

# MAINE STATE LEGISLATURE

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SEVENTY-SEVENTH LEGISLATURE

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SENATE

NO. 20

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*In Senate, Jan. 28, 1915.*

*Ordered, That five hundred copies be printed and that the same be referred to the Committee on Judiciary.*

*Committee on Reference.*

*Presented by Mr. Ames of Washington.*

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STATE OF MAINE

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IN THE YEAR OF OUR LORD ONE THOUSAND NINE  
HUNDRED AND FIFTEEN

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AN ACT to establish the West Washington Municipal Court.

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*Be it enacted by the People of the State of Maine, as follows:*

Section 1. A municipal court is hereby established in and  
2 for the western part of the county of Washington, which  
3 shall be called the West Washington Municipal Court, and  
4 which shall be a court of record with a seal.

Said court shall consist of one judge, who shall be a mem-  
6 ber of the bar of this state, who shall be an inhabitant re-  
7 siding during his continuance in said office within the limits  
8 of the said West Washington Municipal Court District as  
9 hereinafter defined, and who shall be appointed, qualified,

10 and hold said office as provided by the constitution of this  
11 state, and of a recorder, who shall be appointed by the said  
12 judge and hold office during his pleasure, and who shall be  
13 a duly qualified trial justice under the laws of the said state.

All original processes issuing from said court shall be under  
15 the teste of said judge, or of the recorder thereof, and signed  
16 by said judge or recorder thereof, and shall have the seal of  
17 said court affixed.

Sect. 2. Said court shall exercise concurrent jurisdiction  
2 with trial justices over all matters and things, civil and  
3 criminal, within the county of Washington, as trial justices,  
4 justices of the peace and justices of the peace and quorum  
5 may exercise and under similar restrictions and limitations;  
6 and exclusive jurisdiction over all offenses committed against  
7 the ordinances or by-laws of the towns within the West  
8 Washington Municipal Court District; and concurrent juris-  
9 diction with trial justices over all such criminal offenses  
10 committed within the limits of the same as are cognizable  
11 by trial justices; and shall have original jurisdiction con-  
12 current with the supreme judicial court and all municipal  
13 courts of all other crimes, offenses and misdemeanors com-  
14 mitted in said county of Washington, which are by law  
15 punishable by fine not exceeding fifty dollars, and by im-  
16 prisonment not exceeding three months, and where the prop-  
17 erty in question or injury done is not alleged to exceed thirty  
18 dollars in value. Said court shall have concurrent juris-  
19 diction with the supreme judicial court in all personal ac-

20 tions where the debt or damage demanded, exclusive of  
21 costs, is over twenty dollars, and not over two hundred  
22 dollars, and in all the actions of replevin under chapter  
23 ninety-eight of the revised statutes, when the sum demanded  
24 for the penalty, forfeiture or damages, or the value of the  
25 goods or chattels replevined does not exceed two hundred dol-  
26 lars; in which any person summoned as trustee resides with-  
27 in the territorial jurisdiction district of said court, as herein-  
28 after defined, or, if a corporation, has an established place  
29 of business in said district; or, in which, in any actions not  
30 commenced by trustee process, any defendant resides in said  
31 district, or if no defendant resides within the limits of this  
32 state, any defendant is served with process in said district,  
33 or the goods, estates or effects of any defendant are found  
34 within said district and are attached on the original writ;  
35 but this jurisdiction shall not include proceedings under the  
36 divorce laws or complaints under the mill act, so called,  
37 nor jurisdiction over actions, in which the title to real es-  
38 tate, according to the pleadings filed in the case by either  
39 party is in question, except as provided in chapter ninety-  
40 six, sections six and seven, of the revised statutes.

Sect. 3. The territorial jurisdiction of said court, in civil  
2 actions, shall comprise all that portion of Washington coun-  
3 ty which is west of the Machias river, and the towns of  
4 Machias, Marshfield, Wesley, Centerville and Northfield.

Sect. 4. Any party may appeal from any judgment or

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

Sect. 5. If any defendant, his agent or attorney, in any  
2 civil action, in said court, in which the debt or damage de-  
3 manded or claimed in his writ exceeds twenty dollars, shall,  
4 on the first day of the second term of said action, file in  
5 said court a motion for the removal of said action to the  
6 supreme judicial court, and deposit with the judge or re-  
7 corder the sum of two dollars for copies and entry fee in  
8 said supreme court, the said action shall be removed into  
9 the supreme judicial court for said county, and the judge  
10 or recorder shall forthwith cause certified copies of the  
11 writ, officer's return, and defendant's motion and all other  
12 papers in the case to be filed in the clerk's office of said  
13 supreme judicial court, and shall pay the entry fee thereof,  
14 and said action shall be entered on the docket of the term  
15 next preceding said filing, unless said court shall then be  
16 in session, in which case it shall be entered forthwith. If  
17 no such motion is filed, the said municipal court shall pro-  
18 ceed and determine said action, subject to the right of appeal  
19 in either party as now provided by law. The pleading in  
20 such cases shall be the same as in the supreme judicial court.

Sect. 6. In any action in this court, in which the plaintiff  
2 recovers for the penalty, forfeiture, debt or damage, not  
3 over twenty dollars, or property, the value of which does

4 not exceed twenty dollars, the costs shall be taxed and al-  
5 lowed as in similar actions before trial justices, except that  
6 the plaintiff shall have two dollars for his writ. Where the  
7 defendant prevails in any action in which the sum claimed  
8 in the writ is not over twenty dollars, or property, the value  
9 of which does not exceed twenty dollars, he shall recover  
10 one dollar for his pleadings and other costs as in similar  
11 actions before trial justices.

In actions where the amount recovered by the plaintiff,  
13 exclusive of costs, exceeds twenty dollars, or property, the  
14 value of which exceeds twenty dollars, or the amount  
15 claimed, or the value of the property recovered exceeds  
16 twenty dollars where the defendant prevails, the costs of  
17 the parties, trustees and witnesses shall be the same as in  
18 the supreme judicial court.

Sect. 7. Actions pending in this court may be referred to  
2 one referee in the same manner as in the supreme judicial  
3 court, and on the report of the referee to said court, judg-  
4 ment may be rendered in the same manner, and with like  
5 effect as in the supreme judicial court.

Exceptions may be alleged, and cases certified on an agreed  
7 statement of facts, or upon evidence reported by the judge  
8 in all civil actions, as in the supreme judicial court, and the  
9 same shall be entered, heard and determined in the law  
10 term thereof, as if the same had originated in the supreme  
11 judicial court for the county of Washington; and decisions

12 of the law court in such cases, shall be certified to the judge  
13 of said municipal court for final disposition, with the same  
14 effect as in cases originating in said supreme judicial court.

Sect. 8. All the provisions of the statutes of this 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, provided that property may be attached equal  
5 in value double the ad damnum, and provided also that no  
6 execution shall be levied on real estate, unless the debt or  
7 damage therein exceed the sum of twenty dollars.

Sect. 9. Said court is hereby authorized to administer  
2 oaths, render judgments, issue executions, certify copies of  
3 its records, punish for contempt, and compel attendance as  
4 in the supreme judicial court, and to make all such rules  
5 and regulations, not repugnant to law, as may be necessary  
6 for the prompt administration of justice and for the carry-  
7 ing into effect of the provisions of this act.

Sect. 10. The price of blank writs with the seal of the  
2 court signed by the judge or by the recorder, shall be four  
3 cents and all other fees in civil cases shall be the same as  
4 are taxable by a trial justice except as otherwise provided  
5 in sections five and six of this act.

All writs and processes in civil matters shall be in the name  
7 of the state, be served in time and manner as now provided  
8 by law in case of writs issued by trial justices, except that  
9 writs in which the debt or damage demanded exceeds twenty

10 dollars, shall be served in time and manner as similar writs  
11 returnable to the supreme judicial court, and no writ shall  
12 be made returnable at a term of the court to begin more  
13 than three months after the commencement of the action.

Sect. 11. The terms of the said court for the transaction  
2 of civil business shall be held as follows, to wit: In the  
3 town of Machias on the second Tuesday of each month,  
4 and in the town of Cherryfield on the third Tuesday of the  
5 months of March, May, July, September and November,  
6 at ten o'clock in the forenoon at said Machias and at two  
7 o'clock in the afternoon at said Cherryfield, and said court  
8 may adjourn from time to time. All civil actions in said  
9 court shall be entered on the first day of the term and not  
10 afterward, except by special permission; and they shall be  
11 in order for trial, except actions of forcible entry and de-  
12 tainer and at the next regular term after the entry if not  
13 otherwise disposed of. When a defendant legally sum-  
14 moned fails to appear by himself or his attorney before  
15 twelve o'clock, noon, at said Machias, or four o'clock, in  
16 the afternoon, at said Cherryfield, on the first day of the  
17 return term, he shall be defaulted; but if he afterward  
18 appear during said term the court may for sufficient cause  
19 permit the default to be taken off. Judgment in such ac-  
20 tions may be entered on the day when the same are de-  
21 faulted, or heard and determined; and also, that for the  
22 cognizance of criminal offenses, said court shall be con-



23 sidered in constant session. Pleadings shall be the same  
24 as in the supreme judicial court, and all provisions of law  
25 relative to the practice and proceedings in civil actions, in  
26 the supreme judicial court, are hereby made applicable and  
27 extended to this court, except so far as they are modified  
28 by the provisions of this act.

Sect. 12. When the judge is absent from the court room,  
2 or is interested, it shall be the duty of the recorder, and  
3 he shall have the authority to exercise all the powers of  
4 the judge. If the judge and recorder are both necessarily  
5 absent, the judge may designate some trial justice in said  
6 county to perform the duties of the recorder; and if the  
7 judge shall not so designate a trial justice, the recorder may  
8 designate one.

Sect. 13. The recorder shall record the doings of said  
2 court and shall have the power to administer oaths; he shall  
3 hear complaints in criminal matters and in accusations in  
4 bastardy, draw complaints and sign warrants, take bail and  
5 make and sign processes of commitment, but the same shall  
6 be heard and determined as now provided by law; such bail  
7 may be taken by the judge, and such complaints, accusations,  
8 warrants, and processes of commitment, drawn and signed  
9 by said judge, shall be equally valid.

All processes issued by said recorder or judge in criminal  
11 matters shall have the seal of said court and may be signed  
12 by said recorder and have the same authority as if issued  
13 and signed by said judge.

Sect. 14. Said court shall be held in the said town of  
2 Machias at the grand jury room in the county court house,  
3 or such other place as may be designated by the county  
4 commissioners of Washington county, and in the town of  
5 Cherryfield at such place as said commissioners may pro-  
6 vide, at the expense of said county, and all expenses of  
7 said court, including blank books, dockets and blanks nec-  
8 sary for the use of said court shall be paid from the treas-  
9 ury of the county of Washington.

Sect. 15. The judge of said court shall receive as com-  
2 pensation a salary of eight hundred dollars a year; and the  
3 recorder shall receive a salary of one hundred and fifty  
4 dollars a year to be paid quarterly from the treasury of the  
5 county of Washington, and both shall receive in addition  
6 mileage at the rate of three cents per mile for necessary  
7 travel to attend to the business of said court. A condition  
8 precedent to the payment of said compensation as afore-  
9 said shall be the rendering by said judge and recorder to  
10 the county treasurer of all fees, both civil and criminal,  
11 collected by said court for preceding quarter or fractional  
12 part thereof.

Sect. 16. All fines, penalties and costs paid into said court  
2 upon convictions and sentences in criminal matters, together  
3 with all fees allowed by law in the transaction of criminal  
4 and civil business, shall be paid to said judge or recorder;  
5 and all costs in criminal cases shall be taxed the same as

6 in trial justice courts, except that every warrant issued by  
7 said court shall be taxed at one dollar.

Sect. 17. All fines and forfeitures and fees of the judge  
2 and recorder of said court, imposed and collected by said  
3 court, in all criminal cases, and all fees of said judge and  
4 recorder in civil and criminal cases received by either or  
5 both, shall be accounted for and paid over quarterly into  
6 the treasury of said county of Washington, for the use of  
7 said county; and all fees of said court paid after any com-  
8 mitment to any jailer shall be paid by him monthly into said  
9 treasury.

Sect. 18. So much of any acts establishing other municipal  
2 courts as gives them jurisdiction within the limits of the  
3 West Washington Municipal Court as established by this  
4 act is hereby repealed.