

# MAINE STATE LEGISLATURE

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# Sixty-Second Legislature.

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SENATE.

No. 130.

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## STATE OF MAINE.

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IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED AND EIGHTY-FIVE.

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AN ACT to establish a Municipal Court in the Town  
of Norway.

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

SECTION 1. A municipal court is hereby established in  
2 and for the town of Norway, to be denominated the Nor-  
3 way Municipal Court, which shall be a court of record  
4 with a seal, and shall consist of one judge who shall be  
5 an inhabitant of the county of Oxford, of sobriety of  
6 manners, who shall be appointed as provided in the con-  
7 stitution, and who shall have and exercise concurrent  
8 authority and jurisdiction with trial justices, justices of  
9 the peace, and justices of the peace and of the quorum,  
10 over all matters and things within their jurisdiction, and  
11 such authority and jurisdiction additional thereto as is  
12 conferred upon him by this act.

SECT. 2. Said municipal court shall have jurisdiction as follows :

*First*—Original jurisdiction, concurrent with the supreme judicial court, of the larcenies described in sections one six, seven, eight and nine of chapter one hundred and twenty of the Revised Statutes, when the value of the property is not alleged to exceed thirty dollars ; of the assaults and batteries described in section twenty-eight of chapter one hundred and eighteen of the Revised Statutes ; and of the offenses described in section six of chapter one hundred and twenty-four of the Revised Statutes, and may punish for either of said offences by fine not exceeding fifty dollars, and by imprisonment in the county jail not exceeding three months.

*Second*—Exclusive original jurisdiction of all civil actions wherein the debt or damages demanded do not exceed twenty dollars and both parties, or any plaintiff and a person summoned as a trustee reside in the town of Norway, including prosecutions for penalties in which said town is interested, and of all actions of forcible entry and detainer arising therein ; and concurrent jurisdiction with trial justices of all other civil actions within their concurrent jurisdiction.

*Third*—Original jurisdiction, concurrent with the supreme judicial court, of all civil actions in which the debt or damages demanded do not exceed one hundred dollars, and both parties, or the defendant and a person summoned as a trustee reside in the county of Oxford ; *provided* that any action, civil or criminal, in which the judge is interested, but which would otherwise be within the exclusive jurisdiction of said court, may be brought before and

32 disposed of by any trial justice within said county, in the  
33 same manner and with like effect as other actions before  
34 such tribunals.

SECT. 3. Nothing in this act shall be construed to give  
2 said court jurisdiction of any civil action in which the  
3 title to real estate, according to the pleading or brief  
4 statement filed therein by either party, is in question; and  
5 all such actions brought therein shall be removed to the  
6 supreme judicial court, or otherwise disposed of as in  
7 like cases before a trial justice.

SECT. 4. Said court shall be held on the first Tuesday  
2 of each month, at ten o'clock in the forenoon, for the  
3 transaction of civil business at such place within said  
4 town as the judge shall determine, but the town may at  
5 any time provide a court room, in which case the court  
6 shall be held therein, and all civil processes shall be made  
7 returnable accordingly, and it may be adjourned from  
8 time to time by the judge, at his discretion; but it shall  
9 be in constant session for the cognizance of criminal ac-  
10 tions; *provided*, that if said judge is prevented by any  
11 cause from attending at the time said court is to be held  
12 for civil business, it may be adjourned from day to day  
13 by any deputy sheriff or constable of the town, without  
14 detriment to any action then returnable or pending, until  
15 he can attend, when said actions may be entered or dis-  
16 posed of with the same effect as if it were the first day  
17 of the term; and it may be so adjourned without day,  
18 when necessary, in which event, pending actions shall be  
19 considered as continued, and actions then returnable may  
20 be returned at the next term, with the same effect as if  
21 originally made returnable at said term.

SECT. 5. It shall be the duty of the judge of said court  
2 to make and keep the records thereof, or cause the same  
3 to be made and kept, and to perform all the duties re-  
4 quired of similar tribunals in this State; and copies of  
5 said records duly certified by said judge shall be legal  
6 evidence in all courts.

SECT. 6. Any party may appeal from any judgment or  
2 sentence of said court to the Supreme Judicial Court in  
3 the same manner as from a judgment or sentence of a  
4 trial justice.

SECT. 7. Writs and processes issued by said court shall  
2 be in the usual forms, and shall be served as like precepts  
3 are required to be served when issued by trial justices,  
4 except that writs in which the debt or damages demanded  
5 exceed twenty dollars shall be served at least fourteen  
6 days before the sitting of the court at which they are  
7 made returnable, and no writ shall be made returnable at  
8 a term of the court to begin more than three months after  
9 the commencement of the action.

SECT. 8. All the provisions of the statutes relative to  
2 the attachment of real and personal property and the levy  
3 of executions, shall be applicable to actions brought in  
4 this court and executions on judgments rendered therein;  
5 *provided*, that property may be attached in addition to the  
6 addamnum, sufficient to satisfy the costs of the suit.

SECT. 9. Actions in said court shall be entered on the  
2 first day of the term, and not afterwards except by special  
3 permission. When a defendant, legally summoned, fails  
4 to enter his appearance by himself or his attorney on the  
5 first day of the return term, he shall be defaulted; but if  
6 he afterwards appear during the term the court may, for

7 sufficient cause, permit the default to be taken off. Pleas  
8 in abatement must be filed on or before the day of the  
9 entry of the action. The defendant may file his pleadings,  
10 which shall be the general issue, with a brief statement of  
11 special methods of defense, on the return day of the writ,  
12 and must file them on or before the first day of the next  
13 term, or he shall be defaulted unless the court, for good  
14 cause, enlarge the time for which he may impose reasona-  
15 ble terms. Actions in which the defendant files his plead-  
16 ings on the return day, and all actions of forcible entry  
17 and detainer reasonably answered to, shall be in order for  
18 trial at the return term, and shall remain so until tried or  
19 otherwise disposed of, unless continued by consent or on  
20 motion of either party, for good cause, in which latter  
21 case the court may impose such terms as he deems reasona-  
22 ble; but all other actions, unless defaulted or otherwise  
23 finally disposed of, shall be continued as of course and be  
24 in order for trial at the next term.

SECT. 10. The costs and fees allowed to parties, attor-  
2 neys and witnesses in all actions in said court in which  
3 the debt or damages recovered does not exceed twenty  
4 dollars, and in actions of forcible entry and detainer, shall  
5 be the same as allowed by trial justices in actions before  
6 them, except that the plaintiff, if he prevail, shall be  
7 allowed one dollar for his writ, and the defendant, if he  
8 prevail, one dollar for his pleadings. But in cases where  
9 the amount recovered exceeds twenty dollars, costs and  
10 fees of parties' attorneys and witnesses shall be the same  
11 as in the supreme judicial court, except that the defendant,  
12 if he prevail, shall be allowed two dollars for his pleadings.

SECT. 11. The judge of said court may demand and  
2 receive the same fees allowed to trial justices for like  
3 services, except that he may demand and receive for a  
4 complaint and warrant in criminal cases one dollar; for  
5 the entry of a civil action fifty cents; for the trial of an  
6 issue, civil or criminal, two dollars for the first day, and  
7 one dollar for each day after the first occupied in such  
8 trial, to be paid to him by the plaintiff in civil cases before  
9 trial, who shall recover the same as costs if he prevail in  
10 the suit; and the fees so received by said judge shall be  
11 payment in full for his services, *provided* that the legal  
12 voters of said town may, at any time, by vote, determine  
13 to pay him a salary, which shall be accepted by him instead  
14 of said fees, in which case he shall pay all fees of office,  
15 by him received, into the town treasury.

SECT. 12. Trial justices are hereby restricted from exer-  
2 cising any jurisdiction in the town of Norway, over any  
3 matter or thing, civil or criminal, except such as are  
4 within the jurisdiction of justices of the peace and of the  
5 quorum, and except cases in which the judge is interested  
6 or related, and except they may issue warrants on com-  
7 plaints for criminal offenses to be returned before said  
8 municipal court; and in case of the absence from the town  
9 of Norway, or sickness, of the judge of said court, and  
10 during such sickness or absence any trial justice residing  
11 in said Norway shall have and exercise in criminal mat-  
12 ters the same jurisdiction as though said municipal court  
13 had never been established; *provided* that said restrictions  
14 shall be suspended until the judge of said court shall enter  
15 upon the duties of his office.

SECT. 13. Nothing in this act shall be construed to interfere with actions already commenced before trial justices in the town of Norway, but all such actions shall be disposed of by such trial justices the same as if this act had not been passed.

SECT. 14. This act shall take effect when approved.



STATE OF MAINE.

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IN SENATE CHAMBER, }  
February 25, 1885. }

Reported by Mr. BEARCE, from Committee on Legal Affairs, and laid  
on table to be printed under joint rules.

C. W. TILDEN, *Secretary.*