

MAINE STATE LEGISLATURE

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FIFTY-THIRD LEGISLATURE.

HOUSE.

No. 93.

STATE OF MAINE.

IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED AND SEVENTY-FOUR.

AN ACT to establish a superior court in and for the county of York.

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

SECTION 1. A superior court is hereby established at
2 Biddeford, within and for the county of York, which
3 shall be a court of record with a seal, and said court
4 shall consist of one judge of sobriety of manners and
5 a member of York county bar, who shall be an inhabi-
6 tant of and reside during his continuance in office in
7 said city of Biddeford, and shall be appointed, com-
8 missioned and qualified according to the constitution.

SECT. 2. Said judge, except when interested, shall
2 have and exercise concurrent jurisdiction with municipi-
3 pal courts and trial justices over all such matters and
4 things civil and criminal within the county of York

5 as are by law within the jurisdiction of municipal courts
6 and trial justices in said county, and shall have original
7 jurisdiction concurrent with the supreme judicial court
8 in all actions in which the debt or damage demanded
9 shall not exceed the sum of five hundred dollars ; and
10 shall have original jurisdiction concurrent with the
11 supreme judicial court over all crimes, offences and
12 misdemeanors committed in said county which are by
13 law punishable by fine not exceeding one hundred dol-
14 lars and by imprisonment in the county jail not ex-
15 ceeding twelve months, or by sentence to the reform
16 school ; and any party may appeal from any judgment
17 or sentence of said court to the supreme judicial court
18 in the same manner as from a judgment or sentence of
19 a trial justice ; and shall have original jurisdiction con-
20 current with the supreme judicial court over all matters
21 and questions relating to divorce and annulling of mar-
22 riages, and may make orders and decrees relating to
23 the same as fully and with same effect as the supreme
24 judicial court ; *provided, however,* in all cases that if
25 either party shall desire a jury trial in matters now
26 cognizable by the supreme judicial court, that at the
27 return day of the process in the case he may file a re-
28 quest in writing therein stating his desire for a trial
29 by jury, and shall therewith deposit with the judge
30 the jury fee, fees for copies and entry in supreme judi-

31 cial court, whereupon the judge shall certify the fact
32 and the case or matter shall thereupon be removed and
33 entered at the next term thereafter of the supreme
34 judicial court in said county.

SECT. 3. The writs and processes in civil actions shall
2 be the same as now provided by law, and shall be
3 served at least seven days, and if the defendant or
4 trustee be a corporation, thirty days before the return
5 day.

SECT. 4. Warrants may be issued upon complaint for
2 offences committed in said city by the judge of said
3 court or by any justice of the peace in said county,
4 but all such warrants shall be made returnable before
5 said superior court, except such as are made return-
6 able before the municipal court of said Biddeford.

SECT. 5. All the provisions of the statutes of this
2 state in relation to arrests, attachments of real and
3 personal property, and the levy of executions on the
4 same, and proceedings in court, shall be applicable to
5 actions brought in this court, which shall have authori-
6 ty to make and enforce all orders and rules necessary
7 for the proper regulation of its business and to issue
8 executions to be satisfied in the same manner and with
9 the same effect as though issuing from the supreme
10 judicial court.

SECT. 6. The court shall be held on the first Monday

2 of every month, at nine o'clock in the forenoon, for the
3 transaction of civil business, and all civil processes
4 shall be made returnable accordingly ; and said court
5 may be adjourned from time to time at the discretion
6 of the judge ; but said court shall be considered as in
7 constant session for the trial of criminal offences.

SECT. 7. Actions pending in this court may be re-
2 ferred in the same manner as in the supreme judicial
3 court, and on the report of referees to said superior
4 court judgment may be rendered in the same manner
5 and with like effect as in the supreme court.

SECT. 8. It shall be the duty of the judge of said
2 court to make and keep the records of said court, or
3 cause the same to be made and kept, and to perform
4 all other duties required of similar tribunals; and cop-
5 ies of the records of said court, duly certified by the
6 judge, shall be legal evidence in all courts.

SECT. 9. The judge shall appoint a recorder, who
2 shall be a justice of the peace duly qualified, who
3 shall be sworn by said judge, and who shall keep the
4 records of said court when requested so to do by the
5 judge; and in case of absence from the court room, or
6 sickness of the judge, or whenever requested by him
7 so to do, or when the office of judge shall be vacant,
8 the recorder shall have and exercise all the powers of
9 the judge, and perform all the duties of the judge re-

10 quired in this act, and generally shall be fully empow-
11 ered to sign and to issue all processes and papers and
12 do all acts as fully and with the same effect as the
13 judge could do were he acting in the premises ; and the
14 signature of the recorder, as such, shall be sufficient
15 evidence of his right to act instead of the judge with-
16 out any recital of the causes herein before named
17 authorizing him to act. When the office of judge is
18 vacant the recorder shall be entitled to the fees, in all
19 other cases he shall be paid by the judge ; and said
20 recorder shall hold his office until the judge shall ap-
21 point another to take his place, which he may do when-
22 ever he shall so determine.

SECT. 10. All fines and penalties awarded and re-
2 ceived by said judge, shall be accounted for and paid
3 over, as if the same had been awarded and received
4 by a trial justice.

SECT. 11. The taxable costs and fees allowed to
2 parties and attorneys in all actions before this court in
3 which the debt or damages recovered do not exceed
4 twenty dollars, unless they are reduced below twenty
5 dollars by reason of a set-off, filed, shall be the same
6 as are by law allowed in actions before trial justices ;
7 but in cases where the damages have been reduced
8 below twenty dollars by reason of a set off, filed, and
9 in all cases where the damages exceed twenty dollars,

10 and in all other cases where the action is now, by law,
11 properly brought in the supreme judicial court, the
12 fees and costs shall be the same as in the supreme
13 court.

SECT. 12. The fees of the judge, which he may de-
2 mand and receive for his services, shall be as follows :
3 for every blank writ signed by him, four cents ; for
4 every entry, of a civil action, where the demand is
5 twenty dollars or less, forty cents ; for every warrant
6 issued by him, seventy-five cents ; for the trial of an
7 issue in a criminal or civil case, two dollars ; and the
8 same sum for every day occupied in the hearing of a
9 case after the first day ; and for all fees not herein
10 specified he shall receive the sums allowed for similar
11 services to trial justices and clerks of the supreme judi-
12 cial court : *provided however*, that when the fees of said
13 court, paid to said judge, shall exceed the sum of
14 fifteen hundred dollars per year, the excess over and
15 above that sum shall be paid into the county treasury,
16 and said judge shall render an account annually to the
17 treasurer of said county, of all fees by him received.

SECT. 13. The county commissioners of the county
2 of York shall provide a suitable room in said city of
3 Biddeford, for the accommodation of said court, shall
4 furnish it in an appropriate manner, shall provide a
5 seal book of record, dockets, blanks, stationery, and

6 fuel, which are to be paid by the treasurer of said
7 county.

SECT. 14. The municipal court of the city of Bid-
2 deford shall not have nor exercise any jurisdiction in
3 any civil action wherein the debt or damages exceed
4 the sum of twenty dollars, and in all civil actions
5 wherein the debt or damages do not exceed twenty
6 dollars, said municipal court shall have and exercise
7 jurisdiction concurrent with said superior court, and
8 said municipal court shall have no exclusive jurisdic-
9 tion in any criminal matter or proceeding, but the
10 jurisdiction in criminal proceedings which it now has
11 shall be concurrent with said superior court.

SECT. 15. All acts and parts of acts establishing
2 municipal courts in the county of York, and confer-
3 ing upon them jurisdiction, inconsistent with this act,
4 are hereby repealed.

SECT. 16. Exceptions may be alleged and cases certi-
2 fied upon an agreed statement of facts, as in the supreme
3 judicial court, and heard and determined at the law
4 term thereof, and decisions of the law court on such
5 exceptions and reports, certified to said superior court,
6 with the same effect as in cases originating in the
7 supreme judicial court.

SECT. 17. Said superior court is hereby clothed as
2 fully as the supreme judicial court, with all the

3 powers necessary for the performance of all its duties.

SECT. 18. This act shall take effect in thirty days
2 after its approval by the governor.

STATE OF MAINE.

HOUSE OF REPRESENTATIVES, }
February 25, 1874. }

Reported from the York County Delegation, by Mr. HAMIL-
TON, referred to the next Legislature, and on his motion ordered
printed.

S. J. CHADBOURNE, *Clerk.*