

MAINE STATE LEGISLATURE

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DOCUMENTS

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THE LEGISLATURE

OF THE

STATE OF MAINE.

1862.

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1862.

FORTY-FIRST LEGISLATURE.

SENATE.

No. 28.

STATE OF MAINE.

IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED AND SIXTY-TWO.

AN ACT to modify and limit the jurisdiction of the
supreme judicial court.

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

SECTION 1. The supreme judicial court, from and
2 after the thirty-first day of August, in the year of our
3 Lord one thousand eight hundred and sixty-two, shall
4 have original and concurrent jurisdiction with the court
5 of common pleas of all real actions, and actions be-
6 tween towns, actions of replevin, where the value of
7 the property exceeds two hundred dollars, and actions
8 where the title to real estate is in controversy, and of
9 all other civil actions in which the debt or damage de-
10 manded exceeds two hundred dollars, and of actions

11 transferred from the court of common pleas at the re-
12 quest of the defendant, and of petitions for partition,
13 complaints for flowage, and complaints for the mainte-
14 nance of bastard children ; and shall have jurisdiction
15 and cognizance of the crimes of murder, rape, bur-
16 glary, and arson, and shall have exclusive jurisdiction
17 of all suits in equity, and of all writs of error.

SECT. 2. If in any personal action, other than the
2 actions before mentioned, originally commenced in said
3 supreme judicial court, the plaintiff shall not recover
4 more than two hundred dollars, as debt or damage, he
5 shall not recover any costs.

SECT. 3. When a capital trial is to be had in any
2 county, a majority at least of the justices shall be pres-
3 ent.

SECT. 4. When any suit in equity shall be pending
2 in the supreme judicial court, any one of the justices
3 thereof may, as well in vacation as in term time, make
4 all such interlocutory orders and decrees as may be
5 necessary or proper to prepare the case for a final hear-
6 ing before the full court.

SECT. 5. When any question of law shall arise in
2 any cause, civil or criminal, before the said court when
3 held by one justice, he may upon the motion of either
4 party reserve the same for the consideration of the full

5 court, and report the case or so much thereof as may
6 be necessary for a full understanding of the question.

SECT. 6. No vacancy hereafter occurring in the of-
2 fice of an associate justice of the supreme judicial court
3 shall be filled by a new appointment until the number
4 of associate justices shall be reduced to three, and the
5 supreme judicial court shall thereafter consist of a chief
6 justice and three associate justices.

SECT. 7. The supreme judicial court shall be held
2 annually by one of the justices thereof, for the trial of
3 jury causes and for such other matters as are by law
4 cognizable by one justice thereof, at the several places
5 and times, as follows :

6 At Alfred, within and for the county of York, on the
7 third Tuesday of August.

8 At Portland, within and for the county of Cumber-
9 land, on the first Tuesdays of November and March.

10 At Paris, within and for the county of Oxford, on
11 the second Tuesday of October.

12 At Farmington, within and for the county of Frank-
13 lin, on the fourth Tuesday of September.

14 At Bath, within and for the county of Sagadahoc, on
15 the second Tuesday of December.

16 At Auburn, within and for the county of Androscog-
17 gin, on the fourth Tuesday of December.

- 18 At Norridgewock, within and for the county of Som-
19 erset, on the third Tuesday of September.
- 20 At Augusta, within and for the county of Kennebec,
21 on the first Tuesday of November.
- 22 At Wiscasset, within and for the county of Lincoln,
23 on the fourth Tuesday of November.
- 24 At Rockland, within and for the county of Knox, on
25 the second Tuesday of February.
- 26 At Belfast, within and for the county of Waldo, on
27 the third Tuesday of December.
- 28 At Bangor, within and for the county of Penobscot,
29 on the first Tuesdays of April and November.
- 30 At Machias, in the county of Washington, on the
31 second Tuesday of October.
- 32 At Houlton, in the county of Aroostook, on the last
33 Tuesday in August.
- 34 At Ellsworth, within and for the county of Hancock,
35 on the fourth Tuesday of September.
- 36 At Dover, within and for the county of Piscataquis,
37 on the first Tuesday of September.

SECT. 8. All civil suits and all indictments, inform-
2 ations and other criminal processes now pending in the
3 supreme judicial court in the several counties, but
4 which, under the provisions of the act creating the
5 court of common pleas, are exclusively cognizable by

6 that court, shall be transferred to the court of common
7 pleas, in the several counties in which they are pend-
8 ing, and shall be entered on the dockets of the same
9 and have day therein; and all writs, petitions, war-
10 rants, recognizances, appeals in civil and criminal
11 cases, and all processes whatsoever, which are hereby
12 made exclusively cognizable in the court of common
13 pleas, but which are by law returnable to the supreme
14 judicial court next to be holden in the several counties
15 after this act shall take effect, shall be returned to and
16 entered in the court of common pleas, in said counties,
17 at the term thereof to be holden next after this act
18 shall take effect; and all parties, witnesses and others
19 who would have been held in any of the above cases,
20 or by virtue of any of the above processes, to appear
21 in the supreme judicial court at the term thereof to be
22 holden next after this act shall take effect, shall be held
23 to appear in like manner in the same counties at the
24 term of the court of common pleas next to be holden
25 therein under the provisions of this act.

SECT 9 No judgment of any court shall be entered
2 against any party unless such party has been legally
3 served with process, or has appeared and answered
4 thereto personally or by attorney duly authorized.
5 But if the property of any person residing out of the

6 state shall be legally attached and notice given as by
7 law provided, the judgment recovered in such suit may
8 be enforced against the property attached, but not oth-
9 erwise.

SECT. 10. This act shall take effect and be in force,
2 from and after the thirty-first day of August next ;
3 and all acts and parts of acts inconsistent herewith are
4 repealed ; said repeal to take effect on that day.
5 *Provided, however,* that said repeal shall not in any
6 way affect any party's rights or any proceedings pend-
7 ing in court when this act shall take effect.

SECT. 11. So much of section twenty-two, chapter
2 seventy-seven, of the revised statutes as establishes
3 terms of said court in the counties of Cumberland and
4 Penobscot, for the transaction of criminal business,
5 and also all of section eighteen of chapter eighty-two
6 of said statutes after the first four lines, relating to
7 proceedings in court, be, and the same hereby are, re-
8 pealed ; this repeal to take effect from and after the
9 thirty-first day of August next.