

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

SIXTY-NINTH LEGISLATURE

OF THE

STATE OF MAINE

1899.

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PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE.

1899.

Chapter 43.

An Act to establish the Rumford Falls Municipal Court.

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

Rumford Falls municipal court, established.

Section 1. A municipal court is hereby established at Rumford in and for the county of Oxford, to be denominated the Rumford Falls Municipal Court, which shall have a seal, and shall be a court of record. Said court shall consist of one judge, an inhabitant of Oxford county, of sobriety of manners and learned in the law, who shall reside during his continuance in said office in said town of Rumford, and who shall be appointed, qualified, and hold his office as provided in the constitution, and shall, except when interested, exercise concurrent jurisdiction with justices of the peace, justices of the peace and quorum, trial justices and the Norway Municipal Court over all such matters and things civil and criminal within the county of Oxford, as are by law within their jurisdiction, except in action civil and criminal, over which said Norway Municipal Court has, or may have by law, exclusive jurisdiction.

—seal and court of record.

—judge and qualification.

—jurisdiction.

Exclusive jurisdiction, when debt does not exceed \$20.

Section 2. Said municipal court shall have exclusive jurisdiction in all civil actions in which the debt or damages demanded by the plaintiff does not exceed twenty dollars, and both parties thereto have their residence in said town of Rumford, or in which some person residing in said Rumford is in good faith summoned as trustee of a party defendant residing in said county of Oxford, and shall also have exclusive jurisdiction over all offenses committed against the ordinances and by-laws of said town of Rumford or the Rumford Falls Village Corporation, and over all such criminal offenses committed within the limits of said Rumford as are cognizable by trial justices.

—in all offenses against by-laws of town.

Original jurisdiction concurrent with supreme judicial court.

Section 3. Said court shall have original jurisdiction concurrent with the supreme judicial court, in all civil actions wherein the debt or damages demanded does not exceed one hundred dollars, in which any defendant or person summoned as trustees shall reside, or, if not an inhabitant of the state, shall be commorant in the county of Oxford; and said court shall have original jurisdiction, concurrent with the supreme judicial court and the Norway Municipal Court, over crimes, offenses and misdemeanors committed in said county of Oxford, which are, by law, punishable by fine not exceeding thirty dollars, and by imprisonment in the county jail not exceeding three months, or by sentence to the reform school or Maine Industrial School for girls.

—with Norway municipal court.

Section 4. Nothing in this act shall be construed to give said court jurisdiction of any civil action in which the title to real estate according to the pleading of brief statement filed therein by either party is in question, and all such actions brought therein, shall be removed to the supreme judicial court or otherwise disposed of as in like cases before a trial justice, subject, however, to the provisions of sections seven and eight of chapter ninety-four of the revised statutes so far as the same are applicable thereto.

Actions relating to title to real estate, shall be removed to supreme judicial court.

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

Appeal may be taken to supreme judicial court.

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

Trial justices restricted from exercising jurisdiction in town of Rumford.

—exceptions.

Section 7. Said court shall be held on the fourth Tuesday of each month at ten o'clock in the forenoon for the transaction of civil business at such place within Rumford Falls village in said town as the judge shall determine, but the town of Rumford may at any time provide record and docket books and a suitable place to preserve them, also a court room, in which case the court shall be held therein, and all civil processes shall be made returnable accordingly, provided, however, that said court shall be held on every Tuesday at the usual hour, for the entry and trial of actions of forcible entry and detainer, and such actions shall be returnable accordingly, and be heard and determined and judgment entered on the return day of the writ unless continued for good cause. Said court may be adjourned from time to time by the judge at his discretion; but it shall be in constant session for the cognizance of criminal actions; provided, that if said judge is prevented by any cause from attending at the time said court is to be held for civil business, it may be adjourned from day to day by any deputy sheriff or a constable of the town, without detriment to any action then returnable

Terms.

—town shall provide court room, etc.

—adjournments, how made.

CHAP. 43

--proceedings in supreme judicial court, made applicable.

Records, how kept.

How fines shall be disposed of.

Fees of the judge.

Writs and processes, form of.

Costs and fees.

or pending until he can attend, when said actions may be entered or disposed of with the same effect as if it were the first day of the term; and it may be so adjourned without day when necessary, in which event pending actions shall be considered as continued, and actions then returnable may be returned and entered at the next term with the same effect as if originally made returnable at said term. The rules of the supreme judicial court together with all the provisions of law relative to pleadings, practice, and proceedings in civil actions in the supreme judicial court, are hereby made applicable to this court, except so far as they are modified by the provisions of this act.

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

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

Section 10. The fees of the judge which he shall demand and receive for his services shall be as follows: For every blank writ signed by him, five cents; for entry of each civil action, fifty cents; for every warrant issued by him, one dollar; for the trial of an issue in a civil or criminal case, two dollars, and the same for every day occupied in the hearing of a case after the first day; and all fees not herein specified he shall receive the sums allowed for similar services to trial justices.

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

Section 12. Costs and fees allowed to parties and attorneys in all actions before said court, in which the debt or damages recovered does not exceed twenty dollars, shall be the same as are allowed in actions before trial justices, except that the plaintiff if he prevail shall be allowed one dollar for his writ, and the defendant if he prevail one dollar for his pleadings; but in cases where the damages do exceed twenty dollars, the

fees and costs shall be the same as in the supreme judicial court. CHAP. 43

Section 13. All the provisions of the statutes of this state in relation to attachments of real and personal property, and the levy of execution on the same shall be applicable to actions brought in this court, which shall have authority to issue execution to be satisfied in the same manner as though issuing from the supreme judicial court, except that no such execution shall be levied on real estate unless the debt or damages therein exceed the sum of twenty dollars.

Laws relating to attachments, applicable to actions brought in this court.

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

Jurisdiction over pending actions.

Section 15. The Norway Municipal Court, or any trial justice in the town of Rumford, may take cognizance of any action, matter or thing within their jurisdiction, wherein the judge of said Rumford Falls Municipal Court is a party or interested.

When judge is a party, other courts may take cognizance of any action within their jurisdiction.

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

Moneys received by judge, how accounted for and disposed of.

Section 17. This act shall take effect when approved.

Approved February 21, 1899.