court may issue execution against him, directed to the proper officers in the county where he is supposed to be; and it has the same force as if issued by a justice or court of the latter county.

Sec. 9. Writs of scire facias and executions, when to be directed into other counties. R. S. c. 97, § 25. 1933, c. 118, § 1. In cases of scire facias against bail, indorsers of writs, executors, or administrators, and in all trustee processes, or original writs against two or more defendants, before a trial justice or a judge of a municipal court, where the defendant or trustee resides out of the county where the proceedings are had, the justice or judge may direct the writ or execution to any proper officer of the county where such defendant or trustee resides, who shall charge fees of travel from the place of his residence to the place of service only, and postage paid by him.

Trial Justices and Judges of Municipal Courts, Ex Officio, Justices of the Peace

Sec. 10. Ex officio, justices of the peace; may administer oaths. R. S. c. 97, § 34; c. 144, § 3. 1933, c. 118, §§ 1, 5. Trial justices and judges of municipal courts are, ex officio, justices of the peace and all their official acts, attested by them in either capacity, except those pertaining to the exclusive jurisdiction of trial justices and judges of municipal courts, are of equal effect. Judges of municipal courts, trial justices, and justices of the peace may administer all oaths required by law, unless another officer is specially required to do it.

66 Me. 271; *104 Me. 354.

Fees for Copies Furnished by Public Officers

Sec. 11. Number of words to a written page. R. S. c. 126, § 23. Two hundred and forty words constitute a written "page", if the writing contains that number, and, where no other rule is provided, public officers shall be allowed for copies which they are required by law to furnish, 12c a page; for affixing an official seal to the same, when necessary, 25c more.

110 Me. 544.