

MAINE STATE LEGISLATURE

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NEW DRAFT.

Sixty-Seventh Legislature.

HOUSE.

No. 295.

STATE OF MAINE.

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

AN ACT to amend "An Act to Establish a Police Court in
the City of Rockland," approved March fourteen, eighteen
hundred and sixty-one.

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

SECTION 1. Section two of "An act to establish a police
2 court in the city of Rockland" is hereby amended so it
3 shall read as follows:

'Section 2. Said judge shall, except where interested,
5 exercise jurisdiction over all such matters and things,
6 civil and criminal, within the county of Knox, as justices
7 of the peace or trial justices may exercise, and under
8 similar restrictions and limitations, and concurrent juris-
9 diction with justices of the peace and quorum and trial

10 justices in cases of forcible entry and detainer in said
11 county ; and exclusive jurisdiction in all such matters and
12 things where both parties interested, or the plaintiff and
13 the person or persons summoned as trustees, shall be
14 inhabitants of or residents in said city ; and said court
15 shall also have exclusive jurisdiction over all such criminal
16 offences committed within the limits of said city, as are
17 cognizable by justices of the peace or trial justices, and
18 under similar restrictions and limitations. And said court
19 shall have concurrent jurisdiction with the supreme
20 judicial court in all personal actions where the debt or
21 damage demanded, exclusive of costs, is over twenty
22 dollars and not over one hundred dollars, and in
23 all actions of replevin, when it appears that the sum
24 demanded for the penalty, forfeiture or damages does not
25 exceed one hundred dollars, or that the property in the
26 beasts or other chattels is in question and the value thereof
27 does not exceed one hundred dollars and either
28 defendant, or a person summoned as trustee is resident in
29 Knox county ; but this jurisdiction shall not include pro-
30 ceedings under the divorce laws or complaints under the
31 mill act, so called, nor jurisdiction over actions in which
32 the title to real estate according to the pleadings filed in
33 the case by either party is in question except as provided
34 in chapter ninety-four, sections six and seven of the
35 Revised Statutes. If any defendant in any action in said
36 court where the amount claimed in the writ exceeds twenty
37 dollars, or his agent or attorney shall, on the return day
38 of the writ, file in said court a motion asking that said
39 cause be removed to the supreme judicial court, and
40 deposit with the judge the sum of two dollars for copies

41 and entry fee in said supreme court, to be taxed in his
42 costs if he prevails, the said action shall be removed into
43 the supreme judicial court for said county and the judge
44 shall forthwith cause certified copies of the writ, officer's
45 return and defendant's motion to be filed in the clerk's
46 office of the supreme judicial court, and shall pay the entry
47 fee thereof; and said action shall be entered on the docket
48 of the term next preceding said filing, unless said court
49 shall then be in session, when it shall be entered forthwith,
50 and shall be in order for trial at the next succeeding term.
51 If no such motion is filed, the said police court shall pro-
52 ceed and determine said action, subject to the right of
53 appeal in either party as now provided by law. The
54 pleadings in such cases shall be the same as in the supreme
55 judicial court. In any action in which the plaintiff recov-
56 ers not over twenty dollars debt or damage, the costs to
57 be taxed shall be the same as before trial justices, except
58 that the plaintiff shall have two dollars for his writ.
59 Where the defendant prevails in any action in which the
60 sum claimed in the writ is not over twenty dollars, he
61 shall recover two dollars for his pleadings and other costs
62 as before trial justices. In actions where the amount
63 recovered by the plaintiff, exclusive of costs, exceeds
64 twenty dollars, or the amount claimed exceeds twenty
65 dollars, where the defendant prevails, the costs of parties,
66 trustees and witnesses shall be the same as in the supreme
67 judicial court, except the costs to be taxed for attendance
68 shall be two dollars and fifty cents for each term and for
69 trial of issue, eighty cents. All the provisions of the
70 statutes of this state, relative to the attachment of real
71 and personal property and the levy of executions, shall be

72 applicable to actions in this court, and executions on judg-
73 ments rendered therein. Actions may be referred, and
74 judgment on the referee's report may be rendered in the
75 same manner and with the same effect as in the supreme
76 judicial court.'

SECT. 2. Section seven of said act is hereby amended
2 so it shall read as follows :

'Section 7. Any person aggrieved at any judgment or
4 sentence of said court may appeal to the supreme judicial
5 court in the same manner as from a judgment or sentence
6 of a trial justice, and all such appeals shall be in order
7 for trial at the first term of said appellate court after such
8 appeal is taken. Final judgment in said police court may
9 be re-examined in the supreme judicial court on a writ
10 of error or on a petition for review, and when the judg-
11 ment is reversed, the supreme judicial court shall render
12 such judgment as said police court should have rendered,
13 and when a review is granted it shall be tried in said
14 supreme judicial court.'

SECT. 3. Section twelve of said act shall be amended
2 so it shall read as follows :

'Section 12. The writs and processes in civil actions,
4 issued from said court, shall be the same as now provided
5 by law, and shall be served in time and manner as now
6 provided by law in case of writs issued by trial justices,
7 and be obeyed and executed throughout the state, and the
8 costs and fees allowed to parties and attorneys in actions
9 in this court, shall be the same as allowed by law in
10 actions before trial justices, except as otherwise provided
11 in this act. Said court is hereby authorized to administer
12 oaths, render judgment, issue executions, certify copies

13 of its records, punish for contempt and compel attendance,
14 and to make all such rules and regulations, not repugnant
15 to law, as may be necessary and proper for the adminis-
16 tration of justice and to facilitate its business; and the
17 provisions of law relating to practice and proceedings in
18 the aforesaid matters in the supreme judicial court in civil
19 cases are hereby extended to said court so far as applica-
20 ble; and all acts relating to courts and judicial proceed-
21 ings are hereby modified so far as to give full effect to
22 this act. The city marshal, the deputy marshal and the
23 police officers of said city shall be in attendance on said
24 court when requested to do so by the judge, for the pur-
25 pose of preserving order, and shall execute all legal orders
26 to him directed by the court.'

SECT. 4. Section thirteen of said act is hereby amended
2 so as to read as follows:

'Section 13. Said city of Rockland shall have power,
4 and it shall be its duty, to raise money to provide suitable
5 room or rooms in which to hold said court, and to furnish
6 the same in an appropriate manner, including stationery,
7 record books, fuel, lights and other things necessary to
8 accommodate said court. The judge of said court shall
9 receive from said city in quarter yearly payments, at the
10 close of each quarter, an annual salary of twelve hundred
11 dollars, which shall be in full for all fees pertaining to
12 said office, except copies; and the judge of said court
13 shall not act as counsel or attorney in any case within the
14 exclusive jurisdiction of said court, nor in such matter or
15 thing which may depend on or have relation to any case,
16 matter or thing which has been or is depending in said
17 court.'

SECT. 5. All acts or parts of acts inconsistent with
2 this act are hereby repealed.

SECT. 6. This act shall take effect when approved.

STATE OF MAINE.

HOUSE OF REPRESENTATIVES, }
March 6, 1895.

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

W. S. COTTON, *Clerk.*