

MAINE STATE LEGISLATURE

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Sixty-Second Legislature.

HOUSE.

No. 5.

STATE OF MAINE.

IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED AND
EIGHTY-FIVE.

AN ACT to facilitate the prompt administration of
justice by establishing a Superior Court in the
County of Androscoggin.

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

SECTION 1. A superior court is hereby established
2 at Auburn, within and for the county of Andros-
3 coggin, consisting of one justice, who shall be an
4 inhabitant of said county, of sobriety of manners
5 and learned in law, and appointed, commissioned
6 and qualified according to the constitution.

SECT. 2. Within said county, said superior court
2 shall have exclusive appellate jurisdiction of civil
3 appeals from municipal and police courts and trial
4 justices, including proceedings in forcible entry

5 and detainer, exclusive original jurisdiction of
6 actions of *scire facias* on judgments and recogniz-
7 ances not exceeding five hundred dollars, of bas-
8 tardy trials, and of all other civil actions at law
9 not exclusively cognizable by municipal and police
10 courts and trial justices, when the damages de-
11 manded do not exceed one thousand dollars, except
12 complaints for flowage, real actions and actions of
13 trespass *quare clausum*, and concurrent original
14 jurisdiction of actions of trespass *quare clausum*,
15 and of proceedings in *habeas corpus*, and of all other
16 civil actions at law where the damages exceed one
17 thousand dollars, except complaints for flowage,
18 and real actions and libels for divorce.

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

SECT. 4. The justice of said superior court may
2 be appointed, commissioned and qualified at any
3 time after the approval of this act, and his salary
4 shall be two thousand dollars, payable quarterly.

SECT. 5. This act shall take effect February first,
2 eighteen hundred and eighty-five, and the first

3 term of said superior court shall be held on the
4 first Tuesday of March, eighteen hundred and
5 eighty-five. At any term of the supreme judicial
6 court for said county of Androscoggin, held after
7 the passage of this act, any action pending therein
8 which would fall within the exclusive jurisdiction
9 of said superior court, as hereinbefore defined
10 and established, with all papers belonging thereto,
11 and orders and decrees thereon, may, on motion of
12 either party, be transferred from the docket of said
13 supreme judicial court to the docket of said superior
14 court, and entered, tried and have day therein, pro-
15 vided that the justice presiding in said supreme ju-
16 dicial court believes that a speedier trial may thus be
17 had. And upon the taking effect of this act, the jur-
18 isdiction of the supreme judicial court for the trial
19 of civil cases in said county shall be limited in
20 conformity to the foregoing provisions, and all
21 acts and parts of acts relating to courts and ju-
22 dicial proceedings shall be modified so far as to
23 give full effect to this act, and all acts and parts of
24 acts inconsistent with this are hereby repealed.

SECT. 6. The original and appellate jurisdiction
2 in all criminal matters now vested in, and exercised
3 by, the supreme judicial court within and for the
4 county of Androscoggin, and all powers incident

5 thereto shall, at the end of the next January term
6 thereof, be transferred to and conferred upon the
7 superior within and for said county, which court
8 shall thereafter exercise the same in the same man-
9 ner as heretofore authorized by law to be exercised
10 by the supreme judicial court in said county, except
11 however, that when any grand jury of said superior
12 court shall return an indictment for either of the
13 crimes of murder, treason or arson, such indict-
14 ment shall be transferred to the term of the su-
15 preme judicial court, next to be held thereafter
16 within and for said county, and shall be tried in
17 said supreme judicial court as is now provided by
18 law.

SECT. 7. All indictments and informations, and
2 all criminal processes pending in said supreme
3 judicial court at the end of the next January term
4 thereof shall be transferred to said superior court,
5 and shall be entered upon the docket of the same
6 at the next March term thereof, and shall have day
7 therein, and also warrants and recognizances, ap-
8 peals in criminal cases, and all criminal processes
9 whatever, which but for the passage of this act
10 would be returnable to, or which by law would be
11 entered in said supreme judicial court in said
12 county, on the third Tuesday of April, eighteen

13 hundred and eighty-five, shall be returnable to,
14 and entered upon the docket of said superior court
15 at the next May term thereof, and shall have day
16 therein; and all grand jurors, witnesses and others,
17 in criminal matters, who would but for the passage
18 of this act be held to appear at said supreme ju-
19 dicial court for said county on the third Tues-
20 day of April, eighteen hundred and eighty-five,
21 shall be held to appear at the said May term of
22 the said superior court.

SECT. 8. The provisions of sections seventy,
2 seventy-one, seventy-two, seventy-three, seventy-
3 four, seventy-five, seventy-six, seventy-seven,
4 seventy-eight, seventy-nine, eighty and eighty-two
5 of chapter seventy-seven of the Revised Statutes
6 of eighteen hundred and eighty-three, and all
7 other provisions of the Revised Statutes relating to
8 the superior courts now established in Cumberland
9 and Kennebec counties, not inconsistent with the
10 provisions of this act are hereby made applicable
11 to the said superior court hereby established.

SECT. 9. The January term of the supreme
2 judicial court within and for the county of Andros-
3 coggin is hereby abolished, and all writs and pro-
4 cesses returnable to the next April term of the said
5 supreme judicial court and which are exclusively

6 cognizable by said superior court, and which shall
7 have been commenced prior to the first day of
8 February next, shall be returned to and entered
9 upon the docket of said superior court at the
10 March term thereof, and shall have day therein,
11 and hereafter the terms of the said supreme judi-
12 cial court, within and for said county, shall be held
13 on the third Tuesday of April and October, and
14 the jurisdiction of said court for the trial of civil
15 and criminal cases in the county of Androscoggin
16 is limited in conformity to the foregoing provisions
17 of this act.

SECT. 10. Actions shall be made returnable at
2 one of the two terms next to be begun, and held
3 after the commencement thereof.

SECT. 11. This act shall take effect February
2 first, eighteen hundred and eighty-five.

STATE OF MAINE.

IN HOUSE OF REPRESENTATIVES, }
January 16, 1885.

Presented by Mr. MCGILlicuddy of Lewiston, and on his motion
ordered printed.

NICHOLAS FESSENDEN, *Clerk.*