

# MAINE STATE LEGISLATURE

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# ACTS AND RESOLVES

OF THE

## SIXTY-EIGHTH LEGISLATURE

OF THE

## STATE OF MAINE

1897

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Published by the Secretary of State, agreeably to Resolves of June 28, 1820,  
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PRIVATE AND SPECIAL LAWS  
OF THE  
STATE OF MAINE.

1897.

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**Chapter 522.**

An Act to establish the Sanford Municipal Court.

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

Sect. 1. A municipal court is hereby established in and for the town of Sanford, to be denominated the Sanford Municipal Court, which shall have a seal, and shall be a court of record, except for and in its proceedings wherein the amount of value sued for, or in controversy, is within the jurisdiction of trial justices. Said court shall consist of one judge, who shall be a member of the bar in York county and shall reside during his continuance in said office in said town of Sanford, and who shall be appointed, qualified, and hold his office as provided in the constitution, and shall except when interested, exercise concurrent jurisdiction with justices of the peace, justices of the peace and quorum, trial justices and the municipal courts of Biddeford and Saco over all such matters and things civil and criminal within the county of York, as are by law within the jurisdiction of justices of the peace, justices of the peace and quorum, and trial justices in said county, except in action civil and criminal, over which said municipal courts of the cities of Biddeford and Saco respectively have, or may have by law, exclusive jurisdiction.

Sect. 2. Said municipal court shall have exclusive jurisdiction in all civil actions in which the debt or damages demanded by the plaintiff does not exceed twenty dollars, and both parties thereto have their residence in said town of Sanford, or in which some person residing in said Sanford is in good faith and on probable grounds summoned as trustee of a party defendant residing in said county of York, and shall also have exclusive jurisdiction over all offenses committed against the ordinances and by laws of said town of Sanford, and over all such criminal offenses committed within the limits of said Sanford as are cognizable by trial justices.

Sect. 3. Said court shall have original jurisdiction concurrent with the supreme judicial court, in all civil actions wherein the debt or damages demanded does not exceed one hundred dollars, in which any party defendant to the actions shall reside, or, if not an inhabitant of the state, shall be comorant in the county of York; and said court shall have original jurisdiction, concurrent with the supreme judicial court and

Sanford  
municipal  
court, es-  
tablished.

—seal and  
court of  
record.

—judge and  
qualifica-  
tions.

—concur-  
rent juris-  
diction.

Exclusive  
jurisdic-  
tion, when  
debt does  
not exceed  
\$20.

—in all of-  
fenses  
against  
laws of  
town.

Concur-  
rent juris-  
diction with  
supreme  
judicial  
court.

CHAP. 522

the municipal courts of the cities of Biddeford and Saco, over crimes, offenses and misdemeanors committed in said county of York, which are, by law, punishable by fine not exceeding twenty dollars, and by imprisonment in the county jail not exceeding three months, or by sentence to the reform school.

Appeal may be taken to supreme judicial court.

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

Judge shall not act as attorney in action brought before court.

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

How and by whom, warrants may be issued.

Sect. 6. Warrants may be issued upon complaint for offenses committed in said town of Sanford, by the judge of said court, or either of the judges or recorders of the municipal courts of the cities of Biddeford and Saco, or by any trial justice in said county, but all such warrants shall be made returnable before said Sanford Municipal Court; and no justice of the peace, trial justice, or either of the judges or recorders of the municipal courts of the cities of Biddeford and Saco shall take other cognizance over any crime, offense or misdemeanor committed in said town of Sanford, or in any civil action where the said court has exclusive jurisdiction; nor shall any trial justice residing in said town of Sanford issue any civil or criminal process within said county other than warrants as aforesaid, nor take any cognizance thereof, except in case where the judge of said court is a party or interested in such suit or prosecution, or except in disclosures of poor debtors. Any trial justice or other judicial officer who shall violate any of the provisions of this act shall forfeit fifty dollars for each and every violation thereof, to be recovered on indictment; but nothing in this act shall be construed to prohibit any justice of the peace or trial justice from action in a ministerial capacity, or from exercising at all times all power and jurisdiction given him by any law of the United States.

--returnable before court.

--exclusive jurisdiction of all offenses committed in town.

--penalty for violation.

Terms.

Sect. 7. The court shall be held on the third Tuesday of each month, at ten o'clock in the forenoon, for the transaction of civil business, and all civil processes shall be made returnable accordingly, and said court may be adjourned from time to time, at the discretion of the judge, but shall be considered as in constant session for the trial of criminal offenses. All the provisions of law relative to pleadings, practice, and proceedings in civil actions in the supreme judicial court, are hereby

--proceedings in supreme judicial court, made applicable.

made applicable to this court, except so far as they are modified by the provisions of this act. CHAP. 522

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

Records,  
how kept.

Sect. 9. The governor, by and with the advice and consent of the council, shall appoint a recorder, who shall be a trial justice for the county of York, a resident of said Sanford, duly qualified, who shall be sworn by said judge, who shall keep the records of said court when requested so to do by said judge; and in case of absence from the court room or sickness of the judge, or when the office of judge shall be vacant, the recorder shall have and exercise all the powers of the judge, and perform all the duties required of said judge by this act, and shall be empowered to sign and issue all processes and papers, and all acts as fully and with the same effect as the judge could do were he acting in the premises; and the signature of the recorder as such, shall be sufficient evidence of his right to act instead of the judge. When the office of judge is vacant, the recorder shall be entitled to the fees; in all other cases he shall be paid by the judge.

Recorder,  
appoint-  
ment, quali-  
fication,  
power and  
duties of.

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

—when en-  
titled to  
fees.

How fines  
shall be dis-  
posed of.

Sect. 11. The fees of the judge which he shall 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, fifty 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.

Fees of  
judge.

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

Town shall  
provide  
court room,  
etc.

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.

Writs and  
processes,  
form of.

CHAP. 522

Costs and fees.

Sect. 14. Costs and fees allowed to parties and attorneys in all actions before said court, in which the debt or damages recovered does not exceed twenty dollars, shall be the same as are allowed in actions 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.

Laws relating to attachments, applicable to actions brought in this 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.

Jurisdiction over pending suits, shall not be affected.

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 actions 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.

When judge or recorder is a party, other courts may take cognizance of any action within their jurisdiction.

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.

Moneys received by judge, how accounted for and disposed of.

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.