

MAINE STATE LEGISLATURE

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Seventy-first Legislature.

SENATE.

No. 44

STATE OF MAINE.

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

An Act to amend chapter two hundred and four of the Private and Special Laws of eighteen hundred and eighty-three, entitled "An Act to establish a Municipal Court in the town of Westbrook."

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

Section 1. Chapter two hundred and four of the private 2 and special laws of eighteen hundred and eighty-three 3 hereby amended by striking out all after the enacting 4 clause and substituting the following sections:

'Sect. 1. A municipal court is hereby established in 6 and for the city of Westbrook, to be denominated the 7 municipal court for the city of Westbrook, and to consist 8 of one justice who shall be an inhabitant of said city and

9 a person of sobriety of manners. Said judge shall be
10 appointed as provided in the constitution for the appoint-
11 ment of judges of municipal and police courts; and shall
12 be, ex-officio, a justice of the peace and of the quorum for
13 the State, and have and exercise concurrent jurisdiction
14 with trial justices of the county of Cumberland over all
15 matters and things within their jurisdiction, and such
16 authority and jurisdiction additional thereto as are con-
17 ferred upon him by this act.

Sect. 2. Said court shall have exclusive original juris-
2 diction of all offenses against the ordinances and by-laws
3 of said city, and of the local board of health therein, and
4 of such criminal offenses and misdemeanors committed
5 therein, as are cognizable by trial justices; and of all
6 civil actions wherein the debt or damages demanded do
7 not exceed twenty dollars, and both parties reside in said
8 city; and original jurisdiction concurrent with the
9 superior court of the county of Cumberland in all civil
10 actions wherein the debt or damages demanded do not
11 exceed fifty dollars, exclusive of costs in which any party
12 to the action or person summoned as trustee shall reside,
13 or, if not an inhabitant of the State, shall be commenced
14 or have a place of business in said city.

Sect. 3. Said court shall also have original jurisdiction
2 concurrent with the superior court of the county of Cum-
3 berland, of the assaults and batteries described in section
4 twenty-eight of chapter one hundred and eighteen of the
5 Revised Statutes of eighteen hundred and eighty-three, and
6 of all larcenies described in sections one, six, seven and
7 nine of chapter one hundred and twenty of the Revised
8 Statutes of eighteen hundred and eighty-three, when the

9 value of the property is not alleged to exceed fifty dollars,
10 and may punish for either of said crimes or offenses by a
11 fine not exceeding fifty dollars, or by imprisonment not
12 exceeding four months ; provided, that when the offenses
13 described in section twenty-eight of chapter one hundred
14 and eighteen, and in sections one, six, seven and nine, of
15 chapter one hundred and twenty aforesaid, are of a high
16 and aggravated nature, the judge of said court may cause
17 persons charged with such offenses to recognize with
18 sufficient sureties to appear before the superior court of
19 Cumberland county ; and in default thereof commit them.
20 Said court shall also have original jurisdiction, concurrent
21 with said superior court, of the offence described in sec-
22 tion six of chapter one hundred and twenty-four of the
23 Revised Statutes of eighteen hundred and eighty-three.

Sect. 4. Nothing in this act shall be construed to give
2 said court jurisdiction in any civil action in which the title
3 to real estate, according to the pleadings and brief state-
4 ments filed therein by either party, is in question ; and all
5 such actions brought therein shall be removed to the
6 supreme judicial court, or otherwise disposed of as in
7 like cases before a trial justice.

Sect. 5. Said court shall be held Saturday of each week,
2 at ten o'clock in the forenoon for the transaction of civil
3 business, at such place in the villages of Saccarappa or
4 Cumberland Mills in said city, or as the city council shall
5 provide ; and all civil processes shall be made returnable
6 accordingly ; and it may be adjourned from time to time,
7 by the judge at his discretion ; but it shall be considered
8 in constant session for the cognizance of criminal actions.
9 The judge of said court may punish contempts against his

10 authority by fine or imprisonment; or either, compel the
11 attendance of witnesses, and administer oaths in civil and
12 criminal cases.

Sect. 6. If said judge is prevented by any cause from
2 attending at the time said court is to be held for civil
3 business, it may be adjourned from day to day by a
4 constable of said city, or any deputy sheriff residing
5 therein, without detriment to any action then returnable or
6 pending, until he can attend, when said action shall be
7 entered or disposed of with the same effect as if it were
8 the first day of the term; and it may be so adjourned
9 without day when necessary, in which event, pending
10 action shall be considered as continued, and action then
11 returnable may be returned and entered at the next term
12 with the same effect as if originally made returnable at
13 said term.

Sect. 7. The seal of said court shall remain as already
2 established; and in addition to the judicial duties imposed
3 upon the judge of said court by this act, he shall cause
4 the records of said court to be kept in a legible hand, or
5 typewritten or printed in whole or in part by some person
6 of either sex to be appointed by himself for the purpose;
7 and perform all other duties required of similar tribunals
8 in this State; and copies of such records duly certified by
9 said judge shall be legal evidence in all courts. All writs
10 and processes issuing from said court shall be in the usual
11 forms, bear the teste of the judge, and be signed by him;
12 and shall be served as like precepts are required to be
13 served when issued by trial justices. But warrants in
14 criminal cases issuing from said court shall be made
15 returnable before the same; and no writ in a civil action
16 shall be made returnable at a term of said court to begin

17 more than two calendar months after the commencement
18 of the action.

Sect. 8. Actions in said court shall be entered on the
2 first day of the term, and not afterwards, except by special
3 permission. When a defendant legally served, fails to
4 enter his appearance by himself or his attorney on the first
5 day of the return term, he shall be defaulted; but if he
6 afterwards appears during the term, the court may, for
7 sufficient cause, permit the default to be taken off. Pleas
8 or motions in abatement must be filed on or before the
9 day of the entry of the action. The defendant may file
10 his pleadings, which shall be the general issue with a brief
11 statement of special matter of defense, on or before the
12 return day of the writ, and must file them on or before
13 the first day of the next term, or he shall be defaulted,
14 unless the court, for good cause, enlarge the time for
15 which it may impose reasonable terms. All actions of
16 forcible entry and detainer, seasonably answered to, shall
17 be in order for trial at the return term, and shall remain
18 so until tried or otherwise finally disposed of, unless con-
19 tinued by consent or on motion of either party for good
20 cause, in which latter case, the court may impose such
21 terms as it deems reasonable; but all other actions, unless
22 defaulted or finally disposed of, shall be continued as of
23 course, and be in order for trial at the next term.

Sect. 9. The costs and fees allowed to parties, attorneys
2 and witnesses in all actions in said court shall be the same
3 as allowed by trial justices in actions before them, when
4 the debt or damages recovered do not exceed twenty dol-
5 lars exclusive of costs, except that the plaintiff if he pre-
6 vails shall be allowed one dollar for his writ, and the
7 defendant if he prevails one dollar for his pleadings. But

8 in all actions in which the amount recovered exceeds
9 twenty dollars exclusive of costs, the costs and fees
10 allowed to parties, attorneys and witnesses shall be the
11 same as in the superior court for the county of Cumber-
12 land, except that the defendant if he prevail shall be
13 allowed two dollars for his pleadings.

Sect. 10. The judge of said court shall demand and
2 receive the same fees as are allowed to trial justices in
3 similar cases, except that he shall receive one dollar for a
4 complaint and warrant in criminal actions, twenty-five
5 cents for the entry and five cents for a blank writ in a
6 civil action. An accurate account of the fees so received
7 by said judge shall be by him laid before the county com-
8 missioners of Cumberland county, and he shall pay the
9 same into the county treasury quarterly on or before the
10 first days of January, April, July and October of each
11 year.

Sect. 11. The judge of said court shall receive a salary
2 of five hundred dollars per year to be paid him in quar-
3 terly payments from the county treasury of Cumberland
4 county upon the order of the county commissioners, which
5 shall be in full for his services as such judge; and he
6 shall receive an additional sum not to exceed two hundred
7 dollars per year, at the discretion of said county commis-
8 sioners, to defray the cost of keeping the records of said
9 court. All blanks, civil and criminal, dockets and record
10 books, required by said court, shall be furnished by the
11 county of Cumberland.

Sect. 12. All the provisions of the statutes of this
2 State in relation to attachments of real and personal prop-
3 erty, and the levy of execution on the same shall be

4 applicable to actions brought in said court, which shall
5 have authority to issue execution to be satisfied in the
6 same manner as though issuing from the supreme judicial
7 court, except that no such execution shall be levied on
8 real estate unless the debt or damages therein exceed the
9 sum of twenty dollars.

Sect. 13. Any party may appeal from a sentence or
2 judgment of said court to the then next term for civil or
3 criminal business, as the case may require, of the court
4 having jurisdiction within the county of Cumberland, by
5 appeal from trial justices; and such appeal shall be taken
6 and prosecuted in the same manner as from a sentence or
7 judgment of a trial justice.

Sect. 14. Trial justices are hereby restricted from
2 exercising any jurisdiction in said Westbrooke over any
3 matter or thing, civil or criminal, except such as are
4 within the jurisdiction of justices of the peace and of the
5 quorum, and except that they may issue warrants in com-
6 plaints for criminal offences returnable before said court;
7 or in case of the death, disability, or long continued
8 absence from the State, of the judge, before themselves or
9 some other trial justice within and for said county.

Sect. 15. Chapter four hundred and eight of the
2 private and special laws of eighteen hundred and eighty-
3 five and chapter six hundred and thirty-five of the private
4 and special laws of eighteen hundred and ninety-three are
5 hereby repealed.

Sect. 16. This act shall take effect when approved.

STATE OF MAINE.

IN SENATE, February 5, 1903.

On motion by Mr. BURNS of Cumberland, laid on the table to be printed, pending reference in concurrence to the Committee on Legal Affairs.

KENDALL M. DUNBAR, *Secretary*.