

MAINE STATE LEGISLATURE

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SEVENTY-FIFTH LEGISLATURE

HOUSE

NO. 195

House of Representatives, Feb. 14, 1911.

Introduced in the Senate by Mr. Staples of Knox, who moved its reference to the Committee on Judiciary. By Mr. Morse of Belfast tabled in the House for printing pending reference to a committee.

C. C. HARVEY, Clerk.

STATE OF MAINE

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

AN ACT to establish a Municipal Court in the City of Belfast.

Be it enacted by the People of the State of Maine, as follows:

Section 1. A Municipal Court shall be and hereby is established in and for the City of Belfast in the County of Waldo, to be denominated the Belfast Municipal Court, which shall be a Court of record and have a seal and consist of one Judge, who shall reside in Belfast and be appointed and commissioned as in the constitution provided, who shall have original and exclusive jurisdiction in all civic actions wherein the debt or damages do not exceed fifty dollars except cases in which he is interested, in which both parties are interested, or in which the party plaintiff,

11 and the person or persons summoned as trustees shall be
12 inhabitants of said Belfast, including prosecutions for pen-
13 alties in which said City is interested, and actions of forcible
14 entry and detainer and all violations of the by-laws of said
15 City and concurrent jurisdiction with trial justices with-
16 in said county, in all other civic matters which are by
17 law within the jurisdiction of trial justices within said
18 county, and exclusive jurisdiction over all criminal offences
19 within said City and concurrent jurisdiction with trial jus-
20 tices within said county for all other criminal matters which
21 are by law within the jurisdiction of trial justices in said
22 county and original concurrent jurisdiction with the Su-
23 preme Judicial Court in all personal actions in which the
24 debt or damages do not exceed fifty dollars and the de-
25 fendant or defendants are residents of Waldo, but this
26 jurisdiction shall not include divorce suits, complaints un-
27 der the mill act, or proceedings under the divorce act and
28 any person aggrieved by any judgments rendered by said
29 Judge may appeal theretofrom to the Supreme Judicial
30 Court for said County, in like manner as from judgment
31 of trial justices.

Sect. 2. Any defendant where his action is for twenty
2 dollars or more may file an affidavit on the return day of
3 the writ claiming a jury trial; and file his plea and pay
4 the judge two dollars and fifty cents, for copies, to be
5 taxed in his costs if he prevails, the said action shall be
6 removed into the supreme judicial court for said county,

7 and certified copies of the writ and officers return and de-
8 fendants' affidavits and the pleadings to be filed in the clerk's
9 office of said court, and entered at the term next preced-
10 ing the filing of said papers. If no such affidavit is filed
11 the said judge shall proceed to try or to dispose of the
12 case in the usual way. The pleadings in such cases shall
13 be the same as in the Supreme Judicial Court.

Sect. 3. Said municipal court shall keep its own records
2 such as would be legal records in a trial justice court and
3 certified copies of said records shall be legal evidence in
4 the courts of this state.

Said Court shall be holden on the first and third Mondays
6 of each month at nine o'clock in the forenoon, at such
7 place in the city of Belfast as said city shall provide for
8 the transaction of civic business and all processes shall be
9 made accordingly.

And in all actions wherein the debt or damage recovered
11 by the plaintiff, or wherein the amount claimed if the de-
12 fendant prevails, exceeds twenty dollars, the fees of the
13 court parties and witnesses shall be the same as allowed
14 by law in the Supreme Judicial Court, except that there
15 may be taxed for the trial of an issue the same fee as is
16 legally taxable by trial justices, except that the plaintiff
17 when he prevails shall recover two dollars for his writ and
18 the defendant when he prevails, one dollars for his plead-
19 ings, provided that the price of blank writs and summonses
20 signed by the judge of said court shall be four cents and
21 no more.

In criminal matters the fees shall be the same as are legally taxable by trial justices except that there may be taxed one dollar for issuing a warrant and two dollars for arraigning prisoner and trial issue.

There may also be taxed, for appeal copies civic and criminal, two dollars and fifty cents including the seal and a like amount in libel cases.

All fines, penalties and costs received by said judge in criminal cases shall be accounted for and paid over by said judge in the same manner as required of trial justices.

Sect. 4. In case said judge shall be unable by reason of sickness, absence from said city, or other disability, to attend at the time and place provided in the preceding Section for transaction of civic business, said court shall stand adjourned until the next term and so from term to term, without costs to either party, until the said judge is able to attend, and during the continuance of any such absence or disability of said judge, trial justices in said county shall have authority to exercise in all criminal matters the powers conferred by this act upon said judge.

Sect. 5. The city of Belfast shall have power and it shall be its duty to provide a suitable room in which to hold said court for the use of said judge, and to furnish a seal for said court.

Said judge may collect all fees arising in said court which shall be in part payment for his services; provided, however, that the city council of said City of Belfast may by

8 an ordinance establish a salary for said judge not exceed-
9 ing twelve hundred dollars per annum, to be paid by said
10 city in monthly payments, in which case said Judge shall
11 account for and pay into the treasury of said city all fees
12 received by him in criminal matters except for copies.

Sect. 6. All actions, suits, matters and things which may
2 be pending before the Police Court of the City of Belfast,
3 where the debt or damages do not exceed fifty dollars, ex-
4 cept where real estate has been attached, and all writs,
5 executions, warrants, recognizances, and processes where-
6 in the debt or damages claimed do not exceed fifty dollars,
7 except wherein real estate is or was attached on the original
8 writ, returnable to the Police Court of the City of Bel-
9 fast, when this act takes effect, shall be transferred and
10 returned to and be entered, prosecuted, determined and
11 executed in and by the Belfast Municipal Court, established
12 by this act, the same as is originated therein.

And all civic actions, suits, matters or things pending in
14 the Police Court of the City of Belfast, and all writs, exe-
15 cutions and processes where the debt or damages claimed
16 exceed fifty dollars, and all civic actions, suits matters or
17 things pending in said Police Court of the City of Belfast
18 and all writs, executions and processes where the debt or
19 damages exceeding twenty dollars in which real estate is,
20 or was attached upon the original writ, shall be transferred
21 and returned to and shall be entered and prosecuted, de-
22 termined and executed in and by the Supreme Judicial
23 Court within said county in the same manner and with the

24 same effect as if the same had originated in said Supreme
25 Court.

And the said Court hereby established shall be the de-
27 pository of all records of the Police Court heretofore ex-
28 isting in said City of all criminal matters and all civic
29 matters where the debt or damages do not exceed fifty dol-
30 lars, except where real estate was attached upon the orig-
31 inal writ, and shall have full power and authority to re-
32 new and issue executions and carry into effect any judg-
33 ment of and to complete all processes and proceedings com-
34 menced in or by said Court aforesaid and to certify and
35 duly authenticate the records of said courts as effectually
36 in all respects as said courts heretofore existing could have
37 done, had this act not been passed.

And the Supreme Judicial Court in said county shall have
39 like control possession and power over the records, exe-
40 cutions, processes and proceedings of the said Belfast Mu-
41 nicipal Court wherein the debt or damages exceed fifty
42 dollars or wherein the debt or damages exceed twenty
43 dollars and real estate was attached upon the original writ.

Sect. 7. Writs returnable to said Municipal Court where-
2 in the debt or damages do not exceed twenty dollars shall
3 be duly served not less than seven days nor more than
4 sixty days before the return day, and where the debt or
5 damages exceed twenty dollars, not less than fourteen days
6 nor more than sixty days before the return day.

Sect. 8. In all cases where the title to real estate is raised

2 by the pleadings, the same proceedings shall be had as be-
3 fore trial justices.

Sect. 9. All acts relating to and creating the Police
2 Court of the City of Belfast are hereby repealed and all
3 acts and powers and authorities conferred on the Police
4 Court of the City of Belfast are hereby conferred on and
5 vested in the Belfast Municipal Court.

Sect. 10. This act shall go into effect on the third day
2 of April in the Year of Our Lord one thousand nine hun-
3 dred and eleven.

Sect. 11. Trial Justices are restricted from any jurisdic-
2 tion within said City of Belfast over any criminal matter
3 except as provided in this act.

Sect. 12. When the office of Judge of said court shall
2 be vacant by death, resignation or removal of the residence
3 of said Judge from said City, trial justices of said County
4 of Waldo may perform within said City all acts and duties
5 appertaining to the office of trial justice; and all proceed-
6 ings commenced during such vacancy shall be finally de-
7 termined by the trial justice, before whom they were com-
8 menced, or by some other trial justice within said county;
9 and in case of such vacancy all proceedings pending in said
10 court shall stand continued to the term of said next holden
11 after such vacancy is filled.