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# FORTY-SEVENTH LEGISLATURE.

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HOUSE.

No. 72.

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## STATE OF MAINE.

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IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED AND SIXTY-EIGHT.

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AN ACT to amend an act entitled “an act to incorporate the city of Calais.”

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

SECTION 1. The act incorporating the city of Calais, 2 approved August twenty-fourth, in the year of our 3 Lord one thousand eight hundred and fifty, is hereby 4 amended by inserting in section eleven, after the word 5 “Calais” in the third line, the words “which shall be 6 a court of record with a seal,” and after the word 7 “judge” in said line, the words “who shall be a mem- 8 ber of the bar in Washington county, and shall reside 9 in said city of Calais during his continuance in said 10 office,” and by striking out all of said section eleven 11 after the word “constitution” in the fourth line, and

12 inserting the words “and shall except when interested  
13 exercise concurrent jurisdiction with justices of the  
14 peace, justices of the peace and quorum, and trial jus-  
15 tices, over all such matters and things civil and crim-  
16 inal within the county of Washington, as are by law  
17 within the jurisdiction of justices of the peace, justices  
18 of the peace and quorum, and trial justices in said  
19 county”; so that said section eleven as amended shall  
20 read:—“A police court shall be, and hereby is, estab-  
21 lished in and for the city of Calais, to be denominated  
22 the municipal court of the city of Calais, which shall  
23 be a court of record with a seal, to consist of one judge,  
24 who shall be a member of the bar in Washington coun-  
25 ty, and shall reside in said city of Calais during his  
26 continuance in said office, who shall be appointed and  
27 commissioned in the manner provided in the constitu-  
28 tion, and shall except when interested exercise concur-  
29 rent jurisdiction with justices of the peace, justices of  
30 the peace and quorum, and trial justices, over all such  
31 matters and things civil and criminal within the county  
32 of Washington, as are by law within the jurisdiction of  
33 justices of the peace, justices of the peace and quorum,  
34 and trial justices in said county.”

SECT. 2. Said municipal court of the city of Calais  
2 shall have exclusive jurisdiction in all civil actions in  
3 which the debt or damages demanded by the plaintiff

4 does not exceed twenty dollars, and both parties there-  
5 to have their residence in said city of Calais, or in  
6 which some person residing in said Calais is in good  
7 faith and on probable grounds summoned as trustee of  
8 a party defendant residing in the county of Washing-  
9 ton, and shall also have exclusive jurisdiction over all  
10 offences committed against the ordinances and by-laws  
11 of said city of Calais, and over all such criminal offences  
12 committed within the limits of said Calais, as are cog-  
13 nizable by trial justices.

SECT. 3. Said court shall have original jurisdiction  
2 concurrent with the supreme judicial court in all civil  
3 actions where the debt or damages demanded does not  
4 exceed fifty dollars, in which both parties reside in  
5 said county of Washington, or in which the defendant  
6 or one of the defendants, if more than one, resides in  
7 said Calais, or in which some person residing in said  
8 Calais is in good faith and on probable grounds sum-  
9 moned as trustee of a party defendant residing in said  
10 county of Washington; and said court shall have orig-  
11 inal jurisdiction concurrent with the supreme judicial  
12 court over crimes, offences and misdemeanors commit-  
13 ted in said county of Washington which are by law  
14 punishable by fine not exceeding twenty dollars, and  
15 by imprisonment in the county jail not exceeding three  
16 months, or by sentence to the reform school.

SECT. 4. Any party may appeal from any judgment  
2 or sentence of said court, to the supreme judicial court,  
3 in the same manner as from a sentence or judgment of  
4 a trial justice.

SECT. 5. The judge of said court shall not act as  
2 attorney or counsel in any action, matter or thing  
3 within the jurisdiction of said court.

SECT. 6. Warrants may be issued upon complaint  
2 for offences committed in said city of Calais, by the  
3 judge of said court, or by any trial justice in said  
4 county, but all such warrants shall be made returna-  
5 ble before said municipal court of the city of Calais ;  
6 and no justice of the peace or trial justice shall take  
7 other cognizance over any crime, offence or misde-  
8 meanor committed in said city of Calais, or in any  
9 civil action where said court has exclusive jurisdiction ;  
10 nor shall any trial justice residing in said city of  
11 Calais, issue any civil or criminal process within said  
12 county other than warrants as aforesaid, nor take any  
13 cognizance thereof, except in cases where the judge  
14 of said court is a party or interested in such suit or  
15 prosecution, or except on disclosures of poor debtors.  
16 Any trial justice or other judicial officer who shall vio-  
17 late any of the provisions of this act, shall forfeit fifty  
18 dollars for each and every violation thereof, to be  
19 recovered on indictment ; but nothing in this act shall

20 be construed to prohibit any justice of the peace or  
21 trial justice from acting in a ministerial capacity, or  
22 from exercising at all times all the power and jurisdic-  
23 tion given him by any law of the United States.

SECT. 7. The court shall be held on the first and  
2 third Mondays of each month, at nine o'clock in the  
3 forenoon, for the tranaction of civil business, and all  
4 civil processes shall be made returnable accordingly ;  
5 and said court may be adjourned from time to time at  
6 the discretion of the judge, but shall be considered as  
7 in constant session for the trial of criminal offences.

SECT. 8. It shall be the duty of the judge of said  
2 court, to make and keep the records thereof, or to  
3 cause the same to be made and kept, and to perform  
4 all other duties required of similar tribunals in this  
5 state ; and copies of the records of said court, duly  
6 certified by said judge, shall be legal evidence in all  
7 courts.

SECT. 9. The judge shall appoint a recorder, who  
2 shall hold his office during the pleasure of the judge  
3 aforesaid, and who shall be a trial justice for the  
4 county of Washington, duly qualified, who shall be  
5 sworn by said judge, who shall keep the records of  
6 said court, when requested so to do by the judge ; and  
7 in case of absence from the court room or sickness of  
8 the judge, or when the office of judge shall be vacant,

9 the recorder shall have and exercise all the powers of  
10 the judge, and perform all the duties required of said  
11 judge by this act, and shall be empowered to sign and  
12 issue all processes and papers, and to do all acts as  
13 fully and with the same effect as the judge could do,  
14 were he acting in the premises ; and the signature of  
15 the recorder, as such, shall be sufficient evidence of  
16 his right to act instead of the judge. When the office  
17 of judge is vacant, the recorder shall be entitled to the  
18 fees ; in all other cases he shall be paid by the judge.

SECT. 10. All fines and penalties awarded and re-  
2 ceived by said judge, shall be accounted for and paid  
3 over as if the same had been awarded and received by  
4 a trial justice.

SECT. 11. The fees of the judge which he may de-  
2 mand and receive for his services shall be as follows :  
3 for every blank writ signed by him, four cents ; for  
4 the entry of each civil action, forty cents ; for every  
5 warrant issued by him, seventy-five cents ; for the  
6 trial of an issue in a civil or criminal case, one dollar ;  
7 and the same for every day occupied in the hearing of  
8 a case after the first day in civil cases where the de-  
9 mand exceeds twenty dollars ; and all fees not herein  
10 specified, he shall receive the sums allowed for similar  
11 services to trial justices.

SECT. 12. Said court shall be held at such place as  
2 the city shall provide ; and the city of Calais shall  
3 have power, and it shall be its duty to raise money to  
4 purchase blank books of record, seals and dockets  
5 necessary for the use of said court, to provide a suitable  
6 room for said court, and to furnish the same in an  
7 appropriate manner.

SECT. 13. The forms of writs and processes in civil  
2 actions issued by said court, shall be the same as now  
3 provided by law, and shall be served, at least, seven  
4 days, and if the defendant party, or any trustee, be a  
5 corporation, thirty days before the return day.

SECT. 14. Actions pending in this court may be  
2 referred in the same manner as in the supreme judicial  
3 court, and on report of the referees to said municipal  
4 court, judgment may be rendered in the same manner,  
5 and with like effect as in the supreme court.

SECT. 15. Costs and fees allowed to parties and  
2 attorneys in all actions before said court, in which the  
3 debts or damages recovered does not exceed twenty  
4 dollars, shall be the same as are allowed in actions  
5 before trial justices ; but in cases where the damages  
6 do exceed twenty dollars, the fees and costs shall be  
7 the same as in the supreme judicial court.

SECT. 16. All the provisions of the statutes of this  
2 state in relation to attachments of real and personal

3 property, and the levy of executions on the same, shall  
4 be applicable to actions brought in this court, which  
5 shall have authority to issue executions to be satisfied  
6 in the same manner as though issuing from the supreme  
7 judicial court, except that no such execution shall be  
8 levied on real estate, unless the debt or damage there-  
9 in shall exceed the sum of twenty dollars.

SECT. 17. Any trial justice in the city of Calais  
2 may take cognizance of any action, matter or thing  
3 within their jurisdiction, wherein the judge or recorder  
4 of said municipal court of the city of Calais is a party  
5 or interested.

SECT. 18. Sections twelve, thirteen and fourteen of  
2 said act incorporating the city of Calais, also an act  
3 to amend an act entitled an act to incorporate the city  
4 of Calais, approved April nineteenth, in the year of  
5 our Lord one thousand eight hundred and fifty-two,  
6 are hereby repealed.

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## STATE OF MAINE.

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IN HOUSE OF REPRESENTATIVES, }  
February 8, 1868. }

Reported from the Committee on the Judiciary, by Mr. HALE  
of Ellsworth.

S. J. CHADBOURNE, *Clerk.*