

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

ACTS AND RESOLVES

PASSED BY THE

THIRTY-FOURTH LEGISLATURE

OF THE

STATE OF MAINE,

1855.

~~~~~  
Published by the Secretary of State, agreeably to Resolves of June 28, 1820, February  
26, 1840, and March 16, 1842.  
~~~~~

AUGUSTA:
STEVENS & BLAINE, PRINTERS TO THE STATE.

1855.

PUBLIC LAWS

OF THE

STATE OF MAINE.

1855.

CHAP. 151. operation, he shall forfeit and pay the sum of one dollar, for each day the school shall continue without such notice having been given.

SECT. 2. This act shall take effect and be in force from and after its approval by the governor.

[Approved March 13, 1855.]

Chapter 151.

An act to establish a municipal court in the city of Biddeford.

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

Municipal court
in the city of
Biddeford
established.

Judge, powers
and jurisdiction
of.

Court, jurisdic-
tion of

Appeals from
said court.

Warrants, how
issued.

SECT. 1. A municipal court shall be and hereby is established in and for the city of Biddeford, to be denominated "the municipal court of the city of Biddeford," which shall be a court of record with a Seal, and said court shall consist of one judge to be appointed, qualified and hold his office, according to the constitution, and shall, except when interested, exercise concurrent jurisdiction with justices of the peace and justices of the peace and quorum over all such matters and things, civil and criminal, within the county of York as are by law within the jurisdiction of justices of the peace and justices of the peace and quorum in said county; and said court shall have exclusive jurisdiction in all actions by law cognizable by justices of the peace and justices of the peace and quorum, in which either of the parties, or in which any person, who shall appear of record as interested in any such suit, or in which any person who shall be named therein as trustee, are citizens of, or residents in said city of Biddeford, and also over all offences, committed within the limits of said city, cognizable by justices of the peace, and shall have original jurisdiction, concurrent with the supreme judicial court, in all civil actions, in which the debt or damages demanded shall not exceed the sum of fifty dollars; and shall have original jurisdiction concurrent with the supreme judicial court, over crimes, offences and misdemeanors, committed in said county, which are by law punishable by fine, not exceeding twenty dollars, and by imprisonment in the county jail, not exceeding three months, or by sentence to the Reform School; and any party may appeal from any judgment or sentence of said court, to the supreme court, in the same manner, as from a sentence or a judgment of a justice of the peace.

SECT. 2. Warrants may be issued upon complaints for offenses committed in said city, by the judge of said court, or by any justice

CHAP. 151.

of the peace in said county; but all such warrants shall be made returnable before said municipal court: and no justice of the peace in the county of York, shall take other cognizance over any crime, offense or misdemeanor committed in said city, or in any civil action, where said court has exclusive jurisdiction; nor shall any justice of the peace, residing in said city, issue any civil or criminal process, within said county, other than warrants as aforesaid, nor take any cognizance thereof, except in cases where the judge is a party, or interested in any such suit, or prosecution, or except in poor debtor's disclosures; and any justice of the peace, who shall violate any of the provisions of this act, shall forfeit fifty dollars for each and every violation thereof, to be recovered on indictment; but nothing in this act shall prohibit any justice of the peace from acting in a ministerial capacity, or from exercising at all times, all the power and jurisdiction given him by any law of the United States.

Offences, &c., not cognizable by justices of the peace.

Exceptions.

Penalty for violating the foregoing provisions.

Justices may act in certain cases.

SECT. 3. The court shall be held on the first and third Monday of every month, at nine o'clock in the forenoon, for the transaction of civil business, and all civil processes shall be made returnable accordingly, and said court may be adjourned from time to time, at the discretion of the judge: but said court shall be considered as in constant session for the trial of criminal offenses.

Time of holding said court.

SECT. 4. It shall be the duty of the judge of said court, to make and keep the records of said court, or cause the same to be made and kept, and to perform all other duties, required of similar tribunals; and copies of the records of said court, duly certified by the judge, shall be legal evidence in all courts.

Records, how kept.

SECT. 5. The judge shall appoint a recorder, who shall be a justice of the peace and of the quorum, duly qualified, who shall be sworn by said judge, and who shall keep the records of said court, when requested so to do, by said judge: and in case of absence or sickness of the judge, shall have and exercise all the powers of the judge, and for all such services rendered, he shall be paid by the judge: and when the office of judge shall be vacant, the recorder may perform all the acts and duties appertaining to the office of judge, during the continuance of such vacancy.

Recorder, appointment and duties of.

—may act as judge in certain cases.

SECT. 6. All fines and penalties awarded and received by said judge, shall be accounted for, and paid over, as if the same had been awarded, by a justice of the peace.

Fines, &c., how disposed of.

SECT. 7. The fees of the judge, which he may demand and receive for his services, shall be as follows: For every blank writ signed by him, two cents; for entry of a civil action, forty cents; for every warrant issued by him, one dollar; for the trial of an issue, in a civil or criminal case, one dollar and fifty cents, and the

Fees of judge.

CHAP. 151. same sum for every day occupied in the hearing of a case; for taking a trustee disclosure, or poor debtor disclosure, he shall be paid a reasonable sum, regard being had to the time occupied therein; and for all fees, not herein specified, he shall receive the sums allowed for similar services in chapter one hundred and fifty-one of the revised statutes: provided always, however, that when the fees of said court, paid to said judge, shall exceed the sum of six hundred dollars per year, one-half of the excess over and above that sum shall be paid to the city of Biddeford.

Proviso.

Blanks, books, &c., to be furnished by city.

SECT. 8. The city of Biddeford shall have the power, and it shall be its duty to raise money to purchase blank books of record, blanks, seal and dockets, necessary for the use of said court, to provide a suitable room in which to hold said court, and to furnish the same in an appropriate manner.

Civil processes, how served.

SECT. 9. The writs and processes in civil actions shall be the same as now provided by law, and shall be served at least seven days, and if the defendant or trustee be a corporation, thirty days before the return day.

Actions, how referred.

SECT. 10. Actions pending in this court may be referred in the same manner as in the supreme court, and on the report of referees to said municipal court, judgment may be rendered in the same manner and with like effect, as in the supreme court.

Fees and costs.

SECT. 11. The costs and fees allowed to parties and attorneys in all actions before this court, in which the debt or damages recovered do not exceed twenty dollars, shall be the same as are by law allowed in actions before justices of the peace; but in cases where the damages do exceed twenty dollars, the fees and costs shall be the same as in the supreme court.

Attachment and levy of executions.

SECT. 12. All the provisions of the statutes of this state in relation to attachments of real and personal property and the levy of executions on the same, shall be applicable to actions brought in this court, which shall have authority to issue executions, 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 shall exceed the sum of twenty dollars.

Acts repealed.

SECT. 13. All acts and parts of acts inconsistent with this act, are hereby repealed.

SECT. 14. This act shall take effect and be in force from and after its approval by the governor.