

# MAINE STATE LEGISLATURE

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NEW DRAFT.

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# Seventy-first Legislature.

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HOUSE.

No. 206

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## STATE OF MAINE.

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IN THE YEAR OF OUR LORD ONE THOUSAND NINE  
HUNDRED AND THREE.

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AN ACT to establish a municipal court in the city of Eastport.

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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 established in and  
2 for the city of Eastport in our county of Washington, which  
3 shall be denominated the Eastport Municipal Court, shall be  
4 a court of record, with a seal, and shall consist of one judge  
5 who shall be an attorney at law and reside in said Eastport.  
6 He shall cause to be entered on the docket of said court all  
7 civil and criminal actions, with full minutes of the proceed-  
8 ings in and disposition of the same, which docket shall be at  
9 all times open to inspection, and he shall perform all other  
10 duties required of similar tribunals in this State; and copies

11 of the records of said court, duly certified by said judge, shall  
12 be legal evidence in all courts. He shall not act as attorney  
13 or counsel in any action, matter or thing within the juris-  
14 diction of said court.

Sect. 2. The judge shall appoint a recorder of said court,  
2 who shall be an attorney at law and reside in said Eastport,  
3 and hold his office for four years. He shall be sworn by said  
4 judge, and keep the records of said court when requested to  
5 do so by said judge. In case of absence from the court room  
6 or sickness of the judge, or when the office of judge shall be  
7 vacant, the recorder shall have and exercise all the powers  
8 of said judge, and perform all the duties of said judge by this  
9 act, and the signature of the recorder, as such, shall be suffi-  
10 cient evidence of his right to act instead of the judge. In the  
11 absence of both judge and recorder, any justice of the peace  
12 of the city of Eastport, may preside for the purpose of enter-  
13 ing and continuing actions and filing papers in said court,  
14 and may adjourn the same from day to day, or till the next  
15 regular term.

Sect. 3. Said court shall have exclusive original jurisdic-  
2 tion of all civil actions in which the debt or damage demanded  
3 do not exceed twenty dollars, and both parties, or one of the  
4 parties or a person summoned in good faith and on probable  
5 grounds as trustee, reside in said city of Eastport; and shall  
6 have exclusive original jurisdiction of all offenses committed  
7 against the ordinances and by-laws of said city, and all such  
8 criminal offenses and misdemeanors committed therein as are  
9 cognizable by trial justices; provided, that warrants may be  
10 issued on complaints for offenses committed in said city of  
11 Eastport, by any trial justice in said county, but all such war-  
12 rants shall be made returnable before said court, and no trial  
13 justice shall take cognizance of any crime or offense com-  
14 mitted in said city, or any civil action of which said court has

15 exclusive jurisdiction. Said court shall have original juris-  
16 diction concurrent with trial justices of all such matters and  
17 things, civil and criminal, within the city of Eastport, and the  
18 towns of Trescott, Cutler, Whiting, Perry, and Pembroke as  
19 are by law within the jurisdiction of trial justices in said  
20 county.

Sect. 4. Said court shall have original jurisdiction, con-  
2 current with the supreme judicial court, of all civil actions in  
3 which the debt or damage demanded, exclusive of costs, do  
4 not exceed one hundred dollars, in which either party, or a  
5 person summoned in good faith and on probable grounds as  
6 trustees, resides in said city of Eastport, or in the towns of  
7 Cutler, Trescott, Whiting, Perry or Pembroke, or having his  
8 residence beyond the limits of this State, is served with  
9 process within said county. Said court shall have original  
10 jurisdiction, concurrent with the supreme judicial court in  
11 said county, of all larcenies described in sections one, six,  
12 seven, eight, and nine of chapter one hundred and twenty of  
13 the Revised Statutes, when the value of the property is not  
14 alleged to exceed thirty dollars; of all the cases of cheating  
15 by false pretenses, described in section one of chapter one  
16 hundred and twenty-six of the Revised Statutes, when the  
17 value of the property or other thing alleged to have been  
18 fraudulently obtained or sold does not exceed thirty dollars;  
19 of the assaults and batteries described in section twenty-eight  
20 of chapter one hundred and eighteen of the Revised Statutes,  
21 and of the offense described in section six of chapter one  
22 hundred and twenty-four of the Revised Statutes, and may  
23 punish for either of said offenses by fine not exceeding fifty  
24 dollars, and by imprisonment not exceeding three months;  
25 and of all other crimes, offenses and misdemeanors committed  
26 in said county which are by law punishable by fine not exceed-  
27 ing fifty dollars, and by imprisonment not exceeding three

28 months; provided, that said court shall not try civil actions  
29 in which the title to real estate according to pleadings filed in  
30 the case of either party, is in question, except as provided in  
31 chapter ninety-four, sections six and seven, of the Revised  
32 Statutes.

Sect. 5. A term of said court shall be held on the first Tues-  
2 day of each month, beginning at ten o'clock in the forenoon  
3 at such place in the city of Eastport as said city shall provide  
4 for the transaction of civil business, and all civil processes  
5 shall be made returnable accordingly; provided, however, that  
6 said court shall be held on every Tuesday at the usual hour,  
7 for the entry and trial of actions of forcible entry and  
8 detainer, and such actions shall be returnable accordingly,  
9 and be heard and determined and judgment entered on the  
10 return day of the writ, unless continued for good cause.  
11 Said court may adjourn from time to time, but shall be con-  
12 sidered as in constant session for the trial of criminal offenses.

Sect. 6. Writs and processes issued by said court shall be  
2 in the usual forms, signed by the judge or recorder, and under  
3 the seal of said court. They shall be served as like precepts  
4 are required to be served when issued by trial justices, except  
5 original writs in civil actions, which shall be served not less  
6 than seven nor more than sixty days before the sitting of the  
7 court at which the same are made returnable. All the provi-  
8 sions of the statutes of the State relative to the attachment of  
9 real and personal property and the levy of executions, shall  
10 be applicable to actions in this court and executions on judg-  
11 ments rendered therein; provided that property may be  
12 attached equal in value to ad damnum, and in addition thereto  
13 sufficient to satisfy the costs of suit, and the writ may be  
14 framed accordingly.

Sect. 7. All civil actions in said court shall be entered the  
2 first day of the term and not afterwards, except by special  
3 permission, and they shall be in order for trial at the next

4 term after the entry, if not otherwise disposed of. The plead-  
5 ing shall be the same as in the supreme judicial court, and all  
6 provisions of law relative to practice and proceedings in the  
7 supreme judicial court, in civil actions, as are hereby made  
8 applicable and extended to this court, except so far as they  
9 are modified by the provisions of this act.

Sect. 8. If any defendant, his agent or attorney, in any  
2 action in said court in which the debt or damage claimed in  
3 the writ exceeds twenty dollars, shall on or before the first  
4 day of the second term claim a jury trial, and shall deposit  
5 with the judge of said court one dollar and fifty cents for  
6 copies and entry in the supreme judicial court, to be taxed in  
7 his costs if he prevails, the said action shall be removed on  
8 motion into and entered at the next term of the supreme judi-  
9 cial court, for said county, and the judge of said municipal  
10 court shall forthwith cause certified copies of the writ, return  
11 of the officer and all other papers in the case to be filed in the  
12 clerk's office of said supreme court.

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

Sect. 10. Any party may appeal from any judgment or sen-  
2 tence of said municipal court to the supreme judicial court,  
3 in the same manner as from a judgment or sentence of a trial  
4 justice.

Sect. 11. Exceptions may be alleged in cases certified on  
2 agreed statement of facts, or upon evidence reported by the  
3 judge in all civil actions, as in the supreme judicial court, and  
4 the same shall be entered, heard and determined at the next  
5 law term, or by agreement of parties may be certified at and  
6 to the chief justice of the supreme judicial court, and when  
7 so certified to be argued in writing on both sides within thirty

8 days ; and the supreme judicial court, sitting as a court of law, shall have the same jurisdiction over all questions of law arising on said exceptions, statements and reports, as if they originated in the supreme judicial court for the county of Washington ; and all the provisions of law and rules of the supreme judicial court relative to the transfer of actions and other matters from the supreme judicial court in said county shall apply to the transfer of actions from the said municipal court to said law court. Decisions of the law court on all cases from said municipal court, shall be certified to the judge of said municipal court, with the same effect as in cases originating in the supreme judicial court in said county.

Sect. 12. The costs and fees allowed to parties and attorneys in civil actions before said court, in which the debt or damages recovered do not exceed twenty dollars, shall be the same as are allowed in actions before trial justices, except the plaintiff, if he prevails, shall be allowed two dollars for his writ ; and the defendant, if he prevails, one dollar for his fees. But in all actions in which the amount recovered exceeds twenty dollars, the costs and fees of parties and attorneys shall be same as in the supreme judicial court, except that the defendant, if he prevails, shall be allowed two dollars for his pleadings.

Sect. 13. The fees of the judge, or the recorder acting as judge, which they may demand and receive in full payment for their services, shall be the same as are allowed to the trial justices and clerks of the supreme judicial court for similar services, except 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 ; and for the trial of an issue in civil or criminal cases one dollar and two dollars for each day actually employed after the first. All fines and penalties awarded and received by said judge, or said recorder, shall be accounted for and paid over as if

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

Sect. 14. The city marshal of the city of Eastport or one of  
2 his deputies, shall be in attendance on said court when  
3 requested so to be by the judge or recorder, for the purpose  
4 of preserving order and he shall execute all legal orders and  
5 processes to him directed by said court.

Sect. 15. The city of Eastport shall provide suitable rooms  
2 for said court and furnish the same in an appropriate manner.

Sect. 16. Any trial justice in the county of Washington  
2 may take cognizance of any action, matter or thing within his  
3 jurisdiction, wherein the judge or recorder of said court is a  
4 party or interested.

Sect. 17. This act shall take effect when approved.



STATE OF MAINE.

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IN HOUSE OF REPRESENTATIVES,

AUGUSTA, February 26, 1903.

Reported by Mr. SMITH of Presque Isle, from Committee on the  
Judiciary, and ordered printed under joint rules.

W. S. COTTON, *Clerk*.