

MAINE STATE LEGISLATURE

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(NEW DRAFT)

EIGHTIETH LEGISLATURE

HOUSE

NO. 326

House of Representatives, March 17, 1921.

Reported by Mr. Murchie from Committee on Judiciary and ordered printed under joint rules.

CLYDE R. CHAPMAN, Clerk.

STATE OF MAINE

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

AN ACT to Establish the Western Washington 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 Western Washington 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 within the jurisdiction of said court,
4 and who shall be appointed, qualified, and hold his office
5 as provided by the constitution of this state. The clerk of

6 the supreme judicial court for Washington county shall be
7 ex-officio recorder of this court. The judge shall hold his
8 office for the term of four years.

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

25 alty, forfeiture or damages, or the value of the goods or
26 chattels, replevined does not exceed one hundred dollars;
27 in which any person summoned as trustee resides within
28 the territorial jurisdiction, district of said court as here-
29 inafter defined, or, if a corporation, has an established place
30 of business in said district; or, in which, in any actions not
31 commenced by trustee process, any defendant resides in
32 said district or if no defendant resides within the limits of
33 this state and defendant is served with process in said dis-
34 trict, or the goods, estates or effects of any defendant are
35 found within said district and are attached on the original
36 writ; but this jurisdiction shall not include proceedings un-
37 der the divorce laws or complaints under the mill act, so-
38 called, nor jurisdiction over actions, in which the title to real
39 estate, according to the pleadings filed in the case by either
40 party is in question, except as provided in chapter ninety-
41 nine, sections six and seven, of the revised statutes.

Sect. 3. The territorial jurisdiction of said court in civil
2 actions shall comprise all the county of Washington except
3 towns lying wholly east of the Machias river and in addi-
4 tion the town of East Machias; any recital of jurisdiction
5 in the charter of any other municipal court in said county
6 to the contrary notwithstanding.

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 sentence of judgment of a trial jus-
4 tice.

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
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 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 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

7 the defendant prevails in any action in which the sum
8 claimed in the writ is not over twenty dollars, or property,
9 the value of which does not exceed twenty dollars, he shall
10 recover one dollar for his pleadings and other costs as in
11 similar actions before trial justices. In actions where the
12 amount recovered by the plaintiff, exclusive of costs, ex-
13 ceeds twenty dollars, or property, the value of which ex-
14 ceeds twenty dollars, or the amount claimed, or the value
15 of the property recovered exceeds twenty dollars where
16 the defendant prevails, the costs of the parties, trustees and
17 witnesses shall be the same as in the supreme judicial court,
18 except the costs to be taxed for attendance shall be two
19 dollars and fifty cents for each term.

Sect. 7. Actions pending in this court may be referred
2 to one referee in the same manner as in the supreme ju-
3 dicial court, and on 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
2 statement of facts, or upon evidence reported by the judge
3 in all civil actions, as in the supreme judicial court, and the
4 same shall be entered, heard and determined in the law
5 term thereof, as if the same had originated in the supreme
6 judicial court for the county of Washington, and decisions
7 of the law court in such cases shall be certified to the judge
8 of said municipal court for final disposition, with the same
9 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 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, 4 as 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 by 4 a trial justice except as otherwise provided in sections five 5 and 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 un-
4 til the vacancy is filled.

If the judge and the recorder are both necessarily absent,
2 the judge may designate some trial justice in said county
3 to perform the duties of the recorder; and if said judge
4 shall not so designate a trial justice, the recorder may design-
5 nate 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 com-
6 mitment, but the same shall be heard and determined as
7 now 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 of
7 said court, including blank books of record, dockets and
8 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 compensation a salary of six hundred dollars a year; and the recorder shall receive a salary of one hundred dollars a year to be paid quarterly from the treasury of the county of Washington. A condition precedent to the payment of said salaries as aforesaid shall be the rendering by said judge and recorder of a correct statement, to the county commissioners of said county of Washington, and the payment over by said judge and recorder to the county treasurer, of all fees both civil and criminal, collected by said court for the preceding quarter or fractional part thereof.

Sect. 16. All fines, penalties and costs paid into said court, upon convictions and sentences in criminal matters, together with all fees allowed by law in the transaction of criminal and civil business, shall be taxed the same as in trial justice courts, except that every warrant issued by said court shall be taxed at one dollar.

Sect. 17. All fines and forfeitures and fees of the judge and recorder of said court, imposed and collected by said court, in all criminal cases and all fees of said judge and recorder of said court in civil and criminal cases received by either or both, shall be accounted for and paid over quarterly into the treasury of said county of Washington, for the use of said county; and all fees of said court paid after any commitment to any jailer shall be paid by him monthly into said treasury.

Sect. 18. Trial justices in said towns of Machias, East Machias and Machiasport are hereby prohibited from exer-

3 cising any jurisdiction in said towns over any matters, civil
4 or criminal, except such as are within the jurisdiction of
5 justices of the peace, provided that until such judge and
6 recorder of said court shall enter upon the duties of their
7 offices, any trial justices shall have and exercise the same
8 jurisdiction, as though this said municipal court had never
9 been established; and all actions entered and pending be-
10 fore any trial justice, at the time said judge and recorder of
11 said court enter upon the duties of their office as aforesaid,
12 shall be finally disposed of by said trial justices; and noth-
13 ing in this act shall be construed to interfere with such ac-
14 tions returnable before a trial justice as shall be commenced
15 before this act takes effect.

Sect. 19. Before entering upon the duties of his office, the
2 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 of
6 his office.

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