

MAINE STATE LEGISLATURE

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no

November 2, 1943

To F. K. Purinton, Executive Secretary

Executive

From John G. Marshall, Deputy

Attorney General

Hallowell Municipal Court

In answer to your inquiry of October 28th concerning the continuation of the Hallowell Municipal Court, your attention is directed to Chapter 146 of the Laws of Maine for 1835, Section 1 of which reads as follows:

"There is hereby established. . . the municipal court for the town of Hallowell to consist of one judge who shall have concurrent jurisdiction with justices of the peace in all matters civil and criminal within the said county of Kennebec, and exclusive and original jurisdiction within said town of Hallowell over all such matters and things as justices of the peace for said county may by law take cognizance of and exercise jurisdiction over, and under like restrictions and limitations, and in like manner as they may exercise the same; of the action of forcible entry and detainer in like manner, etc."

Section 3: "And the said judge shall also have exclusive jurisdiction of all offences against the by-laws of said town."

In conclusion, by reason of the provisions for exclusive jurisdiction in the matters set forth in the act creating the court, it is my opinion that the Governor has no option in the matter, and there should be a judge appointed for that court, unless those jurisdictional items exclusively confined to that court are to be left in abeyance.

John G. Marshall
Deputy Attorney General

JGM:c

See PV 52 _____ (9)
providing for Recorder