

# MAINE STATE LEGISLATURE

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# FIFTY-EIGHTH LEGISLATURE.

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HOUSE.

No. 2.

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## STATE OF MAINE.

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

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AN ACT to establish a Municipal Court in the town  
of Eastport, Washington county.

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

SECTION 1. A municipal court is hereby estab-  
2 lished in and for the town of Eastport, to be  
3 denominated the Municipal Court of the town of  
4 Eastport, which shall consist of one judge, who  
5 shall be an inhabitant of the county of Washing-  
6 ton, of sobriety of manners and learned in the law,  
7 who shall be appointed as provided in the consti-  
8 tution. Said court shall be a court of record with  
9 a seal. The judge of said court shall cause to be  
10 entered on the docket of said court all civil and  
11 criminal actions with full minutes of the proceed-

12 ings in and disposition of the same, which docket  
13 shall be at all times open to inspection, and he shall  
14 perform all other duties required of similar tribu-  
15 nals in this state: and copies of the records of said  
16 court, duly certified by said judge shall be legal  
17 evidence in all courts. He shall not act as attorney  
18 or counsel in any action, matter or thing, within  
19 the jurisdiction of said court, nor be a member of  
20 any firm whose other members so act.

SECT. 2. In case of absence from the court room  
2 or sickness of the judge, or when the office of  
3 judge shall be vacant, any justice of the peace of  
4 the town of Eastport may preside for the purpose  
5 of entering and continuing actions and filing papers  
6 in said court, and may adjourn the same from day  
7 to day, or till the next regular term, and the signa-  
8 ture of said justice of the peace during the absence  
9 of the judge as aforesaid shall be sufficient evidence  
10 of his right to act instead of the judge.

SECT. 3. Said court shall have exclusive original  
2 jurisdiction of all civil actions in which the debt or  
3 damages demanded do not exceed twenty dollars,  
4 and both parties or one of the parties and a person  
5 summoned in good faith and on probable grounds  
6 as trustee, reside in said town of Eastport, and  
7 shall have exclusive original jurisdiction of all

8 offences committed against the by-laws of said  
9 town, and all such criminal offences and misde-  
10 meanors committed therein as are cognizable by  
11 trial justices; *provided*, that warrants may be  
12 issued upon complaints for offences committed in  
13 said town of Eastport, by any trial justice in said  
14 county, but all such warrants shall be made return-  
15 able before said court, and no trial justice shall  
16 take cognizance of any crime or offence committed  
17 in said town, or any civil action of which said court  
18 has exclusive jurisdiction. Said court shall have  
19 original jurisdiction concurrent with trial justices,  
20 of all such matters and things, civil and criminal,  
21 within the county of Washington, as are by law  
22 within the jurisdiction of trial justices in said  
23 county.

SECT. 4. Said court shall have original jurisdic-  
2 tion concurrent with the supreme judicial court, of  
3 all civil actions in which the debt or damages  
4 demanded, exclusive of costs, do not exceed one  
5 hundred dollars, in which either party, or a person  
6 summoned in good faith and on probable grounds  
7 as trustee, resides in the county of Washington, or  
8 having his residence beyond the limits of this state,  
9 is served with process within said county. And  
10 said court shall have original jurisdiction concu-

11 rent with the supreme judicial court in said county,  
12 of all larcenies described in sections one, six, seven,  
13 eight and nine of chapter one hundred and twenty  
14 of the revised statutes, when the value of the prop-  
15 erty is not alleged to exceed thirty dollars; of all  
16 the cases of cheating by false pretences described  
17 in section one of chapter one hundred and twenty  
18 six of the revised statutes, when the value of the  
19 property or other thing alleged to have been fraud-  
20 ulently obtained or sold does not exceed thirty dol-  
21 lars; of the assaults and batteries described in  
22 section twenty-eight of chapter one hundred and  
23 eighteen of the revised statutes, and of the offence  
24 described in section six of chapter one hundred and  
25 twenty-four of the revised statutes, and may punish  
26 for either of said offences by fine not exceeding fifty  
27 dollars and by imprisonment not exceeding three  
28 months; and of all other crimes, offences and mis-  
29 demeanors committed in said county which are by  
30 law punishable by fine not exceeding fifty dollars,  
31 and by imprisonment not exceeding three months;  
32 *provided*, that said court shall not try civil actions  
33 in which the title to real estate, according to the  
34 pleadings filed in the case by either party, is in  
35 question, except as provided in chapter ninety-four,  
36 sections six and seven of the revised statutes. And

37 provided that any action, civil or criminal, within  
38 the jurisdiction allowed to trial justices, in which  
39 the judge is interested, but which would otherwise  
40 be within the exclusive jurisdiction of said court may  
41 be brought before and disposed of by any trial jus-  
42 tice within said county in the same manner and with  
43 like effect as other actions before such tribunals.

SECT. 5. A term of said court shall be held on  
2 the third Tuesday of each month, beginning at ten  
3 o'clock in the forenoon, at the office of the judge  
4 of said court, or at such other place in the town of  
5 Eastport as said town may provide, for the tran-  
6 saction of civil business, and all civil processes  
7 shall be made returnable accordingly; *provided,*  
8 *however,* that said court shall be held on every  
9 Tuesday at the usual hour, for the entry and trial  
10 of actions of forcible entry and detainer, and such  
11 actions shall be returnable accordingly, and shall  
12 be heard and determined, and judgment entered  
13 on the return day of the writ, unless continued for  
14 good cause. Said court may adjourn from time to  
15 time, but shall be considered as in constant session  
16 for the trial of criminal offences.

SECT. 6. Writs and processes issued by said  
2 court shall be in the usual forms signed by the  
3 judge and under the seal of said court. They shall

4 be served as like precepts are required to be served  
5 when issued by trial justices, except original writs  
6 in civil actions, which shall be served not less than  
7 seven nor more than sixty days before the sitting  
8 of the court at which the same are made return-  
9 able. All the provisions of the statutes of the state  
10 relative to the attachment of real and personal  
11 property and the levy of executions shall be appli-  
12 cable to actions in this court, and executions on  
13 judgments rendered therein; *provided*, that prop-  
14 erty may be attached equal in value to the addam-  
15 num, and in addition thereto sufficient to satisfy  
16 the costs of suit, and the writ may be framed  
17 accordingly.

SECT. 7. All civil actions in said court shall be  
2 entered the first day of the term, and not after-  
3 wards except by special permission, and they shall  
4 be in order for trial at the next term after the entry  
5 if not otherwise disposed of. The pleadings shall  
6 be the same as in the supreme judicial court, and  
7 all the provisions of law relative to practice and  
8 proceedings in the supreme judicial court, in civil  
9 actions, are hereby made applicable and extended  
10 to this court, except so far as they are modified by  
11 the provisions of this act.

SECT. 8. If any defendant, his agent or attorney,  
2 in any action in said court, in which the debt or  
3 damages claimed in the writ exceeds twenty dollars,  
4 shall on or before the first day of the second term  
5 file in said court an affidavit that he has a good  
6 defence to said action, and intends in good faith to  
7 make such defence, and claims a jury trial, and  
8 shall deposit with the judge of said court one dol-  
9 lar and fifty cents for copies and entry in the  
10 supreme judicial court, to be taxed in his costs if  
11 he prevails, the said action shall be removed into  
12 and entered at the next term of the supreme judi-  
13 cial court for said county, and the judge of said  
14 municipal court shall forthwith cause certified  
15 copies of the writ, return of the officer and all  
16 other papers in the case to be filed in the clerk's  
17 office of the said supreme court.

SECT. 9. Actions pending in this court may be  
2 referred in the same manner as in the supreme  
3 judicial court, and on report of the referees to said  
4 municipal court, judgment may be rendered in the  
5 same manner, and with like effect, as in the  
6 supreme judicial court.

SECT. 10. Any party may appeal from any judg-  
2 ment or sentence of said municipal court to the



3 supreme judicial court, in the same manner as  
4 from a judgment or sentence of a trial justice.

SECT. 11. Exceptions may be alleged and cases  
2 certified on agreed statements of facts, or upon  
3 evidence reported by the judge, in all civil actions,  
4 as in the supreme judicial court, and the same shall  
5 be entered, heard and determined at the next law  
6 term held in the eastern district, or by agreement  
7 of parties may be certified at once to the chief  
8 justice of the supreme judicial court and when so  
9 certified, to be argued in writing on both sides,  
10 within thirty days; and the supreme judicial court,  
11 sitting as a court of law, shall have the same juris-  
12 diction of all questions of law arising on said  
13 exceptions, statements and reports, as if they had  
14 originated in the supreme judicial court for the  
15 county of Washington; and all the provisions of  
16 law, and rules of the supreme judicial court, rela-  
17 tive to the transfer of actions and other matters  
18 from the supreme judicial for said county, shall  
19 apply to the transfer of actions from said muni-  
20 cipal court to said law court. Decisions of the  
21 law court on all cases from said municipal court,  
22 shall be certified to the judge of said municipal  
23 court, with the same effect as in cases originating  
24 in the supreme judicial court in said county.

SECT. 12. The costs and fees allowed to parties  
2 and attorneys in civil actions before said court, in  
3 which the debt or damages recovered do not exceed  
4 twenty dollars, shall be the same as are allowed in  
5 actions before trial justices, except that the plain-  
6 tiff, if he prevails, shall be allowed one dollar for  
7 his writ, and the defendant, if he prevails, one dol-  
8 lar for his pleadings. But in all actions in which  
9 the amount recovered exceeds twenty dollars, the  
10 costs and fees of parties and attorneys shall be the  
11 same as in the supreme judicial court, except that  
12 the defendant, if he prevails shall be allowed two  
13 dollars for his pleadings.

SECT. 13. The fees of the judge, which he may  
2 demand and receive for his services, shall be the  
3 same as are allowed by law to trial justices and  
4 clerks of the supreme judicial court for similar  
5 services, except that he shall receive for every  
6 blank writ signed by him, four cents; for the entry  
7 of each civil action, fifty cents; for every warrant  
8 issued by him, one dollar; and for the trial of an  
9 issue in civil or criminal cases, one dollar, and two  
10 dollars for each day actually employed after the  
11 first. All fines and penalties awarded and received  
12 by said judge, shall be accounted for and paid over

13 as if the same had been awarded and received by a  
14 trial justice, and for neglect to do so, he shall be  
15 subject to like penalties with trial justices.

SECT. 14. Any constable of the town of East-  
2 port, or the deputy sheriff of the county of Wash-  
3 ington, resident in said town of Eastport, shall be  
4 in attendance on said court, when requested so to  
5 be by the judge, for the purpose of preserving  
6 order, and he shall execute all legal orders and  
7 processes to him directed by said court.

SECT. 15. Nothing in this act shall be construed  
2 to interfere with actions already commenced before  
3 trial justices in the town of Eastport, but all such  
4 actions shall be disposed of by such trial justices  
5 the same as if this act had not passed.

SECT. 16. This act shall go into effect on the  
2 first day of March, in the year of our Lord one  
3 thousand eight hundred and seventy-nine.

STATE OF MAINE.

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IN HOUSE OF REPRESENTATIVES, }  
January 17, 1879. }

Reported by Mr. SPAULDING, from the Committee on the  
Judiciary, and ordered printed.

B. L. STAPLES, *Clerk.*