

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

PASSED BY THE

THIRTY-FIFTH LEGISLATURE

OF THE

STATE OF MAINE,

A. D. 1856.

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Published by the Secretary of State, agreeably to Resolves of June 28, 1820, February 26, 1840,  
and March 16, 1842.  
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Augusta:
FULLER & FULLER, PRINTERS TO THE STATE.
1856.

PUBLIC LAWS

OF THE

STATE OF MAINE.

1856.

An act further defining the jurisdiction and powers of the municipal court of the city of Biddeford.

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

Municipal court in Biddeford continued as a court of record. Court, jurisdiction of.

Concurrent jurisdiction, &c.

Exclusive jurisdiction, &c. Appeals.

Time of holding court.

Civil processes made returnable on certain days.

Sessions, for trial of criminal cases.

Records, how kept.

Copies of records to be legal evidence in other courts.

Recorder, how appointed.

--duties of.

--may act as judge in certain cases.

SECT. 1. The municipal court of the city of Biddeford shall continue as a court of record, with a seal and with the jurisdiction and powers herein given until altered by law, and the judge thereof shall hold his office according to the tenor thereof, (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 exclusive jurisdiction of all offenses against the by-laws of said city;) and 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 a judgment of a justice of the peace.

SECT. 2. The court shall be held on the first and third Wednesday 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 may be considered in session between the hours of nine o'clock in the forenoon, and five o'clock in the afternoon of every day, Sundays excepted, for the examination or trial of criminal cases, but no such examination or trial shall be commenced unless within the hours aforesaid.

SECT. 3. 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 any court of this state.

SECT. 4. The judge may appoint a recorder who shall be a justice of the peace and of the quorum, duly qualified as such, who shall be sworn by said judge, and who shall keep the records of said court when requested so to do by the 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 the vacancy.

SECT. 5. All fines and penalties awarded and received by the judge or recorder 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. 6. The fees of the judge which he may demand and receive for his services, shall be the same as now allowed by law to justices of the peace for similar services.

Fees of judge.

SECT. 7. 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.

Writs, &c., form of service of.

SECT. 8. Actions pending in this court may be referred in the same manner as in the supreme judicial court, and on the report of referees to said municipal court, judgment may be rendered on the award in the same manner and with like effect, as in the supreme judicial court.

Actions may be referred.

SECT. 9. The costs and fees allowed to parties and attorneys in all actions in this court, shall be the same as allowed by law in actions before justices of the peace.

Costs and fees.

SECT. 10. The city of Biddeford shall have the power, and it shall be its duty to provide a suitable room in which to hold said court, and to furnish the same in an appropriate manner, (and for such room a reasonable rent, not exceeding the amount actually paid therefor by said city, may be allowed to said city by the county of York, to be paid from the county treasury from moneys received for fines or penalties awarded by said court.)

Court room to be furnished by city.

Rent for court room, how paid.

SECT. 11. Chapter one hundred and fifty-one of the public laws of eighteen hundred and fifty-five, entitled an act to establish a municipal court in the city of Biddeford, and all acts and parts of acts inconsistent with this act are hereby repealed; *provided, always*, that this act shall not be construed to abolish said municipal court, contrary to the intent of the first section of this act.

Ch. 151, public laws of 1855, repealed.

Court not abolished by this act.

SECT. 12. This act shall take effect from and after its approval by the governor.

[Approved April 1, 1856.]