

MAINE STATE LEGISLATURE

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NEW DRAFT.

Seventy-first Legislature.

HOUSE.

No. 159

STATE OF MAINE.

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

AN ACT to consolidate and amend chapter seventy-eight of the Special Laws of eighteen hundred and sixty-one, chapter three hundred ninety-five of the Special Laws of eighteen hundred sixty-four, chapter one hundred forty of the Special Laws of eighteen hundred sixty-six, chapter five hundred thirty-six of the Special Laws of eighteen hundred seventy-four, chapter three hundred four of the Special Laws of eighteen hundred ninety-five, and chapter three hundred ninety-eight of the Special Laws of nineteen hundred and one, relating to a Police Court in the City of Rockland.

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

Section 1. There is hereby established in the city of Rock-
2 land, a court to be denominated the police court for the city
3 of Rockland, to consist of one judge, who shall be appointed,

4 commissioned and qualified in the manner provided by the
5 constitution of this State, and be a citizen of said city, and
6 so continue while he remains in office. Said police court
7 shall be a court of record with a seal to be affixed to all
8 original processes issued therefrom. The present judge
9 shall continue in office until the end of the term for which
10 he was appointed.

Sect. 2. Said judge shall, except where interested, exercise
2 jurisdiction over all such matters and things, civil and crim-
3 inal, within the county of Knox, as justices of the peace or
4 trial justices may exercise, and under similar restrictions
5 and limitations, and concurrent jurisdiction with justices of
6 the peace and quorum and trial justices in cases of forcible
7 entry and detainer in said county; and exclusive jurisdiction
8 in all such matters and things where both parties interested,
9 or the plaintiff and the person or persons summoned as trus-
10 tees, shall be inhabitants of or residents in said city; and
11 said court shall also have exclusive jurisdiction over all such
12 criminal offences committed within the limits of said city,
13 as are cognizable by justices of the peace or trial justices,
14 and under similar restrictions and limitations. And said
15 court shall have concurrent jurisdiction with the supreme
16 judicial court in all personal actions where the debt or
17 damage demanded, exclusive of costs, is over twenty dollars
18 and not over one hundred dollars, and in all actions of
19 replevin, when it appears that the sum demanded for the
20 penalty, forfeiture or damages does not exceed one hundred
21 dollars, or that the property in the beasts or other chattels
22 is in question and the value thereof does not exceed one hun-
23 dred dollars and either defendant, or a person summoned as
24 trustee is resident in Knox county; but this jurisdiction shall
25 not include proceedings under the divorce law or complaints
26 under the mill act, so called, nor jurisdiction over actions
27 in which the title to real estate according to the pleadings

28 filed in the case by either party is in question except as pro-
29 vided in chapter ninety-four, sections six and seven of the
30 Revised Statutes. If any defendant, in any action in said
31 court where the amount claimed in the writ exceeds twenty
32 dollars, or his agent or attorney shall, on the return day of
33 the writ, file in said court a motion asking that said cause
34 be removed to the supreme judicial court and deposit with
35 the judge the sum of two dollars for copies and entry fee in
36 said supreme court, to be taxed in his costs if he prevails,
37 the said action shall be removed into the supreme judicial
38 court for said county, and the judge shall forthwith cause
39 certified copies of the writ, officer's return and defendant's
40 motion to be filed in the clerk's office of the supreme judicial
41 court, and shall pay the entry fee thereof; and said action
42 shall be entered on the docket of the term next preceding
43 said filing, unless said court shall then be in session, when
44 it shall be entered forthwith, and shall be in order for trial
45 at the next succeeding term. If no such motion is filed, the
46 said police court shall proceed and determine said action,
47 subject to the right of appeal in either party as hereinafter
48 provided. The pleadings in such cases shall be the same as
49 in the supreme judicial court. In any action in which the
50 plaintiff recovers not over twenty dollars debt or damage,
51 the costs to be taxed shall be the same as before trial justices,
52 except that the plaintiff shall have two dollars for his writ.
53 Where the defendant prevails in any action in which the sum
54 claimed in the writ is not over twenty dollars, he shall recover
55 two dollars for his pleadings and other costs as before trial
56 justices. In actions where the amount recovered by the
57 plaintiff, exclusive of costs, exceeds twenty dollars, or the
58 amount claimed exceeds twenty dollars, where the defendant
59 prevails, the costs of parties, trustees and witnesses shall be
60 the same as in the supreme judicial court, except the costs to
61 be taxed for attendance shall be two dollars and fifty cents

62 for each term, not exceeding three terms, and for trial of
63 issue, eighty cents. All the provisions of the statutes of this
64 State relative to the attachment of real and personal property
65 and the levy of executions, shall be applicable to actions in
66 this court, and executions on judgments rendered therein.
67 Actions may be referred and judgment on the referee's report
68 may be rendered in the same manner and with the same effect
69 as in the supreme judicial court.

Sect. 3. Said judge shall have jurisdiction in all cases of
2 simple larceny when the property alleged to have been stolen
3 shall not exceed in value the sum of fifty dollars, and on
4 conviction award sentence of imprisonment in the county jail
5 or house of correction not exceeding one year, or fine not
6 exceeding one hundred dollars; of offences described in sec-
7 tion four of chapter one hundred and thirty-two of the
8 Revised Statutes, where they are not of a high and aggra-
9 vated nature, and on conviction, may punish by fine not
10 exceeding fifty dollars, or by imprisonment in the county
11 jail for a term not exceeding six months, and all violations
12 of the tramp law, and of offences described in section four
13 of chapter one hundred and forty-one of the Revised Stat-
14 utes, and on conviction, may be punished by imprisonment
15 in the county jail or house of correction not exceeding six
16 months. And shall have exclusive jurisdiction of all offences
17 against the ordinances and by-laws of said city, though the
18 penalty therefor may accrue to said city; and in the prose-
19 cutions on any such ordinances or by-laws, or any special
20 law of the State relating to said city, such by-law, ordinance
21 or special law, need not be recited in the complaint or process,
22 nor the allegations therein be more particular than in prose-
23 cutions on a public statute.

Sect. 4. Said judge shall have jurisdiction of all cases of
2 cheating by false pretences, where the property, money, or
3 other thing alleged to have been fraudulently obtained shall

4 not exceed in value the sum of twenty dollars, and shall have
5 power to try the same and award sentence upon a conviction,
6 by fine not exceeding twenty dollars, or imprisonment in the
7 county jail, or in the house of correction to hard labor for
8 a term not exceeding ninety days. The same proceedings
9 may be had before said court, and in the same manner against
10 persons keeping houses of ill fame, resorted to for purposes
11 of prostitution or lewdness, on complaint as before a justice
12 of the peace or trial justice.

Sect. 5. All warrants issued upon complaints for offences
2 committed within the limits of the city shall be issued by the
3 judge of said court, and shall be made returnable before said
4 court, and no justice of the peace or trial justice, in said
5 county of Knox, shall in any manner take cognizance of, or
6 exercise jurisdiction over any crime or offence committed
7 within the limits of said city except as hereinafter provided.

Sect. 6. The several justices of the peace in said city shall
2 continue to have and exercise all the power and authority
3 vested in them by the laws of the United States; but no such
4 justice of the peace, nor any trial justice for said Knox
5 county, shall exercise any civil or criminal jurisdiction other-
6 wise, except as hereinafter provided, unless in civil cases
7 where the said judge is interested, under a penalty of twenty
8 dollars for each offence, to be recovered by indictment in any
9 court proper to try the same; but nothing in this act shall be
10 construed to prevent said justices of the peace or trial jus-
11 tices, administering oaths, taking acknowledgments of deeds
12 and other writings, acting as arbitrators or referees, or doing
13 any business other than that especially devolving upon said
14 court.

Sect. 7. Any persons aggrieved at any judgment or sen-
2 tence of said court may appeal to the supreme judicial court
3 in the same manner as from a judgment or sentence of a
4 trial justice, and all such appeals shall be in order for trial

5 at the first term of said appellate court after such appeal is
6 taken. Final judgment in said police court may be re-exam-
7 ined in the supreme judicial court on a writ of error, or on
8 a petition for review, and when the judgment is reversed
9 the supreme judicial court shall render such judgment as
10 said police court should have rendered, and when a review
11 is granted it shall be tried in said supreme judicial court.

Sect. 8. The judge of the police court in the city of Rock-
2 land shall render an account of, and pay over all fines and
3 forfeitures by him received upon convictions and sentences
4 before him, to the treasurer of the county of Knox within
5 six months after he receives the same, and for any neglect,
6 he shall forfeit and pay in each instance double the amount,
7 to be recovered in an action of debt in the name of the county
8 treasurer.

Sect. 9. Said police court shall be holden on the first Tues-
2 day of each month, at nine o'clock in the forenoon, for the
3 transaction of civil business, except for actions of forcible
4 entry and detainer which shall be held on each Tuesday at
5 the hour aforesaid, and all civil processes shall be made
6 returnable accordingly; said court shall be considered in con-
7 stant session for the trial of criminal offences; and said court
8 may be adjourned from time to time at the discretion of the
9 judge. Said court to be held at such place as such city shall
10 provide for that purpose. It shall be the duty of the judge
11 of said court to make and keep the records of said court or
12 cause the same to be done, and to perform all other duties
13 required of similar tribunals; the copies of the records of said
14 court duly certified by the judge, shall be legal evidence in
15 any court of this State. The fees in all cases, civil and crim-
16 inal before said court, except as provided in section two of
17 this act, shall be the same as are now taxable by justices of
18 the peace or trial justices, provided that the price of blank
19 writs, which shall be signed by the judge of said court and

20 bear the seal of said court, shall be three cents; and said
21 judge shall keep an account of said fees, and pay the same
22 quarterly into the treasury of the said city.

Sect. 10. When the office of judge of said court shall be
2 vacant in consequence of resignation, death, or removal of
3 the judge's residence from said city, the trial justices of said
4 city, if it have any, or if not, the trial justices of the adjoining
5 towns, may perform all acts and duties appertaining to the
6 office of trial justice during the continuance of such vacancy;
7 and all proceedings instituted during such a vacancy shall
8 be finally determined by the trial justice instituting the same;
9 and when such a vacancy occurs, all the proceedings and
10 business pending in said court shall stand continued to the
11 first Tuesday of the month next after such vacancy shall be
12 filed.

Sect. 11. In case of sickness, absence from the city or other
2 disability of the judge to attend at the regular times of hold-
3 ing said court for the transaction of civil business as pro-
4 vided in section nine, the said court shall stand adjourned
5 until the next term, and so from term to term, without cost
6 to either party, until the judge is able to attend; and during
7 such sickness, absence, or other disability, any person that
8 the judge may appoint may enter actions at the regular term,
9 and make such entries under them as necessary. If the judge
10 is unable to perform the other duties of his office, the criminal
11 jurisdiction of said court shall devolve exclusively upon the
12 trial justices mentioned in section ten, and all proceedings
13 instituted during that time shall be finally determined by the
14 trial justices before whom the same are instituted.

Sect. 12. The writs and processes in civil actions, issued
2 from said court, shall be the same as now provided by law,
3 and shall be served in time and manner as now provided by
4 law in case of writs issued by trial justices, and be obeyed
5 and executed throughout the State, and the costs and fees

6 allowed to parties and attorneys in actions in this court shall
7 be the same as allowed by law in actions before trial justices
8 except as otherwise provided in this act. Said court is hereby
9 authorized to administer oaths, render judgment, issue execu-
10 tions, certify copies of its records, punish for contempt and
11 compel attendance, and to make all such rules and regulations
12 not repugnant to law as may be necessary and proper for the
13 administration of justice and to facilitate its business; and
14 the provisions of law relating to practice and proceedings in
15 the aforesaid matters in the supreme judicial court in civil
16 cases, are hereby extended to said court as far as applicable;
17 and all acts relating to courts and judicial proceedings are
18 hereby modified so as to give full effect to this act. The
19 city marshal, the deputy marshal and the police officers of
20 the said city shall be in attendance on said court when
21 requested to do so by the judge for the purpose of preserving
22 order, and shall execute all legal orders to them directed by
23 the court.

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

Sect. 14. The judge of said court may if he chooses at
2 his own expense, appoint a recorder for said court during

3 his pleasure, who shall be a justice of the peace for said
4 county, and a citizen of said Rockland, who may make the
5 records of said court.

Sect. 15. Any trial justice of said city, if it has any, and if
2 not, of either of the adjoining towns, may take cognizance
3 of any action, matter or thing within the jurisdiction of a
4 trial justice, wherein the judge of said court or recorder is
5 a party interested.

Sect. 16. All civil actions which shall at the time this act
2 takes effect be pending in said police court, or be returnable
3 thereto, and all other actions, suits, matters, and things which
4 may then be pending in said police court, and all writs, war-
5 rants, recognizances and processes returnable to, and which
6 would have had day therein, had not this act been passed,
7 shall thereupon be returnable to, have day in and be fully
8 acted upon by the police court established by this act; and
9 the said police court shall have full power and authority to
10 grant any execution to carry into effect any judgment ren-
11 dered in said police court heretofore existing, in the same
12 manner as the said police court might have done had not this
13 act passed.

Sect. 17. The records and papers of any police or municipal
2 court now or heretofore existing in said Rockland shall be
3 treated and be the records and papers of this court and cer-
4 tified as such.

Sect. 18. All acts and parts of acts inconsistent with this
2 act and all acts heretofore passed in relation to any police or
3 municipal court in said Rockland are hereby repealed.

Sect. 19. This act shall so far take effect when approved
2 as to make valid writs and processes made returnable to
3 terms of court held hereunder, if they are otherwise properly
4 brought.

STATE OF MAINE.

IN HOUSE OF REPRESENTATIVES,

AUGUSTA, February 20, 1908.

Reported by Mr. LITTLEFIELD of Rockland, from Committee on the
Judiciary, and ordered printed under joint rules.

W. S. COTTON, *Clerk.*