

MAINE STATE LEGISLATURE

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NEW DRAFT.

SEVENTY-SIXTH LEGISLATURE

HOUSE NO. 378

House of Representatives, Mar. 3, 1913

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

W. R. ROIX, Clerk.

STATE OF MAINE

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

Amendment to Senate Document No. 199 by the Substitution of a New Draft as follows:

AN ACT to amend the act which constitutes the police court
for the City of Rockland.

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

Section one of chapter three hundred and sixty-eight, of
2 the Private and Special Laws for the year 1909, as amended
3 by chapter two hundred sixty-four of the Private and Spe-
4 cial Laws of 1911, is hereby amended by inserting after the
5 word "law" in the ninth line, the following words, 'who shall

6 have his office in the police court room, which office he shall
7 keep open from nine o'clock to twelve o'clock A. M. and
8 from two o'clock to five o'clock P. M. on all legal days for
9 the accommodation of the bar and the public,' so that said
10 section shall read as follows:

'Section 1. There is hereby established in the City of
12 Rockland, a court to be denominated the police court for the
13 City of Rockland, to consist of one judge, who shall be ap-
14 pointed, commissioned and qualified in the manner pro-
15 vided by the constitution of this state, and be a citizen of
16 Knox County, and so continue while he remains in office.
17 Also one recorder who shall be a citizen of Knox County,
18 to be appointed by the Governor, by and with the consent of
19 the Council, commissioned and qualified in the manner pro-
20 vided by law, who shall have his office in the police court
21 room, which office he shall keep open from nine o'clock to
22 twelve o'clock A. M. and from two o'clock to five o'clock
23 P. M. on all legal days for the accommodation of the bar
24 and the public. Said police court shall be a court of record
25 with a seal to be affixed to all original processes issued there-
26 from. The present judge shall continue in office until the
27 end of the term for which he was appointed.'

Section two of chapter three hundred and sixty-eight is
2 hereby amended so that said section shall read as follows:

'Sect. 2. Said court shall, except where interested, exer-
4 cise concurrent jurisdiction with justices of the peace and
5 trial justices, in all such matters and things, civil and crim-

6 inal, within the County of Knox, as are within the jurisdic-
7 tion of justices of the peace or trial justices; and exclusive
8 jurisdiction in all such matters and things where both par-
9 ties interested, or the plaintiff and the person or persons
10 summoned as trustees, shall be inhabitants or residents in
11 said city; and said court shall also have exclusive jurisdic-
12 tion over all such criminal offences committed within the
13 limits of said city, as are cognizable by justices of the peace
14 or trial justices and under similar restrictions and limita-
15 tions; and said court shall have concurrent jurisdiction with
16 the Supreme Judicial Court in all personal actions where
17 the debt or damage demanded, exclusive of costs, is over
18 twenty dollars and not over three hundred dollars, and in
19 all actions of replevin when it appears that the sum demand-
20 ed for the penalty, forfeiture or damages does not exceed
21 three hundred dollars, or that the property in the beasts or
22 other chattels is in question and the value thereof does not
23 exceed three hundred dollars and either defendant or the
24 person summonsed as trustees is resident in Knox County; but
25 this jurisdiction shall not include proceedings under the di-
26 vorce laws or complaints under the mill act, so called, nor
27 jurisdiction over actions in which the title to real estate ac-
28 cording to the pleadings filed in the case by either party is
29 in question except as provided in chapter ninety-four, sec-
30 tions six and seven of the Revised Statutes. If any defend-
31 ant, in any action in said court where the amount claimed
32 in the writ exceeds twenty dollars or his agent or attorney

33 shall, on the return day of the writ, file in said court a mo-
34 tion asking that said cause be removed to the Supreme Ju-
35 dicial Court and deposit with the judge the sum of two dol-
36 lars for copies and entry fee in said Supreme Court, to be
37 taxed in his costs if he prevails, the said action shall be re-
38 moved into the Supreme Judicial Court for said County, and
39 the judge shall forthwith cause certified copies of the writ,
40 officer's return and defendant's motion to be filed in the
41 clerk's office of the Supreme Judicial Court, and shall pay the
42 entry fee thereof, and said action shall be entered on the
43 docket of the term next preceding said filing, unless said
44 court shall then be in session, when it shall be entered forth-
45 with, and shall be in order for trial at the next succeeding
46 term. If no such motion is filed, the said police court shall
47 proceed and determine said action, subject to the right of
48 appeal in either party as hereinafter provided. The plead-
49 ings in such case shall be the same as in the Supreme Judi-
50 cial Court. In any action in which the plaintiff recovers
51 not over twenty dollars, debt or damage, the cost to be taxed
52 shall be the same as before trial justices, except that the
53 plaintiff shall have two dollars for his writ. Where the de-
54 fendant prevails in any action in which the sum claimed in
55 the writ is not over twenty dollars, he shall recover two dol-
56 lars for his pleadings and other costs as before trial justices.
57 In actions where the amount recovered by the plaintiff, ex-
58 clusive of costs, exceeds twenty dollars, or the amount
59 claimed exceeds twenty dollars, where the defendant pre-

60 vails, the costs of parties, trustees and witnesses shall be the
61 same as in the supreme judicial court, except that the costs
62 to be taxed for attendance shall be two dollars and fifty
63 cents for each term not exceeding three terms, and for trial
64 of issue eighty cents. All the provisions of the statutes of
65 the State relative to the attachments of real and personal
66 property and the levy of executions, shall be applicable to
67 actions in this court, and executions on judgments rendered
68 therein. Actions may be referred and judgments on the
69 referees' report may be rendered in the same manner and
70 with the same effect as in the Supreme Judicial Court.'

Section three of Chapter one hundred and fourteen of the
2 Private and Special Laws of the State of Maine for 1903, is
3 hereby amended by changing the word "two" after the word
4 "thirty" in line seven to "three"; the word "four" after the
5 word "section" in line eleven to "six" and the word "one"
6 after the word "forty" in line twelve to "two," so that said
7 section, as amended, shall read as follows:

'Sect. 3. Said Judge shall have jurisdiction in all cases of
9 simple larceny when the property alleged to have been stolen
10 shall not exceed in value the sum of fifty dollars, and on
11 conviction award sentence of imprisonment in the county
12 jail or house of correction not exceeding one year, or fine
13 not exceeding one hundred dollars; of offenses described in
14 section four of chapter one hundred and thirty-three of the
15 Revised Statutes, where they are not of a high and aggra-
16 vated nature, and on conviction may punish by fine not ex

17 ceeding fifty dollars, or by imprisonment in the county jail
18 for a term not exceeding six months, and all violations of
19 the tramp law, and of offenses described in section six of
20 chapter one hundred and forty-two of the Revised Stat-
21 utes and on conviction, may be punished by imprisonment
22 in the county jail or house of correction not exceeding six
23 months. And shall have exclusive jurisdiction of all of-
24 fences against the ordinances and by-laws of said city
25 though the penalty therefor may accrue to said city; and in
26 the prosecutions on any such ordinances or by-laws, or any
27 special law of the State relating to said city, such by-law,
28 ordinance or special law need not be recited in the com-
29 plaint or process, nor the allegations therein be more par-
30 ticular than in prosecutions on a public statute.'

Sect. 4. Section three of Chapter three hundred and sixty-
2 eight of the Private and Special Laws of the State of Maine
3 for 1909, being Section six of the act, is hereby amended by
4 adding after the word "otherwise" in the fifth line the words
5 'in the City of Rockland,' so that said section as amended
6 shall read as follows:

'Sect. 6. The several justices of the peace in said city shall
8 continue to have and exercise all the power and authority
9 vested in them by the laws of the United States; but no jus-
10 tice of the peace, nor any trial justice of said Knox County
11 shall exercise any civil or criminal jurisdiction otherwise
12 in the City of Rockland except as hereinafter provided, un-
13 less in civil cases where the said judge or recorder is inter-

14 ested, under a penalty of twenty dollars for each offense, to
15 be recovered by indictment in any court proper to try the
16 same; but nothing in this act shall be construed to prevent
17 said justices of the peace or trial justices administering oaths,
18 taking acknowledgments of deeds, and other writings, acting
19 as arbitrators or referees, or doing any business other than
20 that especially devolving upon said court.'

Section nine of chapter three hundred and sixty-eight is
2 hereby amended by adding after the word "keep" in the
3 eleventh line the words 'accurate and complete docket en-
4 tries, in books to be furnished by the City, which shall al-
5 ways, together with the seal, be kept in said court room,
6 also', so that said section as amended shall read as follows:

'Sect. 9. Said police court shall be holden on the first Tues-
8 day of each month, at nine o'clock in the forenoon, for the
9 transaction of civil business, except for actions of forcible
10 entry and detainer which shall be held on each Tuesday at
11 the hour aforesaid, and all civil processes shall be made
12 returnable accordingly; said court shall be considered in
13 constant session for the trial of criminal offenses; and said
14 court may be adjourned from time to time at the discretion
15 of the judge or recorder. Said court to be held at such
16 places as such city shall provide for that purpose. It shall
17 be the duty of the recorder of said court to make and keep
18 accurate and complete docket entries, in books to be fur-
19 nished by the city, which shall always, together with the seal,
20 be kept in said court room, also the records of said court, or

21 cause the same to be done and to perform all other duties
22 required of similar tribunals; the copies of the records of
23 said court, duly certified by the judge or recorder shall be
24 legal evidence in any court of this state. The fees in all
25 cases, civil and criminal before said court, except as provided
26 in section two of this act, shall be the same as are now tax-
27 able by justices of the peace or trial justices. The price of
28 blank writs and summonses with the seal of the court and
29 signed by the recorder, shall be three cents; for every war-
30 rant issued in criminal cases there shall be allowed one dol-
31 lar. All writs and processes in civil matters shall be in the
32 name of the state, bear the teste of the judge under seal of
33 said court, and signed by the recorder, be served in time and
34 manner as now provided by law in cases of writs issued by
35 trial justices and be obeyed and executed throughout the
36 State. The recorder shall keep an account of said fees and
37 pay the same quarterly into the treasury of the County of
38 Knox.'

Sect. 6. Section nine of chapter three hundred and sixty-
2 eight of the Private and Special Laws of the State of Maine
3 for 1909, being section fourteen of the act, is hereby amend-
4 ed by substituting for the word "five" in the eighth line the
5 word 'nine', so that said section, when amended, shall read
6 as follows:

'Sect. 14. The Governor, by and with the consent of the
8 Council, shall appoint a recorder of said court who shall
9 be a resident of Knox County and an attorney-at-law, who

10 shall qualify in the manner provided by law and who shall
11 give bond to the County of Knox in in the sum of five hun-
12 dred dollars to be approved by the county commissioners of
13 said county. Said recorder shall be appointed for the term
14 of four years and shall receive a salary of nine hundred dol-
15 lars per year, to be paid quarterly from the treasury of said
16 County of Knox. The recorder may administer oaths. He
17 shall keep the records of said court. The signature of the
18 recorder as such shall be sufficient evidence of his right to
19 act instead of the judge in accordance with the provisions
20 of this act or with the provisions relating to trial justices
21 not conflicting with this act.'