

# MAINE STATE LEGISLATURE

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SEVENTY-SIXTH LEGISLATURE

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SENATE

NO. 557

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*In Senate, March 20, 1913.*

*Reported by majority from Committee on Legal Affairs, and  
ordered printed under joint rules.*

*W. E. LAWRY, Secretary.*

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STATE OF MAINE

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

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AN ACT to abolish the Belfast Municipal Court and to estab-  
lish a Police Court for the city of Belfast.

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

Section 1. A police court shall be and hereby is estab-  
2 lished in and for the city of Belfast in the county of Waldo,  
3 to be denominated the police court of the city of Belfast,  
4 which shall be a court of record and have a seal and shall  
5 consist of one judge who shall be a member of the bar and  
6 reside in said Belfast and shall be appointed and commis-  
7 sioned in the manner provided in the constitution. Said  
8 court shall have original and exclusive jurisdiction, except  
9 in cases in which the judge thereof is interested, in all civil

10 actions wherein the debt or damages do not exceed twenty  
11 dollars and in which both parties interested or in which the  
12 party plaintiff and any person summoned as trustee shall  
13 be inhabitants of said Belfast, including prosecutions for  
14 penalties in which said city is interested, and actions of  
15 forcible entry and detainer and all violations of the by-laws  
16 of said city, and concurrent jurisdiction with trial justices  
17 and the municipal court of Searsport in other civil matters  
18 which are by law within the jurisdiction of trial justices in  
19 said county, and original concurrent jurisdiction with the  
20 supreme judicial court and the municipal court of Sears-  
21 port in all personal actions in which the debt or damages  
22 are over twenty dollars and do not exceed one hundred  
23 dollars and the defendant or defendants are residents of  
24 said county of Waldo, but this jurisdiction shall not include  
25 proceedings under the divorce laws or complaints under  
26 the mill act.

Said police court concurrently with the municipal court of  
28 Searsport shall have exclusive jurisdiction over all crim-  
29 inal offences within said city and the town of Searsport,  
30 and concurrent jurisdiction with trial justices within said  
31 county over all other criminal matters which are by law  
32 within the jurisdiction of trial justices within said county.  
33 Any person aggrieved by any judgment rendered by said  
34 police court, may appeal therefrom to the supreme judicial  
35 court for said county in like manner as from a judgment  
36 of trial justices.

Sect. 2. If any defendant in any action in said police  
2 court where the amount claimed in the writ exceeds twenty  
3 dollars, or his agent or attorney, shall on the return day  
4 of the writ file in said police court an affidavit that he has  
5 good defence and claim a jury trial, and shall at the same  
6 time file his plea and deposit with the judge two dollars for  
7 copies, to be taxed in his costs if he prevails, the said action  
8 shall be removed into the supreme judicial court for said  
9 county and the judge shall forthwith cause certified copies  
10 of the writ, officer's return and defendant's affidavit and  
11 plea to be filed in the clerk's office of said supreme judicial  
12 court, and said action shall be entered on the docket of the  
13 term next preceding said filing. If no such affidavit be  
14 filed, the said police court shall proceed and determine said  
15 action, subject to the right of appeal as now provided by  
16 law. The pleadings in such cases shall be the same as in  
17 the supreme judicial court.

Sect. 3. It shall be the duty of said court to keep its own  
2 records which shall be such as would be legal records in a  
3 trial justice court, and certified copies of the records of said  
4 police court shall be evidence in the courts of this state.  
5 Said police court shall be holden on the first and third  
6 Mondays of each month at ten of the clock in the forenoon,  
7 at such place in the city of Belfast as said city shall pro-  
8 vide for the transaction of civil business, and all processes  
9 shall be made returnable accordingly. And in all actions  
10 wherein the debt or damages recovered by the plaintiff or

11 the amount claimed if the defendant prevails, exceeds  
12 twenty dollars, the fees of the court, parties and witnesses  
13 shall be the same as allowed by law in the supreme judicial  
14 court, except that there may be taxed for the trial of an  
15 issue the same fee as is legally taxable by trial justices, and  
16 in all other civil actions the fees and costs shall be the same  
17 as are taxable by trial justices, except that the plaintiff,  
18 when he prevails, shall recover two dollars for his writ and  
19 the defendant, when he prevails, one dollar for his plead-  
20 ings, provided that the price of blank writs and summonses  
21 signed by said judge shall be four cents and no more. In  
22 criminal matters the fees shall be the same as are legally  
23 taxable by trial justices, except that there may be taxed  
24 one dollar for issuing a warrant and two dollars for  
25 arraigning prisoner and trial of issue and two dollars for  
26 each day employed after the first. There may also be  
27 taxed for appeal copies, civil and criminal, two dollars and  
28 fifty cents including the seal, and a like amount in libel  
29 cases. All fines, penalties and costs received by said judge  
30 shall be accounted for and paid over by said judge in the  
31 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 proceeding sec-  
4 tion for the transaction of civil business, said court shall  
5 stand adjourned until the next term, and so from term to  
6 term, without cost to either party, until the said judge is

7 able to attend, and during the continuance of any such  
8 absence or disability of said judge, trial justices in said  
9 county shall have authority to exercise in all criminal mat-  
10 ters the powers conferred 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  
4 said court. Said judge may collect all fees arising in said  
5 court, which shall be in full payment for his services; pro-  
6 vided, however, that the city council of said city of Belfast  
7 may by an ordinance, establish a salary for said judge not  
8 exceeding one thousand dollars nor less than six hundred  
9 dollars per annum, to be paid by said city in monthly pay-  
10 ments, in which case said judge shall account for and pay  
11 into the treasury of said city all fees received by him in  
12 criminal matters, except for copies.

Sect. 6. All actions, suits, matters and things which may  
2 be pending before the Belfast Municipal Court and all  
3 writs, executions, warrants, recognizances and processes  
4 returnable to the Belfast Municipal Court when this act  
5 takes effect, shall be transferred and returned to, and be  
6 entered, prosecuted, determined and executed in and by the  
7 police court of the city of Belfast established by this act,  
8 the same as if originated therein. And the said court  
9 hereby established shall be the depository of all records of  
10 the police and municipal courts heretofore existing in said  
11 city, except such as were transferred to the supreme judi-

12 cial court by chapter one hundred and eighty of the private  
13 and special laws of 1879, and shall have full power and  
14 authority to issue and renew executions and carry into  
15 effect any judgment of, and to complete all processes and  
16 proceedings commenced in or by said courts aforesaid and  
17 to certify and duly authenticate the records of said courts,  
18 as effectually in all respects as said courts heretofore ex-  
19 isting could have done had this act not been passed.

Sect. 7. Writs returnable to said police court wherein the  
2 debt or damages do not exceed twenty dollars shall be duly  
3 served not less than seven nor more than sixty days before  
4 the return day, and where the debt or damages exceed  
5 twenty dollars, not less than fourteen nor more than sixty  
6 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. Chapter two hundred and fifty-four of the pri-  
2 vate and special laws of nineteen hundred and eleven, re-  
3 lating to the Belfast Municipal Court is hereby repealed.

Sect. 10. It shall be the duty of the county commissioners  
2 of Waldo county to furnish blanks, stationery and blank  
3 books of record necessary for the use of said police court  
4 and the same shall be paid for out of the county treasury  
5 of said county of Waldo.

Sect. 11. Trial justices are hereby restricted from exer-

2 cising any jurisdiction, within said city of Belfast over any  
3 criminal matter, 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 residence of  
3 said judge from said city, trial justices of said county of  
4 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 deter-  
7 mined by the trial justice before whom the same 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 court next  
11 holden after such vacancy is filled.