

NEW DRAFT.

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SEVENTY-FIFTH LEGISLATURE

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SENATE

NO. 227

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*In Senate March 21, 1911.*

*Reported by Mr. Gowell from Committee on Judiciary and ordered printed under joint rules.*

*W. C. HANSON, Secretary.*

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STATE OF MAINE

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

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AN ACT to establish a municipal court in the city of Belfast.

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*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 civil actions wherein the debt or damages do not exceed one hundred dollars except in cases in which he is interested, in which both parties are interested, or in which the party plaintiff, and the person or persons summoned as trustees shall be inhabitants of said

12 Belfast, including prosecutions for penalties in which said  
13 city is interested, and actions of forcible entry and detainer  
14 and all violations of the by-laws of said city and concurrent  
15 jurisdiction with trial justices within said county, in all other  
16 civil matters which are by law within the jurisdiction of  
17 trial justices within said county, and exclusive jurisdiction  
18 over all criminal offences within said city and concurrent  
19 jurisdiction with trial justices within said county for all  
20 other criminal matters which are by law within the juris-  
21 diction of trial justices in said county and original con-  
22 current jurisdiction with the supreme judicial court and all  
23 personal actions in which the debt or damages do not ex-  
24 ceed one hundred dollars and the defendant or defendants  
25 are residents of Waldo, but this jurisdiction shall not in-  
26 clude divorce suits, complaints under the mill act, or pro-  
27 ceedings under the divorce act and any person aggrieved  
28 by any judgments rendered by said judge may appeal there-  
29 to from to the supreme judicial court for said county, in like  
30 manner as from judgment of trial justices.

Sect. 2. Any defendant where his action is for twenty dol-  
2 lars or more may file an affidavit on the return day of the  
3 writ claiming a jury trial; and file his plea and pay the  
4 judge two dollars and fifty cents, for copies, to be taxed  
5 in his costs if he prevails, the said action shall be removed  
6 into the supreme judicial court for said county, and certified  
7 copies of the writ and officers return and defendants' affida-  
8 vits and the pleadings to be filed in the clerk's office of said

9 court and entered at the term next preceding the filing of  
10 said papers. If no such affidavit is filed the said judge shall  
11 proceed to try or to dispose of the case in the usual way.  
12 The pleadings in such cases shall be the same as in the su-  
13 preme judicial court.

Sect. 3. Said municipal court shall keep its own records  
2 such as would be legal records in the trial justice court and  
3 certified copies of said records shall be legal evidence in the  
4 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 place  
7 in the city of Belfast as said city shall provide for the tran-  
8 saction of civil business and all processes shall be made ac-  
9 cordingly.

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

In criminal matters the fees shall be the same as are legally  
22 taxable by trial justices except that there may be taxed one

23 dollar for issuing a warrant and two dollars for arraigning  
24 prisoner and trial issue.

There may also be taxed, for appeal copies civil and crim-  
26 inal, two dollars and fifty cents including the seal and a like  
27 amount in libel cases.

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

Sect. 4. In case said judge shall be unable by reason of  
2 sickness, absence from said city, or other disability, to at-  
3 tend at the time and place provided in the preceding section  
4 for transaction of civil business, said court shall stand ad-  
5 journed until the next term and so from term to term, with-  
6 out cost to either party, until the said judge is able to at-  
7 tend, and during the continuance of any such absence or dis-  
8 ability of said judge, trial justices in said county shall have  
9 authority to exercise in all criminal matters the powers con-  
10 ferred by this act upon said judge.

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

Said judge may collect all fees arising in said court which  
6 shall be in part payment for his services; provided, how-  
7 ever, that the city council of said city of Belfast may by an  
8 ordinance establish a salary for said judge not exceeding  
9 twelve hundred dollars per annum, to be paid by said city

10 in monthly payments, in which case said judge shall account  
11 for and pay into the treasury of said city all fees received  
12 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, ex-  
5 ecutions, warrants, recognizances, and processes wherein  
6 the debt or damages claimed do not exceed fifty dollars, ex-  
7 cept wherein real estate is or was attached on the original  
8 writ, returnable to the police court of the city of Belfast,  
9 when this act takes effect, shall be transferred and returned  
10 to and be entered, prosecuted, determined and executed in  
11 and by the Belfast Municipal Court, established by this act,  
12 the same as is originated therein.

And all civil actions, suits, matters or things pending in the  
14 police court of the city of Belfast, and all writs, executions  
15 and processes where the debt or damages claimed exceed  
16 fifty dollars, and all civil actions, suits, matters or things  
17 pending in said police court of the city of Belfast and all  
18 writs, executions and processes where the debt or damages  
19 exceeding twenty dollars in which real estate is, or was at-  
20 tached upon the original writ, shall be transferred and re-  
21 turned to and shall be entered and prosecuted, determined  
22 and executed in and by the supreme judicial court within  
23 said county in the same manner and with the same effect as  
24 if the same had originated in said supreme court.

And the said court hereby established shall be the depository of all records of the police court heretofore existing in said city of all criminal matters and all civil matters where the debt or damages do not exceed fifty dollars, except where real estate was attached upon the original writ, and shall have full power and authority to renew and issue executions and carry into effect any judgment of and to complete all processes and proceedings commenced in or by said court aforesaid and to certify and duly authenticate the records of said courts as effectually in all respects as said courts heretofore existing could have done, had this act not been passed.

And the supreme judicial court in said county shall have like control possession and power over the records, executions, processes and proceedings of the said Belfast Municipal Court, wherein the debt or damages exceed fifty dollars or wherein the debt or damages exceed twenty dollars and real estate was attached upon the original writ.

Sect. 7. Writs returnable to said municipal court wherein the debt or damages do not exceed twenty dollars shall be duly served not less than seven days nor more than sixty days before the return day, and where the debt or damages exceed twenty dollars, not less than fourteen days nor more than sixty days before the return day.

Sect. 8. In all cases where the title to real estate is raised by the pleadings, the same proceedings shall be had as before trial justices.

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

Sect. 10. This act shall go into effect on the third day of  
2 April in the Year of Our Lord one thousand nine hundred  
3 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 be  
2 vacant by death, resignation or removal of the residents of  
3 said judge from said city, trial justices of said county of  
4 Waldo may perform within said city all acts and duties ap-  
5 pertaining to the office of trial justice; and all proceedings  
6 commenced during such vacancy shall be finally determined  
7 by the trial justice, before whom they were commenced, or  
8 by some other trial justice within said county; and in case  
9 of such vacancy all proceedings pending in said court shall  
10 stand continued to the term of said court next holden after  
11 such vacancy is filled.