

# MAINE STATE LEGISLATURE

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NEW DRAFT.

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# Sixty-Seventh Legislature.

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HOUSE.

No. 358.

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## STATE OF MAINE.

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

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AN ACT to amend chapter one hundred and thirty-four of  
the Public Acts of eighteen hundred and thirty-four,  
entitled "An Act to establish a Municipal Court in the  
town of Bath" as amended by chapter one hundred and  
sixty-seven of the Public Acts of eighteen hundred and  
thirty-five as amended by section eleven of the city charter  
of the city of Bath.

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

SECTION 1. Chapter one hundred and thirty-four of  
2 the public acts of eighteen hundred and thirty-four  
3 entitled "An Act to establish a municipal court in the  
4 town of Bath," and, as amended by chapter one hundred  
5 and sixty-seven of the public acts of eighteen hundred and

6 thirty-five, and as amended by section eleven of the city  
7 charter of the city of Bath, is hereby further amended so  
8 that the same when amended shall read as follows :

‘SECT. 1. A municipal court is hereby established in  
2 and for the city of Bath and the towns of Woolwich,  
3 Arrowsic, Georgetown, Phippsburg and West Bath in the  
4 county of Sagadahoc, which shall be called the Bath  
5 Municipal Court and have and use a seal on all original  
6 processes, and shall consist of one judge who shall be  
7 appointed, commissioned and qualified as provided by the  
8 law and constitution of the state. Said judge shall be a  
9 member of the bar of Sagadahoc county and shall reside  
10 during his continuance in office in the city of Bath, and  
11 who shall receive from said city an annual salary of eight  
12 hundred dollars per year to be paid him in quarterly pay-  
13 ments. Said salary shall be in full for all the fees and  
14 emoluments of the office. The present judge shall con-  
15 tinue in office until the end of the term for which he was  
16 appointed.

The said judge shall enter, or cause to be entered on the  
18 docket of said court all civil and criminal actions, with  
19 full minutes of the proceedings in and disposition of the  
20 same, which docket shall be at all times open to inspec-  
21 tion; and he shall perform all other duties required of  
22 similar tribunals in this state.’

‘SECT. 2. Said court shall exercise jurisdiction over all  
2 such matters and things, civil and criminal within the  
3 county of Sagadahoc as trial justices may exercise and  
4 under similar restrictions and limitations, and concurrent  
5 jurisdiction with trial justices in cases of forcible entry  
6 and detainer in said county and exclusive jurisdiction in

7 all such matters and things when both parties interested,  
8 or any plaintiff and a person summoned as trustee resides  
9 in the city of Bath or either of the towns named in section  
10 one of this act, and over all offenses committed against  
11 the ordinances and by-laws of said city, though the pen-  
12 alty thereof may accrue to said city and towns and in the  
13 prosecution on any such ordinances or by-laws or any  
14 special law of the state relating to said city or to either  
15 of said towns, such by-law, ordinance or special law need  
16 not be recited in the complaint or process, nor the allega-  
17 tions therein be more particular than in prosecutions on a  
18 public statute, and over all such criminal offenses within  
19 the limits of the same as are cognizable by trial justices,  
20 and no trial justice or justice of the peace shall take cog-  
21 nizance over any crime or misdemeanor committed in said  
22 city or in either of said towns or any civil action over  
23 which said court has exclusive jurisdiction; and concur-  
24 rent jurisdiction with the supreme judicial court in all  
25 personal actions where the debt or damage demanded •  
26 exclusive of costs is over twenty dollars and not over one  
27 hundred dollars, and in all actions of replevin under chap-  
28 ter ninety-six of Revised Statutes, when it appears that  
29 the sum demanded for the penalty, forfeiture or damages  
30 or the value of the goods replevined does not exceed one  
31 hundred dollars, and any defendant or any person sum-  
32 moned as trustee reside in the county of Sagadahoc, but  
33 this jurisdiction shall not include proceedings under the  
34 divorce laws, nor jurisdiction over actions in which the  
35 title to real estate according to the pleadings filed in the  
36 case by either party is in question except as provided in  
37 chapter ninety-four, section six and seven of the Revised  
38 Statutes.'

‘SECT. 3. Said court shall have concurrent jurisdiction  
2 with the supreme judicial court in the county of Sagadahoc  
3 of all offenses not required by the constitution or any stat-  
4 ute to be answered for on a presentment or indictment of a  
5 grand jury, and may punish by fine not exceeding one hun-  
6 dred dollars or by imprisonment for a term less than one  
7 year, and of all other offenses over which such jurisdiction  
8 is or may be granted not herein specified.’

‘SECT. 4. If any defendant in any action in said court  
2 where the amount claimed in the writ exceeds twenty dol-  
3 lars or his agent or attorney shall on the return day of the  
4 writ file in said court his pleadings and a motion asking  
5 that said cause be removed to the supreme judicial court,  
6 and deposit with the judge the sum of two dollars for  
7 copies and entry and entry fee in said supreme court, to  
8 be taxed in his costs if he prevails the said action shall be  
9 removed into the supreme judicial court for said county.  
10 The judge shall forthwith cause certified copies of the  
11 writ, officers’ return and defendants’ motion to be filed in  
12 the clerks’ offices of said supreme court within ten days,  
13 and shall pay the entry fee thereof, and said action shall  
14 be entered on the docket of the following term, unless  
15 said court shall then be in session, when it shall be entered  
16 forthwith and shall be in order for trial at that term. If  
17 no such motions and pleadings are filed, the said munici-  
18 pal court shall proceed and determine said action subject  
19 to the right of appeal in either party as now provided by  
20 law. The pleadings in such cases shall be the same as in  
21 the supreme judicial court.’

‘SECT. 5. In any action in which the plaintiff recovers  
2 not over twenty dollars debt or damage the costs to be  
3 taxed shall be the same as before trial justices except that

4 the plaintiff shall have two dollars for his writ ; where the  
5 defendant prevails in any action in which the sum claimed  
6 in the writ is not over twenty dollars or property the value  
7 of which does not exceed that sum, he shall recover two  
8 dollars for his pleadings and other costs as before trial  
9 justices. In actions where the amount recovered by  
10 plaintiff exclusive of costs exceeds twenty dollars or prop-  
11 erty the value of which exceeds that sum, or the amount  
12 claimed exceeds twenty dollars, where the defendant pre-  
13 vails the costs of parties, trustees and witnesses shall be  
14 the same as in the supreme court, except the costs to be  
15 taxed for attendance shall be two dollars and fifty cents  
16 for each term.'

'SECT. 6. Any person aggrieved at any judgment or  
2 sentence of said court may appeal to the supreme judicial  
3 court in the same manner as from a judgment or sentence  
4 of a trial justice, and all such appeals shall be in order for  
5 trial at the first term of said appellate court after such  
6 appeal is taken. Final judgments where the amount in  
7 controversy exceeds twenty dollars in said municipal court  
8 may be examined in the supreme judicial court on a writ  
9 of error or on a petition for review, and when the judgment  
10 is reversed, the supreme judicial court shall render such  
11 judgment as said municipal court should have rendered,  
12 and when a review is granted it shall be tried in said  
13 supreme judicial.'

'SECT. 7. All the provisions of the statutes of the state  
2 relative to the attachment of real and personal property  
3 and the levy of executions shall be applicable to actions in  
4 this court, and executions on judgments rendered therein,  
5 where the amount recovered exceeds twenty dollars, pro-

6 vided, that property may be attached, equal in value to  
7 ad damnum.'

'SECT. 8. Said court is hereby authorized to adminis-  
2 ter oaths, render judgments, issue executions, certify  
3 copies of its records, punish for contempt and compel  
4 attendance as in the supreme judicial court, and to make  
5 all such rules and regulations, not repugnant to law, as may  
6 be necessary and proper for the administration of justice,  
7 and to facilitate its business.'

'SECT. 9. Price of blank writs with the summonses,  
2 with the seal of the court, signed by the judge or recorder  
3 shall be four cents, and all other fees in civil cases shall be  
4 the same as are taxable by a trial justice except as other-  
5 wise provided in sections four and five of this act. All  
6 writs and processes in civil matters shall be in the name  
7 of the state, bear the test of said judge under the seal of  
8 said court and signed by the judge, be served in time and  
9 manner as now provided by law in case of writs issued by  
10 trial justices, and be obeyed and executed throughout the  
11 the state.'

'SECT. 10. Said court may adjourn from time to time  
2 and shall be held at such place as shall be provided by the  
3 city of Bath, and shall be considered in constant session  
4 for the trial of criminal offenses; and said court shall be  
5 in session each Monday at ten o'clock in the forenoon for  
6 the entry of civil actions and the entering up of judgments  
7 in all defaulted actions and for the trial of actions of forci-  
8 ble entry and detainer, and on the first and third Mondays  
9 of each month for the trial and determination of all other  
10 civil processes. Every defendant and every person sum-  
11 moned as trustee shall have twenty-four hours in which to  
12 enter his appearance.'

‘SECT. 11. It shall be the duty of the city of Bath to  
2 provide a suitable court room, conveniently situated and  
3 appropriately furnished, in which to hold said court, and  
4 keep the same in proper condition for use, and also to pro-  
5 vide for said court an appropriate seal, and all blanks,  
6 blank books, dockets, stationery and other things necessary  
7 in the transaction of its business, and said city shall have  
8 authority to raise money for that purpose and for the pay-  
9 ment of the salary of the judge.’

‘SECT. 12. The records of said court and of the muni-  
2 cipal court as formerly existing in said city shall be depos-  
3 ited with and kept by the judge, and said municipal court  
4 shall have jurisdiction thereof and full power and author-  
5 ity to issue and renew executions and other processes and  
6 carry into effect the judgments and decrees heretofore  
7 rendered by said former municipal court, and to certify  
8 and authenticate the records thereof, and shall for reason-  
9 able fees grant and certify copies of the records of both  
10 courts when required, which shall be evidence of the con-  
11 tents of such records in any legal proceedings, and have  
12 the same legal and probative force and effect as those of  
13 the supreme judicial court.’

‘SECT. 13. All fines and penalties awarded and col-  
2 lected by said court in criminal cases shall be accounted for  
3 and paid over monthly ; and all fees in both civil and crimi-  
4 nal cases received by said court shall be paid monthly into  
5 the city treasury for the use of said city.’

‘SECT. 14. All acts and parts of acts inconsistent with  
2 this act are hereby repealed.’



STATE OF MAINE.

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IN HOUSE OF REPRESENTATIVES, }  
March 13, 1895. }

Reported by Mr. KNOWLTON of Portland, from Committee on Judiciary, and ordered printed under joint rules.

W. S. COTTON, *Clerk.*