

MAINE STATE LEGISLATURE

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DOCUMENTS

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THE LEGISLATURE

OF THE

STATE OF MAINE.

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FORTY-SIXTH LEGISLATURE.

SENATE.

No. 29.

STATE OF MAINE.

IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED AND SIXTY-SEVEN.

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

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

SECTION 1. A municipal court shall be and hereby is
2 established in and for the city of Saco, to be denomi-
3 nated "the municipal court of the city of Saco," which
4 shall be a court of record with a seal; said court shall
5 consist of one judge, who shall be a member of the bar
6 in York county, and shall reside during his continu-
7 ance in said office in said city of Saco, and who shall
8 be elected, qualified, and hold his office as provided in
9 the constitution, and shall except when interested,
10 exercise concurrent jurisdiction with justices of the

11 peace, justices of the peace and quorum, trial justices
12 and the municipal court of Biddeford over all such
13 matters and things civil and criminal within the county
14 of York, as are by law within the jurisdiction of jus-
15 tices of the peace, justices of the peace and quorum,
16 and trial justices in said county, except in actions civil
17 and criminal, over which said municipal court of the
18 city of Biddeford has, or may have, by law, exclusive
19 jurisdiction.

SECT. 2. Said municipal court of the city of Saco,
2 shall have exclusive jurisdiction in all civil actions, in
3 which the debt or damages demanded by the plaintiff
4 does not exceed twenty dollars, and both parties
5 thereto have their residence in said city of Saco, or in
6 which some person residing in said Saco, is in good
7 faith, and on probable grounds summoned as trustee of
8 a party defendant residing in the county of York, and
9 shall also have exclusive jurisdiction over all offences
10 committed against the ordinances and by-laws of said
11 city of Saco, and over all such criminal offences com-
12 mitted within the limits of said Saco as are cognizable
13 by trial justices.

SECT. 3. Said court shall have original jurisdiction,
2 concurrent with the supreme judicial court, in all civil
3 actions where the debt or damages demanded does not
4 exceed fifty dollars, in which the defendant, or one of

5 the defendants if more than one, resides, in said Saco
6 or in the city of Biddeford, and in actions in which a
7 person residing in said Saco or Biddeford, is in good
8 faith summoned as trustee ; and said court shall have
9 original jurisdiction, concurrent with the supreme ju-
10 dicial and with the municipal court of the city of Bid-
11 deford, over crimes, offences and misdemeanors com-
12 mitted in said county of York, which are, by law,
13 punishable by fine not exceeding twenty dollars, and
14 by imprisonment in the county jail not exceeding three
15 months, or by sentence to the reform school.

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

SECT. 5. The judge of said court shall not act as
2 attorney or counsel in any action, matter or thing
3 within the jurisdiction of said court.

SECT. 6. Warrants may be issued upon complaints
2 for offences committed in said city of Saco, by the
3 judge of said court, by the judge of the municipal
4 court of the city of Biddeford, or by any trial justice
5 in said county, but all such warrants shall be made
6 returnable before said municipal court of the city of
7 Saco ; and no justice of the peace, trial justice or
8 judge of the municipal court of the city of Biddeford,

9 shall take other cognizance over any crime, offence or
10 misdemeanor committed in said city of Saco, or in any
11 civil action where said court has exclusive jurisdiction;
12 nor shall any trial justice residing in said city of Saco,
13 issue any civil or criminal process within said county
14 other than warrants as aforesaid, nor take any cogni-
15 zance thereof, except in cases where the judge of said
16 court is a party or interested in such suit or prosecu-
17 tion, or except in disclosures of poor debtors; any
18 trial justice or other judicial officer who shall violate
19 any of the provisions of this act, shall forfeit fifty dol-
20 lars for each and every violation thereof, to be recov-
21 ered on indictment; but nothing in this act shall be
22 construed to prohibit any justice of the peace or trial
23 justice from acting in a ministerial capacity, or from
24 exercising at all times, all the power and jurisdiction
25 given him by any law of the United States.

SECT. 7. The court shall be held on the second and
2 fourth Tuesdays of each month, at nine o'clock in the
3 forenoon, for the transaction of civil business, and all
4 civil processes shall be made returnable accordingly;
5 and said court may be adjourned from time to time at
6 the discretion of the judge, but shall be considered as
7 in constant session for the trial of criminal offences.

SECT. 8. It shall be the duty of the judge of said
2 court, to make and keep the records thereof, or to

3 cause the same to be made and kept, and to perform
4 all other duties required of similar tribunals in this
5 state ; and copies of the records of said court, duly
6 certified by said judge, shall be legal evidence in all
7 courts.

SECT. 9. The judge shall appoint a recorder, who
2 shall be a trial justice for the county of York, duly
3 qualified, who shall be sworn by said judge, who shall
4 keep the records of said court, when requested so to
5 do by the judge ; and in case of absence from the court
6 room, or sickness of the judge, or when the office of
7 judge shall be vacant, the recorder shall have and ex-
8 ercise all the powers of the judge, and perform all the
9 duties required of said judge by this act, and shall be
10 empowered to sign and issue all processes and papers,
11 and to do all acts as fully and with the same effect as
12 the judge could do, were he acting in the premises ;
13 and the signature of the recorder, as such, shall be
14 sufficient evidence of his right to act instead of the
15 judge. When the office of judge is vacant, the re-
16 corder shall be entitled to the fees ; in all other cases,
17 he shall be paid by the judge.

SECT. 10. All fines and penalties awarded and re-
2 ceived by said judge, shall be accounted for and paid
3 over, as if the same had been awarded and received
4 by a trial justice.

SECT. 11. The fees of the judge which he may demand and receive for his services shall be as follows : for every blank writ signed by him four cents ; for entry of each civil action forty cents ; for every warrant issued by him seventy-five cents ; for the trial of an issue in a civil or criminal case one dollar, and the same for every day occupied in the hearing of a case after the first day ; and all fees not herein specified, he shall receive the sums allowed for similar services, to trial justices.

SECT. 12. Said court shall be held at such place as the city shall provide ; and the city of Saco shall have power, and it shall be its duty to raise money to purchase blank books of record, seals and dockets necessary for the use of said court, to provide a suitable room for said court, and to furnish the same in an appropriate manner.

SECT. 13. The forms of writs and processes in civil actions issued by said court, shall be the same as now provided by law, and shall be served, at least seven days, and if the defendant party, or any trustee be a corporation, thirty days before the return day.

SECT. 14. Actions pending in this court may be referred in the same manner as in the supreme judicial court, and on report of the referees to said municipal

4 court, judgment may be rendered in the same manner,
5 and with like effect as in the supreme court.

SECT. 15. Costs and fees allowed to parties and
2 attorneys in all actions before said court, in which the
3 debt or damages recovered does not exceed twenty
4 dollars, shall be the the same as are allowed in actions
5 before trial justices ; but in cases where the damages
6 do exceed twenty dollars, the fees and costs shall be
7 the same as in the supreme judicial court.

SECT. 16. All the provisions of the statutes of this
2 state in relation to attachments of real and personal
3 property, and the levy of executions on the same, shall
4 be applicable to actions brought in this court, which
5 shall have authority to issue executions to be satisfied
6 in the same manner as though issuing from the supreme
7 judicial court, except that no such execution shall be
8 levied on real estate unless the debt or damage therein
9 shall exceed the sum of twenty dollars.

SECT. 17. The municipal court of the city of Bidde-
2 ford, and trial justices in the county of York shall
3 have power and jurisdiction over all actions and suits
4 pending before them at the time this act shall take
5 effect, or commenced previous to that time and return-
6 able before them on a day subsequent thereto, to the
7 same extent as if this act had not passed ; and in like
8 manner shall have the same authority and jurisdiction

9 to issue any execution on any judgment recovered, or
10 which shall be recovered before them as aforesaid, in
11 any action, as if this act had not passed.

SECT. 18. The municipal court of the city of Bidde-
2 ford or any trial justice in the city of Saco, may take
3 cognizance of any action, matter or thing within their
4 jurisdiction, wherein the judge or recorder of said
5 municipal court of the city of Saco, is a party or in-
6 terested.

SECT. 19. This act shall take effect and be in force
2 at such time after its approval as the act entitled “an
3 act to incorporate the city of Saco” shall have been
4 accepted by the legal voters of Saco.

STATE OF MAINE.

IN SENATE, February 7, 1867.

Reported by Mr. CALDWELL, from the Committee on the Judi-
ciary.

THOMAS P. CLEAVES, *Secretary*.