

MAINE STATE LEGISLATURE

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NEW DRAFT.

Sixty-Eighth Legislature.

HOUSE.

No. 319.

STATE OF MAINE.

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

AN ACT to establish the Sanford Municipal Court.

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

Section 1. A municipal court is hereby established in
2 and for the town of Sanford, to be denominated the San-
3 ford Municipal Court, which shall have a seal, and shall
4 be a court of record, except for and in its proceedings
5 wherein the amount of value sued for, or in controversy,
6 is within the jurisdiction of trial justices. Said court
7 shall consist of one judge, who shall be a member of the
8 bar in York county and shall reside during his continu-
9 ance in said office in said town of Sanford, and who shall

10 be appointed, qualified, and hold his office as provided in
11 the constitution, and shall except when interested, exer-
12 cise concurrent jurisdiction with justices of the peace,
13 justices of the peace and quorum, trial justices and the
14 municipal courts of Biddeford and Saco over all such
15 matters and things civil and criminal within the county of
16 York, as are by law within the jurisdiction of justices of
17 the peace, justices of the peace and quorum, and trial
18 justices in said county, except in action civil and criminal,
19 over which said municipal courts of the cities of Biddeford
20 and Saco respectively have, or may have by law, exclu-
21 sive jurisdiction.

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

Sect. 3. Said court shall have original jurisdiction con-
2 current with the supreme judicial court, in all civil actions
3 wherein the debt or damages demanded does not exceed
4 one hundred dollars, in which any party defendant to the
5 actions shall reside, or, if not an inhabitant of the State,
6 shall be commorant in the county of York; and said
7 court shall have original jurisdiction, concurrent with the

8 supreme judicial court and the municipal courts of the
9 cities of Biddeford and Saco, over crimes, offences and
10 misdemeanors committed in said county of York, which
11 are, by law, punishable by fine not exceeding twenty
12 dollars, and by imprisonment in the county jail not
13 exceeding three months, or by sentence to the reform
14 school.

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 or judgment of a trial
4 justice.

Sect. 5. The judge of said court shall not act as
2 attorney or counsel in any action, matter or thing, brought
3 or to be brought in said court.

Sect. 6. Warrants may be issued upon complaint for
2 offences committed in said town of Sanford, by the judge
3 of said court, or either of the judges or recorders of the
4 municipal courts of the cities of Biddeford and Saco, or
5 by any trial justice in said county, but all such warrants
6 shall be made returnable before said Sanford municipal
7 court; and no justice of the peace, trial justice, or either
8 of the judges or recorders of the municipal courts of the
9 cities of Biddeford and Saco shall take other cognizance
10 over any crime, offence or misdemeanor committed in
11 said town of Sanford, or in any civil action where the
12 said court has exclusive jurisdiction; nor shall any trial
13 justice residing in said town of Sanford issue any civil or
14 criminal process within said county other than warrants
15 as aforesaid, nor take any cognizance thereof, except in
16 case where the judge of said court is a party or interested
17 in such suit or prosecution, or except in disclosures of

18 poor debtors. Any trial justice or other judicial officer who
19 shall violate any of the provisions of this act shall forfeit
20 fifty dollars for each and every violation thereof, to be
21 recovered on indictment; but nothing in this act shall be
22 construed to prohibit any justice of the peace or trial
23 justice from action in a ministerial capacity, or from exer-
24 cising at all times all power and jurisdiction given him by
25 any law of the United States.

Sect. 7. The court shall be held on the third Tuesday
2 of each month, at ten o'clock in the forenoon, for the
3 transaction of civil business, and all civil processes shall
4 be made returnable accordingly, and said court may be
5 adjourned from time to time, at the discretion of the
6 judge, but shall be considered as in constant session for
7 the trial of criminal offences. All the provisions of law
8 relative to pleadings, practise, and proceedings in civil
9 actions in the supreme judicial court, are hereby made
10 applicable to this court, except so far as they are modified
11 by the provisions of this act.

Sect. 8. It shall be the duty of the judge of said court
2 to make and keep the records thereof, or to cause the
3 same to be kept, and to perform all other duties required
4 of similar tribunals in this state; and copies of the records
5 of said court, duly certified by said judge, shall be legal
6 evidence in all courts.

Sect. 9. The judge shall appoint a recorder, who shall
2 be a trial justice for the county of York, a resident of
3 said Sanford, duly qualified, who shall be sworn by said
4 judge, who shall keep the records of said court when
5 requested so to do by said judge; and in case of absence
6 from the court room or sickness of the judge, or when the

7 office of judge shall be vacant, the recorder shall have and
8 exercise 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 all acts as fully and with the same effect as the judge
12 could do were he acting in the premises; and the signa-
13 ture of the recorder as such, shall be sufficient evidence
14 of his right to act instead of the judge. When the office
15 of judge is vacant, the recorder shall be entitled to the
16 fees; in all other cases he shall be paid by the judge.

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

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

Sect. 12. Said court shall be held at such place as the
2 town shall provide; and the town of Sanford shall have
3 power, and it shall be its duty to raise money to purchase
4 blank books of record, seals and dockets and blanks neces-
5 sary for the use of said court, to provide a suitable room
6 for said court, and to furnish the same in an appropriate
7 manner.

Sect. 13. The forms of writs and processes in civil actions issued by said court and the service thereof, shall be the same as now provided by law.

Sect. 14. Costs and fees allowed to parties and attorneys in all action before said court, in which the debt or damages recovered does not exceed twenty dollars, shall be the same as are allowed in action before trial justices; but in cases where the damages do exceed twenty dollars, the fees and costs shall be the same as in the supreme judicial court.

Sect. 15. All the provisions of the statutes of this state in relation to attachments of real and personal property, and the levy of execution on the same shall be applicable to actions brought in this court, which shall have authority to issue execution to be satisfied in the same manner as though issuing from the supreme judicial court, except that no such execution shall be levied on real estate unless the debt or damages therein exceed the sum of twenty dollars.

Sect. 16. The municipal courts of the cities of Biddeford and Saco, and trial justices in the county of York, shall have power and jurisdiction over all action and suits pending before them at the time this act shall take effect, or commenced previous to that time and returnable before them on a day subsequent thereto, to the same extent as if this act had not passed; and in like manner shall have the same authority and jurisdiction to issue any execution on any judgment recovered, or which shall be recovered before them as aforesaid, in any action as if this act had not passed.

Sect. 17. The municipal courts of the cities of Biddeford and Saco, or any trial justice in the town of Sanford, may take cognizance of any action, matter or thing within their jurisdiction, wherein the judge or recorder of said Sanford municipal court is a party or interested.

Sect. 18. Said judge shall render to the county treasurer, semi-annually, on the second Tuesdays of April and October, a true statement in writing signed and sworn to by him, of all sums of money received or which he is entitled to receive by virtue of his said office, including all sums of money received by his recorder by virtue of his said office, for the six months ending on the last days of March and September of each year, and pay to said treasurer all money due said county; and on said second Tuesdays of April and October, he shall produce and exhibit his civil and criminal dockets to the court of county commissioners of said county for their examination, and also the original papers on file in his court, if they shall so require.

STATE OF MAINE.

IN HOUSE OF REPRESENTATIVES,

March 17, 1897.

Reported by Mr. HAMILTON of Biddeford, from Committee on Judiciary, and ordered printed under joint rules.

W. S. COTTON, *Clerk.*