

MAINE STATE LEGISLATURE

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NEW DRAFT.

Sixty-Ninth Legislature.

HOUSE.

No. 80.

STATE OF MAINE.

IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT
HUNDRED AND NINETY-NINE.

AN ACT to establish the Rumford Falls Municipal Court.

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

Section 1. A municipal court is hereby established at
2 Rumford in and for the county of Oxford, to be denominated
3 the Rumford Falls Municipal Court, which shall have a seal,
4 and shall be a court of record. Said court shall consist of one
5 judge, an inhabitant of Oxford county of sobriety of man-
6 ners and learned in the law, who shall reside during his con-
7 tinuance in said office in said town of Rumford, and who shall
8 be appointed, qualified, and hold his office as provided in the
9 constitution, and shall, except when interested, exercise con-

10 current jurisdiction with justices of the peace, justices of the
11 peace and quorum, trial justices and the Norway municipal
12 court over all such matters and things civil and criminal
13 within the county of Oxford, as are by law within their juris-
14 diction, except in action civil and criminal, over which said
15 Norway municipal court has, or may have by law, exclusive
16 jurisdiction.

Sect. 2. Said municipal court shall have exclusive juris-
2 diction in all civil actions in which the debt or damages
3 demanded by the plaintiff does not exceed twenty dollars,
4 and both parties thereto have their residence in said town of
5 Rumford, or in which some person residing in said Rum-
6 ford is in good faith summoned as trustee of a party defend-
7 ant residing in said county of Oxford, and shall also have
8 exclusive jurisdiction over all offenses committed against
9 the ordinances and by-laws of said town of Rumford or the
10 Rumford Falls Village Corporation, and over all such crim-
11 inal offenses committed within the limits of said Rumford
12 as are cognizable by trial justices.

Sect. 3. Said court shall have original jurisdiction con-
2 current with the supreme judicial court, in all civil actions
3 wherein the debt or damages demanded does not exceed one
4 hundred dollars, in which any defendant or person sum-
5 moned as trustee shall reside, or, if not an inhabitant of the
6 State, shall be commorant in the county of Oxford; and
7 said court shall have original jurisdiction, concurrent with
8 the supreme judicial court and the Norway municipal court,
9 over crimes, offenses and misdemeanors committed in said
10 county of Oxford, which are, by law, punishable by fine not
11 exceeding thirty dollars, and by imprisonment in the county
12 jail not exceeding three months, or by sentence to the Reform
13 School or Maine Industrial School for Girls.

Sect. 4. Nothing in this act shall be construed to give said
2 court jurisdiction of any civil action in which the title to real

3 estate according to the pleading or brief statement filed
4 therein by either party is in question, and all such actions
5 brought therein, shall be removed to the supreme judicial
6 court or otherwise disposed of as in like cases before a trial
7 justice, subject, however, to the provisions of sections seven
8 and eight of chapter 94 of the Revised Statutes so far as the
9 same are applicable thereto.

Sect. 5. Any party may appeal from any judgment or
2 sentence of said court to the supreme judicial court, in the
3 same manner as from a sentence or judgment of a trial
4 justice.

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

Sect. 7. Said court shall be held on the fourth Tuesday
2 of each month at ten o'clock in the forenoon for the trans-
3 action of civil business at such place within Rumford Falls
4 village in said town as the judge shall determine, but the
5 town of Rumford may at any time provide record and docket
6 books and a suitable place to preserve them, also a court
7 room, in which case the court shall be held therein, and all
8 civil processes shall be made returnable accordingly, pro-

9 vided, however, that said court shall be held on every Tues-
10 day at the usual hour, for the entry and trial of actions of
11 forcible entry and detainer, and such actions shall be return-
12 able accordingly, and be heard and determined and judgment
13 entered on the return day of the writ unless continued for
14 good cause. Said court may be adjourned from time to
15 time by the judge at his discretion; but it shall be in constant
16 session for the cognizance of criminal actions; provided, that
17 if said judge is prevented by any cause from attending at
18 the time said court is to be held for civil business, it may
19 be adjourned from day to day by any deputy sheriff or a
20 constable of the town, without detriment to any action then
21 returnable or pending until he can attend, when said actions
22 may be entered or disposed of with the same effect as if it
23 were the first day of the term; and it may be so adjourned
24 without day when necessary, in which event pending actions
25 shall be considered as continued, and actions then returnable
26 may be returned and entered at the next term with the same
27 effect as if originally made returnable at said term.

The rules of the supreme judicial court together with all
29 the provisions of law relative to pleadings, practice, and
30 proceedings in civil actions in the supreme judicial court,
31 are hereby made applicable to this court, except so far as
32 they are modified by the provisions of this act.

Sect. 8. It shall be the duty of the judge of said court to
2 make and keep the records thereof in a permanent manner,
3 or to cause the same to be so kept, and to perform all other
4 duties required of similar tribunals in this State; and copies
5 of the records of said court, duly certified by said judge,
6 shall be legal evidence in all courts.

Sect. 9. All fines and penalties awarded and received by
2 said judge shall be accounted for and paid over, as if the
3 same had been awarded and received by a trial justice.

Sect. 10. The fees of the judge which he shall demand
2 and receive for his services shall be as follows: For every
3 blank writ signed by him, five cents; for entry of each civil
4 action, fifty cents; for every warrant issued by him, one
5 dollar; for the trial of an issue in a civil or criminal case,
6 two dollars, and the same for every day occupied in the hear-
7 ing of a case after the first day; and all fees not herein speci-
8 fied he shall receive the sums allowed for similar services to
9 trial justices.

Sect. 11. Writs and processes issued by said court shall
2 be in the form provided by law, and shall be served as like
3 precepts are required to be served when issued by trial
4 justices except that writs in which the debt or damages
5 demanded, exceed twenty dollars shall be served at least
6 fourteen days before the sitting of the court at which they
7 are made returnable, and no writ shall be made returnable
8 at a term of the court to begin more than three months after
9 the commencement of the action.

Sect. 12. Costs and fees allowed to parties and attorneys
2 in all actions before said court, in which the debt or damages
3 recovered does not exceed twenty dollars, shall be the same
4 as are allowed in actions before trial justices, except that the
5 plaintiff if he prevail shall be allowed one dollar for his writ,
6 and the defendant if he prevail one dollar for his pleadings;
7 but in cases where the damages do exceed twenty dollars,
8 the fees and costs shall be the same as in the supreme judi-
9 cial court.

Sect. 13. All the provisions of the statutes of this State in
2 relation to attachments of real and personal property, and
3 the levy of execution on the same shall be applicable to
4 actions brought in this court, which shall have authority to
5 issue execution to be satisfied in the same manner as though
6 issuing from the supreme judicial court, except that no such

7 execution shall be levied on real estate unless the debt or
8 damages therein exceed the sum of twenty dollars.

Sect. 14. The Norway municipal court, and trial justices
2 of the county of Oxford, shall have power and jurisdiction
3 over all actions and suits pending before them at the time
4 this act shall take effect, or commenced previous to that time
5 and returnable before them on a day subsequent thereto, to
6 the same extent as if this act had not been passed; and in like
7 manner shall have the same authority and jurisdiction to
8 issue any execution on any judgment recovered, or which
9 shall be recovered before them as aforesaid, in any action
10 as if this act had not passed.

Sect. 15. The Norway municipal court, or any trial justice
2 in the town of Rumford, may take cognizance of any action,
3 matter or thing within their jurisdiction, wherein the judge
4 of said Rumford Falls municipal court is a party or inter-
5 ested.

Sect. 16. Said judge shall render to the county treasurer,
2 semi-annually, on the second Tuesdays of April and October,
3 a true statement in writing signed and sworn to by him, of
4 all sums of money received or which he is entitled to receive
5 by virtue of his said office, for the six months ending on the
6 last days of March and September of each year, and pay to
7 said treasurer all money due said county; and on said second
8 Tuesdays of April and October, he shall produce and exhibit
9 his civil and criminal dockets to the court of county commis-
10 sioners of said county for their examination, and also the
11 original papers on file in his court, if they shall so require.

Sect. 17. This act shall take effect when approved.

STATE OF MAINE.

HOUSE OF REPRESENTATIVES,

Augusta, February 9, 1899.

Reported by Mr. GUERNSEY of Dover, from Committee on Legal
Affairs, and ordered printed under joint rules.

W. S. COTTON, *Clerk*.