

MAINE STATE LEGISLATURE

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Seventy-first Legislature.

HOUSE.

No. 177

STATE OF MAINE.

IN THE YEAR OF OUR LORD ONE THOUSAND NINE
HUNDRED AND THREE.

AN ACT to establish a municipal court in the town of Kittery.

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

Section 1. A municipal court is hereby established in and
2 for the towns of Kittery and Eliot, to be denominated the
3 Kittery municipal court, which shall have a seal, and shall
4 be a court of record, except for and in its proceedings wherein
5 the amount of value sued for, or in controversy, is within
6 the jurisdiction of trial justices. Said court shall consist
7 of one judge, who shall be a member of the bar in York
8 county and shall reside during his continuance in said office
9 in one of said towns, and who shall be appointed, qualified,
10 and hold his office as provided in the constitution, and shall
11 except when interested, exercise concurrent jurisdiction with
12 justices of the peace, justices of the peace and quorum, trial
13 justices and the municipal courts of Biddeford, Saco and

14 Sanford over all such matters and things civil and criminal
15 within the county of York, as are by law within the juris-
16 diction of justices of the peace, justices of the peace and
17 quorum, and trial justices in said county, except in actions
18 civil and criminal, over which said municipal courts of the
19 cities of Biddeford, Saco and Sanford respectively now have
20 exclusive jurisdiction.

Sect. 2. Said municipal court shall have exclusive juris-
2 diction in all civil actions in which the debt or damages
3 demanded by the plaintiff does not exceed twenty dollars,
4 and both parties thereto have their residence in one of said
5 towns, or in which some person residing in said towns or
6 corporation having a usual place of business is summoned
7 as trustee of a party defendant, and shall also have exclusive
8 jurisdiction over all offenses committed against the ordi-
9 nances and by-laws of said towns, and over all such criminal
10 offenses committed within the limits of said town as are cog-
11 nizable by trial justices.

Sect. 3. Said court shall have original jurisdiction concu-
2 rent with the supreme judicial court, in all civil actions
3 wherein the debt or damages demanded does not exceed one
4 hundred dollars, in which any party defendant to the actions
5 shall reside, or if not an inhabitant of the State, shall be com-
6 morant in the county of York; and said court shall have
7 original jurisdiction, concurrent with the supreme judicial
8 court and the municipal courts of the cities of Biddeford,
9 Saco and Sanford, over crimes, offenses and misdemeanors
10 committed in said county of York, which are, by law, punish-
11 able by a fine not exceeding twenty dollars, and by imprison-
12 ment in the county jail not exceeding three months, or by
13 sentence to the reform school.

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

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

Sect. 6. Warrants may be issued upon complaint for
2 defenses committed in said towns of Kittery and Eliot, by
3 the judge of said court, or either of the judges or recorders
4 of the municipal courts of the cities of Biddeford, Saco and
5 Sanford, or by any trial justice in said county, but all such
6 warrants shall be made returnable before said Kittery muni-
7 cipal 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, Saco and Sanford shall take other cog-
10 nizance over any crime, offense or misdemeanor committed
11 in said towns of Kittery and Eliot, or in any civil action
12 where the court has exclusive jurisdiction; nor shall any trial
13 justices residing in said towns of Kittery and Eliot issue any
14 civil or criminal process within said county other than war-
15 rants as aforesaid, nor take any cognizance thereof, except
16 in case where the judge of said court is a party or interested
17 in such suit or prosecution, or except in disclosures of poor
18 debtors. Any trial justice or other judicial officer who shall
19 violate any of the provisions of this act shall forfeit fifty
20 dollars for each and every violation thereof, to be recovered
21 on indictment; but nothing in this act shall be construed to
22 prohibit any justice of the peace or trial justice from action
23 in a ministerial capacity, or from exercising at all times all
24 power and jurisdiction given him by any law of the United
25 States.

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

7 criminal offenses. All the provisions of law relative to
8 pleadings, practice, and proceedings in civil actions in the
9 supreme judicial court, are hereby made applicable to this
10 court, except so far as they are modified by the provisions
11 of this act.

Sect. 8. It shall be the duty of the judge of said court to
2 make and keep the records thereof, or cause the same to be
3 made and kept, and to perform all other duties required of
4 similar tribunals in this State; and copies of said records,
5 duly certified by said judge, shall be legal evidence in all
6 courts. The judge may appoint in writing, a recorder, who
7 shall be a trial justice for the county of York, duly qualified,
8 who shall be sworn by said judge, who shall keep the records
9 of said court when requested so to do by the judge; and in
10 case of absence from the courtroom, or sickness of the judge,
11 or when the office of judge shall be vacant, the recorder shall
12 have and exercise all the powers of the judge, and perform
13 all the duties required of said judge by this act, and shall
14 be empowered to sign and issue all processes and papers, and
15 to do all acts as fully and with the same effect as the judge
16 could do were he acting in the premises; and the signature
17 of the recorder, as such, shall be sufficient evidence of his
18 right to act instead of the judge. When the office of judge
19 is vacant, the recorder shall be entitled to the fees; in all
20 other cases he shall be paid by the judge, and shall hold his
21 office at the discretion of said judge.

Sect. 9. All fines and penalties awarded and received by
2 said judge shall be accounted for and paid over, as if the
3 same had been awarded and received by a trial justice.

Sect. 10. The judge of said court may tax and shall be
2 allowed for his services in a civil action the same fees, the
3 trial fee excepted, allowed by law to trial justices, for like
4 services and at the same rates, except that he shall be entitled
5 to fifty cents for entering and recording an action, and

6 twenty-five cents for taxing the costs, and for the trial of an
7 issue in civil cases, two dollars for every day actually
8 employed, said fees to be paid him by the party at whose
9 instance the services were performed, and taxed with the
10 costs of such party if he prevail in the suit. For his services
11 in criminal proceedings he shall be entitled to seventy-five
12 cents for entering complaint, swearing witnesses, filing
13 papers, and certifying costs to the county commissioners,
14 forty cents for taxing the costs and recording judgment, ten
15 cents for each subpoena, twenty-five cents for each mittimus
16 and each recognizance, fifty cents for making and recording
17 each libel of intoxicating liquors, twenty-five cents for each
18 order to destroy or to restore such liquors and two dollars
19 for each day actually employed in the trial of an issue, said
20 fees to be taxed in the bill of costs, and unless paid into court,
21 to be allowed by the commissioners, and paid by the county
22 treasurer; as provided by law in relation to other criminal
23 expenses; and as to all fees not herein specified he shall
24 receive the sums allowed for similar services to trial justices.

Sect. 11. It shall be the duty of the towns of Kittery and
2 Eliot, to provide a suitable court room in said Kittery, con-
3 veniently situated and appropriately fitted up and furnished,
4 in which to hold said court, and keep the same in proper
5 condition for use, and also to provide for said court an appro-
6 priate seal, and all blanks, blank books, dockets, stationery
7 and other things necessary in the transaction of its business;
8 and said towns are hereby authorized to appropriate money
9 therefor.

Sect. 12. The forms of writs and processes in civil actions
2 issued by the said court and the service thereof, shall be the
3 same as now provided by law.

Sect. 13. Costs and fees allowed to parties and attorneys
2 in all actions before said court, in which the debt or damages
3 recovered does not exceed twenty dollars, shall be the same

4 as are allowed in actions before trial justices; but in cases
5 where the damages do exceed twenty dollars, the fees and
6 costs shall be the same as in the supreme judicial court.

Sect. 14. All the provisions of the statutes of this State in
2 relation to attachments of real and personal property, and
3 the levy of execution on the same shall be applicable to
4 actions brought in this court, which shall have authority to
5 issue execution to be satisfied in the same manner as though
6 issuing from the supreme judicial court except that no such
7 execution shall be levied on real estate unless the debt or
8 damages therein exceed the sum of twenty dollars.

Sect. 15. The municipal courts of the cities of Biddeford,
2 Saco and Sanford, and trial justices in the county of York,
3 shall have power and jurisdiction over all actions and suits
4 pending before them at the time this act shall take effect, or
5 commenced previous to that time and returnable before them
6 on a day subsequent thereto, to the same extent as if this act
7 had not been passed; and in like manner shall have the same
8 authority and jurisdiction to issue any execution on any judg-
9 ment recovered, or which shall be recovered before them as
10 aforesaid, in any action as if this act had not passed.

Sect. 16. The municipal courts of the cities of Biddeford,
2 Saco and Sanford, or any trial justice of any of the towns
3 of Kittery and Eliot, may take cognizance of any action,
4 matter or thing within their jurisdiction, wherein the judge
5 or recorder of said Kittery municipal court is a party or
6 interested.

Sect. 17. Said judge shall render to the county treasurer,
2 semi-annually, on the second Tuesdays of April and October,
3 a true statement in writing signed and sworn to by him, of
4 all sums of money received or which he is entitled to receive
5 by virtue of his said office, including all sums of money
6 received by his recorder, by virtue of his said office, for the
7 six months ending on the last days of March and September

8 of each year, and pay to said treasurer all money due said
9 county; and on the said second Tuesdays of April and Octo-
10 ber, he shall produce and exhibit his civil and criminal
11 dockets to the court of county commissioners of said county
12 for their examination, and also the original papers on file in
13 his court, if they shall so require.

STATE OF MAINE.

IN HOUSE OF REPRESENTATIVES,
AUGUSTA, February 24, 1903.

Tabled pending reference to Committee on the Judiciary, by Mr.
ALLEN of Sanford, and ordered printed.

W. S. COTTON, *Clerk.*