

# MAINE STATE LEGISLATURE

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SEVENTY-FIFTH LEGISLATURE

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HOUSE

NO. 136

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*House of Representatives, Feb. 9, 1911.*

*Introduced by Mr. Otis of Rockland, who moved its reference to the Committee on Judiciary. By him tabled for printing pending reference to a committee.*

*C. C. HARVEY, Clerk.*

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STATE OF MAINE

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IN THE YEAR OF OUR LORD ONE THOUSAND NINE  
HUNDRED AND ELEVEN.

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AN ACT to establish a law court and to abolish superior  
courts.

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

Section 1. Section one of Chapter 79 of the Revised Statutes is amended by striking out the word "seven" and inserting instead thereof the word 'nine,' so that said section as amended shall read as follows:

'Section 1. The supreme judicial court shall consist of a chief justice and nine associate justices, learned in the law and of sobriety of manners, who shall be conservators of the peace throughout the state, and may act in any case, although the county in which they reside or own property is interested herein.'

Sect. 2. Section 41 of said Chapter 79 is hereby repealed  
2 and the following enacted in its stead :

‘The chief justice and four associate justices designated by  
4 the governor with the advice and consent of the council as  
5 law justices shall constitute a court of law to determine  
6 questions of law arising in suits at law and in equity, and  
7 in criminal trials and proceedings. All of said law justices  
8 shall sit, except such as cannot act in a case by reason of  
9 interest, illness or other disqualification, and they shall hear  
10 and determine such questions in each case by a majority of  
11 the members sitting therein. In any civil action in which  
12 there is a subsisting verdict, if a majority of the law jus-  
13 tices acting in such case, after mature consideration and  
14 consultation, do not concur in granting a new trial, the  
15 court shall order judgment on the verdict. No justice be-  
16 coming a member of the court of law shall sit in any court  
17 except in such court of law during the term for which he  
18 was appointed a justice of the supreme judicial court.’

Sect. 3. Section 43 of said chapter is hereby repealed and  
2 the following enacted in its stead :

‘For the purposes of the law court the state shall constitute  
4 one district. The sessions of the court as a law court shall  
5 be holden as follows: At Portland on the first Tuesday of  
6 January, the first Tuesday of April, and the first Tuesday of  
7 September in each year; at Augusta on the first Tuesday of  
8 February, the first Tuesday of May and the first Tuesday of  
9 December; at Bangor on the first Tuesday of March, the  
10 first Tuesday of July and the first Tuesday of November in

11 each year. At the May and December terms all undecided  
12 questions of law and equity previously submitted shall be  
13 decided.'

Sect. 4. Paragraph one of Section 51 of said chapter is  
2 hereby amended by inserting after the word "justice" in the  
3 third line, the words 'not a law justice,' so that said para-  
4 graph as amended shall read as follows :

'Sect. 51. For the trial of civil actions and of persons  
6 accused of offenses, and for the transaction of all other  
7 business except cases named in Section forty-six, the court  
8 shall be held annually by one justice, not a law justice, at the  
9 following places and times; and the justices shall so hold  
10 said terms, under the direction of the chief justice, that their  
11 services shall be divided to each county as equally as may  
12 be.'

Sect. 5. Sections 70 to 92 inclusive of Chapter 79, Re-  
2 vised Statutes, relative to superior courts, are hereby re-  
3 pealed.

Sect. 6. Paragraph 4 of Section 51 of said Chapter 79,  
2 relative to Cumberland county, is hereby amended by adding  
3 thereto the following: 'And on the first Tuesdays of Feb-  
4 ruary, May and September, for criminal business.' So that  
5 said paragraph as amended shall read as follows :

'Cumberland at Portland, on the second Tuesdays of Jan-  
7 uary, April and October, for civil business, and on the first  
8 Tuesdays of February, May and September for criminal  
9 business.'

Sect. 7. Paragraph seven of Section 51 of said Chapter 79 relative to Kennebec county is hereby amended by striking out all of said paragraph after the word "Augusta" in the first line thereof, and inserting the words 'on the second Tuesday of January, fourth Tuesday of April, and third Tuesday of October, for civil business, and on the third Tuesdays of May and November for criminal business.'

Sect. 8. Paragraph 8 of Section 51 of said Chapter 79, relating to Knox county, is hereby amended by striking out the words "third Tuesday of September" and inserting the words 'first Tuesday of September,' so that said paragraph as amended shall read as follows:

'Knox, at Rockland, on the first Tuesday of January, first Tuesday of April, and first Tuesday of September.'

Sect. 9. Paragraph 15 of Section 51 of said Chapter 79, relative to Waldo county, is hereby amended by striking out the words "third Tuesday of September" and inserting the words 'first Tuesday of September,' so that said paragraph as amended shall read as follows:

'Waldo, at Belfast, on the first Tuesday of January, first Tuesday of April, and first Tuesday of September.'

Sect. 10. Paragraph 16 of Section 51 of said Chapter 79, relative to Washington county, is hereby amended by striking out the words "second Tuesdays of January and October" and inserting the words 'fourth Tuesday of January and second Tuesday of October,' so that said paragraph as amended shall read as follows:

'Washington, at Machias, on the fourth Tuesday of January  
8 and second Tuesday of October, and at Calais on the fourth  
9 Tuesday of April.'

Sect. 11. If the justices assigned to hold the terms in  
2 Sagadahoc and Somerset counties on the fourth Tuesday of  
3 December shall be designated law justices, other justices  
4 shall hold said terms.

Sect. 12. This act shall take effect December 11, 1911.