

MAINE STATE LEGISLATURE

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NEW DRAFT.

SEVENTY-NINTH LEGISLATURE

SENATE

NO. 70

In Senate, Feb. 11, 1919.

Reported by Senator Thombs from Committee on Legal Affairs and laid on table to be printed under joint rules.

P. F. CRANE, Secretary.

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;
2 QUALIFICATION OF JUSTICE. A superior court is
3 hereby established at Bangor within and for the county of
4 Penobscot, consisting of one justice, who shall be an inhabi-
5 tant of said county, of sobriety of manners and learned in
6 the law; he shall be appointed, commissioned and qualified
7 according to the constitution.

Sect. 2. SEAL; WRITS AND PROCESSES. Said jus-
2 tice shall establish a seal for said court; and all writs and.

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

Sect 3. JURISDICTION. Within said county, said su-
2 perior court shall have exclusive jurisdiction of civil appeals
3 from municipal and police courts, and trial justices, exclu-
4 sive original jurisdiction of actions of scire facias on judg-
5 ments and recognizances not exceeding five hundred dollars;
6 of bastardy trials, and all other civil actions at law not ex-
7 clusively cognizable by municipal and police courts, and
8 trial justices, where the damages demanded do not exceed
9 five hundred dollars, except complaints for flowage, real
10 actions and actions of trespass quare clausum; and concur-
11 rent original jurisdiction of actions of trespass quare
12 clausum, libels for divorce and proceedings in habeas corpus,
13 and of all other civil actions at law where the damages ex-
14 ceed five hundred dollars, except complaints for flowage and
15 real actions.

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

Sect. 4. CRIMINAL JURISDICTION. The original

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

Sect. 5. ACTIONS PENDING IN SUPREME COURT
2 TRANSFERRED. All indictments and informations, ac-
3 tions of scire facias, and all criminal processes pending in
4 said supreme judicial court for said county shall be trans-
5 ferred to said superior court, and shall be entered upon the
6 docket of the same at the September, nineteen hundred and
7 nineteen term, thereof, and shall have day therein; and all
8 warrants and recognizances, appeals in criminal cases, and all
9 criminal processes whatever, which but for the passage of
10 this act would be returnable to, or which by law would be
11 entered in said supreme judicial court in said county, on the
12 first Tuesday of September, nineteen hundred nineteen, shall
13 be returnable 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 jur-
16 ors, witnesses and others, in criminal matters, who would,
17 but for the passage of this act, be held to appear at said su-
18 preme 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
2 on the first Tuesday of the following months: January,
3 March, May, September and November, and the criminal
4 business of said county shall be transacted at the terms held
5 on the first Tuesdays of January, May, and September,
6 together with civil business.

Traverse jurors shall be drawn and returned to serve at
2 the several terms of said court, except that, in the discretion
3 of the justice of said court, not exceeding one term for civil
4 business may be held within a calendar year without a
5 traverse jury.

Sect. 7. FIRST TERM; TRANSFER OF PENDING
2 ACTIONS DISCRETIONARY WITH JUSTICE; JUR-
3 ISDICTION OF SUPREME JUDICIAL COURT LIM-
4 TED. The first term of said superior court shall be held on
5 the first Tuesday of September, nineteen hundred and nine-
6 teen. At any term of the supreme judicial court for said
7 county of Penobscot held after this act shall take effect, any
8 action pending therein which would fall within the exclusive
9 jurisdiction of said superior court, as hereinbefore defined
10 and established, with all papers belonging thereto and orders
11 and decrees thereon, may, on motion of either party, be trans-
12 ferred from the docket of said supreme judicial court to the
13 docket of said superior court, and entered, tried and have
14 day therein as if it had been originally commenced therein;

15 provided, that the justice presiding in said supreme judicial
16 court believes that a speedier trial may thus be had. And
17 upon the taking effect of this act the jurisdiction of the
18 supreme judicial court for the trial of civil cases in said
19 county shall be limited in conformity to the foregoing pro-
20 visions; and all acts relating to courts and judicial proceed-
21 ings shall be modified so far as to give full effect to this act,
22 and all acts and parts of acts inconsistent with this act are
23 hereby repealed.

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

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

Sect. 10. PROVISIONS AS TO CUMBERLAND AND
2 KENNEBEC COURTS APPLICABLE EXCEPT AS
3 MODIFIED. The provisions of the revised statutes, chap-
4 ter 82, sections 88 to 105, inclusive, applicable to the su-
5 perior courts for the counties of Cumberland and Kennebec,
6 are hereby made applicable to said superior court for the
7 county of Penobscot, except as the same may be modified
8 by the other provisions of this act.

Sect. 11. STENOGRAPHER; DUTIES AND SAL-
2 ARY. The justice of said court may appoint a stenog-
3 rapher to report the proceedings thereof, who shall be an
4 officer of the court and be sworn to a faithful discharge of
5 his duty and who shall perform the duties prescribed and be
6 subject to the provisions of the revised statutes, chapter
7 87, sections 167 to 172 inclusive, so far as the same may be
8 applicable. The salary of said stenographer shall be eight-
9 een hundred dollars annually, to be paid quarterly from the
10 treasury of the county.

Sect. 12. ONE CIVIL AND TWO CRIMINAL TERMS
2 OF THE SUPREME JUDICIAL COURT DISCON-
3 TINUED. That portion of section 51 of chapter 82 of the
4 revised statutes, providing for terms of the supreme judicial
5 court to be held in the county of Penobscot on the first Tues-
6 days of January, February and September, is hereby re-
7 pealed.