

MAINE STATE LEGISLATURE

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EIGHTIETH LEGISLATURE

HOUSE

NO. 105

House of Representatives, February 11, 1921.

Referred to Committee on Judiciary and 500 copies ordered printed. Sent up for concurrence.

CLYDE R. CHAPMAN, Clerk.

Presented by Mr. Varney of Jonesboro.

STATE OF MAINE

**IN THE YEAR OF OUR LORD ONE THOUSAND
NINE HUNDRED AND TWENTY-ONE**

AN ACT to Establish the Washington County Municipal Court.

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

Section 1. A municipal court is hereby established in
2 the town of Machias, in the county of Washington, which
3 shall be called Washington county municipal court, which
4 shall have a seal and shall be a court of record.

Said court shall consist of one judge, who shall be a mem-
2 ber of the bar of this state, who shall reside during his con-
3 tinuance in said office in said town of Machias, and who
4 shall be appointed, qualified, and hold his office as provided
5 by the constitution of this state. The clerk of the supreme
6 judicial court for Washington county shall be ex-officio re-

7 corder of this court. The judge shall hold his office for
8 the term of four years.

Sect. 2. Said court shall exercise jurisdiction over all
2 such matters and things, civil and criminal, within the
3 county of Washington, as trial justices, justices of the peace
4 and justices of the peace and quorum may exercise and un-
5 der similar restrictions and limitations and concurrent jur-
6 isdiction with trial justices in cases of forcible entry and
7 detainer; and over all such criminal offenses committed
8 within the limits of the same as are cognizable by trial
9 justices; and no trial justice or justice of the peace shall
10 take cognizance over any crime or offense committed with-
11 in the limits of the towns of Machias, East Machias, Ma-
12 chiasport, Jonesport, Addison or Columbia Falls, or any
13 civil action over which said court has exclusive jurisdic-
14 tion; and shall have original jurisdiction concurrent with
15 the supreme judicial court, and the Calais municipal court
16 and the Eastport municipal court of all other crimes, of-
17 fenses and misdemeanors committed in said county of
18 Washington, which are by law punishable by fine not
19 exceeding three months, and where the property in ques-
20 tion or injury done is not alleged to exceed thirty dollars
21 in value. Said court shall have concurrent jurisdiction
22 with the supreme judicial court in all personal actions
23 where the debt or damage demanded, exclusive of costs,
24 is over twenty dollars, and not over one hundred dollars
25 and in all actions of replevin under chapter one hundred

26 and one of the revised statutes when the sum demanded
27 for the penalty, forfeiture or damages, or the value of the
28 goods or chattels, replevined does not exceed one hundred
12 chiasport, bonesport, Addison or Columbia Falls, or any
30 within the territorial jurisdiction, district of said court,
31 as hereinafter defined, or, if a corporation, has an estab-
32 lished place of business in said district; or, in which, in
33 any actions not commenced by trustee process, any defend-
34 ant resides in said district or if no defendant resides within
35 the limits of this state and defendant is served with process
36 in said district, or the goods, estates or effects of any de-
37 fendant are found within said district and are attached
38 on the original writ; but this jurisdiction shall not include
39 proceedings under the divorce laws or complaints under
40 the mill act, so-called, nor jurisdiction over actions, in which
41 the title to real estate, according to the pleadings filed in
42 the case by either party is in question, except as provided
43 in chapter ninety-nine, sections six and seven, of the revised
44 statutes.

Sect. 3. The territorial jurisdiction of said court in civil
2 actions shall comprise all that portion of Washington coun-
3 ty, including the towns of Cutler, Whiting, Edmunds, Ma-
4 rion, Plantation No. 14 E. D, Township No. 26 E D, and
5 Township No. 27 E. D, and all that territory in said Wash-
6 ington county lying west of said towns, plantation and
7 townships.

Provided, that if any other municipal court now has jur-
2 isdiction in any part of said territory, then this court shall

3 have concurrent jurisdiction with such other municipal court
4 in that territory.

Sect. 4. Any party may appeal from any judgment or
2 sentence of said court to the supreme judicial court, in
3 the same manner as from a sentence or judgment 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
3 demanded or claimed in his writ exceeds twenty dollars,
4 shall, on or before the first day of the second term of said
5 action file in said court a motion for the removal of said
6 action to the supreme judicial court, and deposit with the
7 recorder the sum of sixty-five cents for entry fee in said
8 supreme court, the said action shall be removed into the
9 supreme judicial court for said county, and the recorder
10 shall forthwith cause certified copies of the writ, officer's
11 return, and defendant's motion and all other papers in the
12 case to be filed in the clerk's office of said supreme judicial
13 court, and shall pay the entry fee thereof, and said action
14 shall be entered on the docket of the docket of the term next
15 preceding said filing, unless said court shall then be in
16 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 ap-
19 peal in either party as now provided by law. The pleading
20 in such cases shall be the same as in the supreme judicial
21 court.

Sect. 6. In any action in this court, in which the plain-

2 tiff recovers for the penalty, forfeiture, debt or damage,
3 not over twenty dollars, or property, the value of which
4 does not exceed twenty dollars, the costs shall be taxed
5 and allowed as in similar actions before trial justices, ex-
6 cept that the plaintiff shall have two dollars for his writ.
7 Where the defendant prevails in any action in which the
8 sum claimed in the writ is not over twenty dollars, or prop-
9 erty, the value of which does not exceed twenty dollars,
10 he shall recover one dollar for his pleadings and other
11 costs as in similar actions before trial justices. In actions
12 where the amount recovered by the plaintiff, exclusive of
13 costs, exceeds twenty dollars, or property, the value of
14 which exceeds twenty dollars, or the amount claimed, or
15 the value of the property recovered exceeds twenty dollars
16 where the defendant prevails, the costs of the parties, trus-
17 tees and witnesses shall be the same as in the supreme judi-
18 cial court, except the costs to be taxed for attendance shall
19 be two dollars and fifty cents for each term.

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 report of the referee to said court, judgment
4 may be rendered in the same manner, and with like effect
5 as in the supreme judicial court.

Exceptions may be alleged, and cases certified on an
2 agreed statement of facts, or upon evidence reported by
3 the judge in all civil actions, as in the supreme judicial
4 court, and the same shall be entered, heard and determined

5 in the law term thereof, as if the same had originated in
6 the supreme judicial court for the county of Washington;
7 and decisions of the law court in such cases shall be certi-
8 fied to the judge of said municipal court for final disposi-
9 tion, with the same effect as in cases originating in said
10 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
4 in this court, provided that property may be attached equal
5 in value to double the ad damnum, and provided also that
6 no execution shall be levied on real estate, unless the debt
7 or 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 recorder, shall be four cents and all
3 other fees in civil cases shall be the same as are taxable
4 by a trial except as otherwise provided in sections five and
5 six.

All writs and processes in civil matters shall be in the
2 name of the state, bear the test of said judge, under the

3 seal of said court, and signed by the recorder, be served
4 in time and manner as now provided by law in case of writs
5 issued by trial justices, except that writs in which the debt
6 or damage demanded exceed twenty dollars, shall be served
7 in time and manner as similar writs returnable to the su-
8 preme judicial court, and no writ shall be made returnable
9 at a term of the court to begin more than three months
10 after the commencement of the action.

Sect. 11. A term of said court for the transaction of civil
2 business shall be held on the first Monday of each month
3 except the month of August at ten o'clock in the forenoon
4 and said court may adjourn from time to time, provided,
5 however, that said court shall be held on every Monday
6 of each month, except the month of August, for the entry
7 and trial of actions of forcible entry and detainer, which
8 shall be in order for trial at the return term thereof and
9 judgment in such actions may be entered on the day when
10 the same are defaulted, or heard and determined; and pro-
11 vided also, that for the cognizance of criminal offences,
12 said court shall be considered in constant session. Plead-
13 ings shall be the same as in the supreme judicial court, and
14 all provisions of law relative to the practice and proceed-
15 ings in civil actions, in the supreme judicial court, are here-
16 by made applicable and extended to this court, except so
17 far as they are modified 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 authority to exercise all the powers of the
4 judge.

In case of the absence of the recorder, or a vacancy in
2 his said office, the judge may appoint a recorder who shall
3 be sworn by said judge, and act during his absence, or until
4 the vacancy is filled.

If the judge and the recorder are both necessarily ab-
2 sent, the judge may designate some trial justice in said
3 county to perform the duties of the recorder; and if said
4 judge shall not so designate a trial justice, the recorder
5 may designate one.

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

All processes issued by said recorder in criminal matters
2 shall have the seal of said court and be signed by said re-
3 corder and have the same authority as if issued and signed
4 by said judge.

Sect. 14. Said court shall be held in the court house in
2 said town of Machias, the quarters thereof to be designated

3 by the county commissioners of said county of Washing-
4 ton, or the said county commissioners at the expense of
5 the county, shall provide some other suitable place for hold-
6 ing said court, in said town of Machias, and all expenses
7 of said court, including blank books of record, dockets
8 and blanks necessary for the use of said court shall be paid
9 from the treasury of the county of Washington.

Sect. 15. The judge of said court shall receive as com-
2 pensation a salary of one thousand dollars a year; and the
3 recorder shall receive a salary of two hundred dollars a
4 year to be paid quarterly from the treasury of the county
5 of Washington. A condition precedent to the payment of
6 said salaries as aforesaid shall be the rendering by said
7 judge and recorder of a correct statement, to the county
8 commissioners of said county of Washington, and the pay-
9 ment over by said judge and recorder to the county treas-
10 urer, of all fees both civil and criminal, collected by said
11 court for the preceding quarter or fractional 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 taxed the same as in trial justice
5 courts, except that every warrant issued by said court shall
6 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 of said court in civil and criminal cases received
5 by either or both, shall be accounted for and paid over
6 quarterly into the treasury of said county of Washington,
7 for the use of said county; and all fees of said court paid
8 after any commitment to any jailer shall be paid by him
9 monthly into said treasury.

Sect. 18. Trial justices in said towns of Machias, East
2 Machias, Machiasport, Jonesport, Addison and Columbia
3 Falls are hereby prohibited from exercising any jurisdic-
4 tion in said towns over any matters, civil or criminal, ex-
5 cept such as are within the jurisdiction of justices of the
6 peace, provided that until such judge and recorder of said
7 court shall enter upon the duties of their offices, any trial
8 justices shall have and exercise the same jurisdiction, as
9 though this said municipal court had never been established;
10 and all actions entered and pending before any trial justice,
11 at the time said judge and recorder of said court enter upon
12 the duties of their office as aforesaid, shall be finally dis-
13 posed of by said trial justices; and nothing in this act shall
14 be construed to interfere with such actions returnable be-
15 fore a trial justice as shall be commenced before this act
16 takes effect.

Sect. 19. Before entering upon the duties of his office,
2 the recorder shall give a bond to the county of Washington
3 in the sum of five hundred dollars, to be approved by the
4 county commissioners of said county. The condition of
5 said bond shall be the faithful performance of the duties
6 of his office.

Neither the judge or recorder shall act as attorney nor
2 give counsel in any cause or matter within the exclusive jur-
3 isdiction of said court.