

MAINE STATE LEGISLATURE

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SEVENTY-NINTH LEGISLATURE

SENATE

NO. 32

In Senate, Jan. 23, 1919.

Referred to Committee on Legal Affairs and 500 copies ordered printed. Sent down for concurrence.

P. F. CRANE, Secretary.

Presented by Senator Thombs of Penobscot.

STATE OF MAINE

IN THE YEAR OF OUR LORD ONE THOUSAND
NINE HUNDRED AND NINETEEN

AN ACT to Establish a Superior Court in the County of
Penobscot.

Be it enacted by the People of the State of Maine, as follows:

Section 1. Superior Court for Penobscot; qualification of
2 justice. A superior court is hereby established at Bangor
3 within and for the county of Penobscot, consisting of one
4 justice, who shall be an inhabitant of said county, of so-
5 briety of manners and learned in the law; he shall be ap-
6 pointed, commissioned and qualified according to the con-
7 stitution.

Sect. 2. Seal; writs and processes. Said justice shall es-
2 tablish a seal for said court; and all writs and processes

3 issuing therefrom shall be in the name of the state, of the
4 usual forms, bearing the teste of said justice, under the
5 seal of said court, and shall be signed by its clerk, and may
6 be made returnable in the superior court of any other coun-
7 ty in which the action might be legally brought; they shall
8 be obeyed and executed throughout the state.

Sect. 3. Jurisdiction. Within said county, said superior
2 court shall have exclusive jurisdiction of civil appeals from
3 municipal and police courts, and trial justices, exclusive orig-
4 inal jurisdiction of actions of scire facias on judgments and
5 recognizances not exceeding five hundred dollars; of bas-
6 tardy trials, and all other civil actions at law not exclusively
7 cognizable by municipal and police courts, and trial justices,
8 where the damages demanded do not exceed five hundred
9 dollars, except complaints for flowage, real actions and
10 actions of trespass quare clausum; and concurrent original
11 jurisdiction of actions of trespass quare clausum, libels for
12 divorce and proceedings in habeas corpus, and of all other
13 civil actions at law where the damages exceed five hundred
14 dollars, except complaints for flowage and real actions.

It is hereby expressly provided, however, that all municipi-
2 pal courts within said county of Penobscot shall have con-
3 current jurisdiction with said superior court, in all cases
4 where said municipal courts have heretofore had concur-
5 rent jurisdiction with the supreme judicial court.

Sect. 4. Criminal jurisdiction. The original and appellate
2 jurisdiction in all criminal matters now vested in, and ex-

3 exercised by the supreme judicial court within and for the
4 county of Penobscot, and all powers incident thereto, shall
5 be transferred to and conferred upon the superior court
6 within and for said county, which court shall exercise the
7 same in the same manner as heretofore authorized by law
8 to be exercised by the supreme judicial court in said county.

Sect. 5. Actions pending in supreme court transferred.

2 All indictments and informations, actions of scire facias,
3 and all criminal processes pending in said supreme judicial
4 court for said county shall be transferred to said superior
5 court, and shall be entered upon the docket of the same at
6 the September, nineteen hundred and nineteen term, there-
7 of, and shall have day therein; and all warrants and recog-
8 nizances, appeals in criminal cases, and all criminal pro-
9 cesses whatever, which but for the passage of this act would
10 be returnable to, or which by law would be entered in said
11 supreme judicial court in said county, on the first Tuesday
12 of September, nineteen hundred and nineteen, shall be re-
13 turnable to and entered upon the docket of said superior
14 court on the first Tuesday of September, nineteen hundred
15 and nineteen, and shall have day therein; and all grand
16 jurors, witnesses and others, in criminal matters, who would,
17 but for the passage of this act, be held to appear at said
18 supreme judicial court for said county, on the first Tuesday
19 of September, nineteen hundred and nineteen, shall be held
20 to appear at said term of said superior court to be held on
21 the first Tuesday of September.

Sect. 6. Terms of court. Said court shall be held on the
2 first Tuesday of the following months: January, March,
3 May, September and November, and the criminal business
4 of said county shall be transacted at the terms held on the
5 first Tuesdays of January, May, and September, together
6 with civil business.

Traverse jurors shall be drawn and returned to serve at
2 the several terms of said court, except that, in the dis-
3 cretion of the justice of said court, not exceeding one term
4 for civil business may be held within a calendar year with-
5 out a traverse jury.

Sect. 7. First term; transfer of pending actions discre-
2 tionary with justice; jurisdiction of supreme judicial court
3 limited. The first term of said superior court shall be held
4 on the first Tuesday of September, nineteen hundred and
5 nineteen. At any term of the supreme judicial court for
6 said county of Penobscot held after this act shall take ef-
7 fect, any action pending therein which would fall within
8 the exclusive jurisdiction of said superior court, as herein-
9 before defined and established, with all papers belonging
10 thereto and orders and decrees thereon, may, on motion of
11 either party, be transferred from the docket of said supreme
12 judicial court to the docket of said superior court, and en-
13 tered, tried and have day therein as if it had been originally
14 commenced therein; provided, that the justice presiding in
15 said supreme judicial court believes that a speedier trial
16 may thus be had. And upon the taking effect of this act

17 the jurisdiction of the supreme judicial court for the trial
18 of civil cases in said county shall be limited in conformity
19 to the foregoing provisions; and all acts relating to courts
20 and judicial proceedings shall be modified so far as to give
21 full effect to this act, and all acts and parts of acts incon-
22 sistent with this act are hereby repealed.

Sect. 8. Actions when returnable. Actions may be made
2 returnable at one of the next two terms of said court begun
3 and held after the commencement thereof.

Sect. 9. Justice; appointment and salary. The justice of
2 said superior court may be appointed, commissioned and
3 qualified at any time after this act shall take effect, and his
4 salary shall be four thousand dollars annually. He shall
5 be entitled to receive the same from the treasury of the
6 state in quarterly payments, on the first days of January,
7 April, July and October.

Sect. 10. Provisions as to Cumberland and Kennebec
2 courts applicable except as modified. The provisions of
3 the revised statutes, chapter eighty-two, sections eighty-
4 eight to one hundred and five, inclusive, applicable to the
5 superior courts for the counties of Cumberland and Ken-
6 nebec, are hereby made applicable to said superior court for
7 the county of Penobscot, except as the same may be modi-
8 fied by the other provisions of this act.

Sect. 11. Stenographer; duties and salary. The justice
2 of said court may appoint a stenographer to report the pro-
3 ceedings thereof, who shall be an officer of the court and

4 be sworn to a faithful discharge of his duty and who shall
5 perform the duties prescribed and be subject to the pro-
6 visions of the revised statutes, chapter eighty-seven, sec-
7 tions one hundred and sixty-seven to one hundred and sev-
8 enty-two inclusive, so far as the same may be applicable.
9 The salary of said stenographer shall be eighteen hundred
10 dollars annually, to be paid quarterly from the state treas-
11 ury.

Sect. 12. One civil and two criminal terms of the su-
2 preme judicial court discontinued. That portion of section
3 fifty-one of chapter eighty-two of the revised statutes, pro-
4 viding for terms of the supreme judicial court to be held
5 in the county of Penobscot on the first Tuesdays of Jan-
6 uary, February and September, is hereby repealed.