

MAINE STATE LEGISLATURE

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Sixty-Eighth Legislature.

SENATE.

No. 60.

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 the town of Sanford, which shall be denominated the San-
3 ford Municipal Court; it shall be a court of record, with a
4 seal, and shall consist of one judge who shall reside in said
5 Sanford. He shall cause to be entered on the docket of
6 said court all civil and criminal actions, with full minutes
7 of the proceedings in and disposition of the same, which
8 docket shall be at all times open to inspection, and he shall
9 perform all other duties required of similar tribunals in this
10 State; and copies of the record of said court, duly certified
11 by said judge, shall be legal evidence in all courts.

Sect. 2. Said court shall have exclusive original jurisdiction of all civil actions in which the debt or damages demanded do not exceed twenty dollars, and both parties, or a defendant, or a person summoned in good faith and on probable grounds as trustee, reside in said town of Sanford, or if no defendant reside within the limits of the State, in which any defendant is served with process in said town, or the goods, estate or effects of any defendant are found within said town and attached on the original writ; and shall have exclusive jurisdiction of all offenses committed against the ordinances and by-laws of said town of Sanford, and of all criminal offenses and misdemeanors committed therein as are cognizable by trial justices.

Sect. 3. Said court shall have original jurisdiction, concurrent with trial justices, but exclusive of all other courts, of all such matters, civil and criminal, as are by law within the jurisdiction of trial justices within the towns of Lebanon, Acton, Shapleigh, Newfield, Parsonsfield, Cornish, Limerick, Waterboro and Alfred; and warrants issued by any trial justice upon complaint for offenses committed in any of said towns may be made returnable before said court.

Sect. 4. Said court shall have original jurisdiction, concurrent with the supreme judicial court, but exclusive of all other courts, of all civil actions wherein the debt or damages demanded, exclusive of costs, does not exceed one hundred dollars, in which any person summoned as trustee, or any defendant, resides within said Sanford or any of the towns

7 before mentioned, or if no defendant resides within the
8 limits of the State, in which any defendant is served with
9 process within either of said towns, or the goods, estate or
10 effects of any defendant are found within any of said towns;
11 of all offenses committed within any of said towns, as fol-
12 lows, namely: of all larcenies described in sections one,
13 six, seven, eight and nine of chapter one hundred and
14 twenty of the Revised Statutes, when the value of the prop-
15 erty is not alleged to exceed thirty dollars; of all cases of
16 cheating by false pretenses described in section one of
17 chapter one hundred and twenty-six of the Revised Statutes,
18 when the value of the property or other thing alleged to
19 have been fraudulently obtained or sold does not exceed
20 thirty dollars; of the assaults and batteries described in
21 section twenty-eight of chapter one hundred and eighteen
22 of the Revised Statutes; of the offenses described in sec-
23 tion six and sections twenty-nine to forty-five inclusive, of
24 chapter one hundred and twenty-four of the Revised
25 Statutes; of the offense described in section twenty-
26 one of chapter one hundred and twenty-two of the Revised
27 Statutes; of the offenses described in sections one and four
28 of chapter one hundred and twenty-three of the Revised
29 Statutes; of the offenses described in sections nine, sixteen
30 and seventeen of chapter one hundred and twenty-seven of
31 the Revised Statutes, and amendments thereto, when the
32 value of the property destroyed or injury done is not alleged
33 to exceed thirty dollars; and of all other offenses committed

34 in any of said towns which are by law punishable by fine
35 not exceeding fifty dollars and by imprisonment not exceed-
36 ing three months; and may punish for either of said
37 offenses by fine not exceeding fifty dollars and by imprison-
38 ment not exceeding three months; provided that said court
39 shall not try civil actions in which title to real estate,
40 according to the pleadings filed in the case by either party,
41 is in question except as provided in chapter ninety-four,
42 sections six and seven of the Revised Statutes.

Sect. 5. A term of said court shall be held on the second
2 Tuesday of each month, beginning at ten o'clock in the
3 forenoon, at such place as the judge shall determine, for
4 the transaction of civil business, and all civil process shall
5 be made returnable accordingly; provided that said court
6 shall be held on every Tuesday for the trial of actions of
7 forcible entry and detainer, and such actions shall be return-
8 able accordingly, and be heard and determined and judg-
9 ment entered on the return day of the writ, unless contin-
10 ued for good cause. Said court may adjourn from time to
11 time, but shall be considered as in constant session for the
12 trial of criminal offenses. In the absence of the judge any
13 justice of the peace of the town of Sanford may preside for
14 the purpose of entering and continuing actions and filing
15 papers in said court, and may adjourn the same from day
16 to day, or until the next regular term.

Sect. 6. Writs and processes issued by said court shall be
2 in the usual forms, signed by the judge, and under the seal

3 of the said court. They shall be served as like precepts are
4 required to be served when issued by trial justices, except
5 original writs in civil actions, which shall be served not less
6 than seven nor more than sixty days before the sitting of
7 the court at which the same are made returnable. All the
8 provisions of the statutes of the State relative to the attach-
9 ment of real and personal property and the levy of execu-
10 tions, shall be applicable to actions in this court, and execu-
11 tions on judgments rendered therein.

Sect. 7. All civil actions in said court shall be entered on
2 the first day of the term and not afterward, except by special
3 permission; and they shall be in order for trial, except
4 actions of forcible entry and detainer, at the next regular
5 term after the entry if not otherwise disposed of. When a
6 defendant legally summoned, fails to enter his appearance
7 by himself or by his attorney before twelve o'clock noon on
8 the first day of the return term, he shall be defaulted; but if
9 he afterwards appear during said term the court may for
10 sufficient cause permit the default to be taken off. The
11 pleading shall be the same as in the supreme judicial court,
12 and all the provisions of law relative to practice and pro-
13 ceedings in civil actions in the supreme judicial court, are
14 hereby made applicable and extended to this court, except
15 so far as they are modified by the provisions of this act.

Sect. 8. 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. 9. If any defendant, his agent or attorney, in any
2 civil action in this court in which the debt or damages
3 demanded or claimed in his writ exceeds twenty dollars,
4 shall on or before the first day of the second regular term
5 of said court after the entry of said action, file in said court
6 an affidavit that he has a good defense to said action, and
7 intends in good faith to make such defense and claims a
8 jury trial, and shall at the same time deposit with the judge
9 of said court two dollars and sixty cents for copies and
10 entry in the supreme judicial court, to be taxed in his costs
11 if he prevail, the said action shall at the next regular
12 monthly term of said municipal court, after the entry thereof
13 be removed into the supreme judicial court for said county,
14 and shall be entered at the next ensuing term of the
15 supreme judicial court after such removal, and the judge of
16 said municipal court shall forthwith cause certified copies
17 of the writ, return of the officer and all other papers in the
18 case to be filed in the office of the clerk of said supreme
19 judicial court.

Sect. 10. Exceptions may be alleged and cases certified
2 on an agreed statement of facts, or upon evidence reported
3 by the judge in all civil actions as in the supreme judicial
4 court, and the same shall be entered, heard and determined
5 at the law term thereof as if the same had originated in the
6 supreme judicial court for the county of York; and deci-
7 sions of the law court in all such cases, shall be certified to
8 the judge of said municipal court for final disposition with

9 the same effect as in cases originating in said supreme judi-
10 cial court.

Sect. 11. The costs and fees allowed to parties, attorneys
2 and witnesses in all actions in this court, in which the debt
3 or damages demanded shall not exceed twenty dollars, and
4 in actions of forcible entry and detainer, shall be the same
5 as allowed in similar actions before trial justices, except
6 that the plaintiff, if he prevail, shall be allowed one dollar
7 for his writ, and the defendant, if he prevail, shall be allowed
8 one dollar for his pleadings; and in cases wherein the
9 amount demanded shall exceed twenty dollars, the costs
10 and fees of the parties, attorneys and witnesses shall be the
11 same as in the supreme judicial court, except that the plain-
12 tiff if he prevail, shall be allowed two dollars for his writ,
13 and the defendant, if he prevail, shall be allowed two dol-
14 lars for his pleadings, and that the costs to be taxed for
15 attendance shall be two dollars and fifty cents for the first
16 term, and one dollar for each subsequent term. In all
17 actions wherein the debt or damages demanded exceeds
18 twenty dollars, costs for travel may include costs for con-
19 structive travel for not exceeding forty miles, as in the
20 supreme judicial court. In every action the judge may at
21 his discretion disallow any costs for travel and attendance
22 after the second term.

Sect. 12. The judge of said court shall receive the same
2 fees allowed by law to trial justices and clerks of the supreme
3 judicial court for similar services, except that he shall

4 receive for every blank writ signed by him, five cents; for
5 entry of each civil action, fifty cents; for every warrant
6 issued by him, one dollar; for the trial of an issue in civil
7 or criminal cases, one dollar, and two dollars for each day
8 actually employed after the first; and said fees for the trial
9 of an issue in civil actions shall be paid by the plaintiff
10 before proceeding with the trial each day, to be taxed in his
11 costs if he prevail. The fees received by said judge shall
12 be payment in full for his services.

STATE OF MAINE.

IN SENATE, February 10, 1897.

Pending reference in concurrence to Committee on the Judiciary, laid
on table to be printed on motion by Mr. SAVAGE of Androscoggin.

KENDALL M. DUNBAR, *Secretary.*