

MAINE STATE LEGISLATURE

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SEVENTY-EIGHTH LEGISLATURE

HOUSE

NO. 167

House of Representatives, Feb. 8, 1917.

Referred to Committee on Judiciary and five hundred copies ordered printed. Sent up for concurrence.

W. R. ROIX, Clerk.

Presented by Mr. Garcelon of Auburn.

STATE OF MAINE

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

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

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

Section 1. A superior court is hereby established at Auburn, within and for the county of Androscoggin, consisting of one justice, who shall be an inhabitant of said county, of sobriety of manners and learned in the law; he shall be appointed, commissioned, and qualified according to the constitution.

Sect. 2. Said justice shall establish a seal for said court; and all writs and processes issuing therefrom shall be in

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

Sect. 3. The clerk for the time being of the supreme
2 judicial court in said county shall also be clerk of said
3 superior court. He shall appoint a deputy, approved by
4 said justice, who shall act as clerk of said superior court
5 whenever said court and the supreme judicial court happen
6 both to be in session in said county; and whenever said
7 clerk of the supreme judicial court is absent, or the office
8 is vacant, said justice may appoint one to supply the va-
9 cancy during such absence, or until an appointment is made
10 by the governor and council, or by the supreme judicial
11 court.

Sect. 4. The sheriff of the county of Androscoggin shall
2 attend said superior court, unless the supreme judicial court
3 shall be in session in said county, in which case he shall
4 specially designate a deputy, approved by said justice of
5 said superior court, so to attend. And whenever it shall
6 happen that said justice is prevented from attending at the
7 time and place at which said court by law or by adjourn-
8 ment ought to be held, said sheriff or such deputy shall,
9 by oral proclamation, adjourn said court from day to day
10 until said justice shall attend.

Sect. 5. Within said county, said superior court shall have
2 exclusive jurisdiction of civil appeals from municipal and
3 police courts, and trial justices, exclusive original juris-
4 diction of actions of scire facias on judgments and recog-
5 nizances not exceeding five hundred dollars; of bastardy
6 trials, and all other civil actions at law not exclusively cog-
7 nizable 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 ac-
10 tions 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 all other civil
13 actions at law where the damages exceed five hundred dol-
14 lars, except complaints for flowage and real actions.

Sect. 6. The original and appellate jurisdiction in all crim-
2 inal matters now vested in, and exercised by the supreme
3 judicial court within and for the county of Androscoggin,
4 and all powers incident thereto, shall, at the end of the
5 September, nineteen hundred and seventeen, term thereof,
6 be transferred to and conferred upon the superior court
7 within and for said county, which court shall thereafter
8 exercise the same in the same manner as theretofore au-
9 thorized by law to be exercised by the supreme judicial
10 court in said county.

Sect. 7. All indictments and informations, and all crim-
2 inal processes pending in said supreme judicial court for
3 said county at the end of said September, nineteen hundred

4 and seventeen, term thereof, shall be transferred to said
5 superior court, and shall be entered upon the docket of the
6 same at the February, nineteen hundred and eighteen, term
7 thereof, and shall have day therein; and all warrants and
8 recognizances, appeals in criminal cases, and all criminal
9 processes whatever, which but for the passage of this act
10 would be returnable to, or which by law would be entered
11 in said supreme judicial court in said county, on the third
12 Tuesday of January, nineteen hundred and eighteen, shall
13 be returnable to and entered upon the docket of said su-
14 perior court at said February, nineteen hundred and eight-
15 een, term thereof, 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 third Tues-
19 day of January, nineteen hundred and eighteen, shall be
20 held to appear at said February term of said superior court,
21 and said grand jurors shall also attend at the May term of
22 said superior court in the year nineteen hundred and eight-
23 een. Venires for grand jurors to serve at said superior
24 court shall be issued at least forty days before the first
25 Tuesday of October, annually, and such jurors shall serve
26 at every term of said superior court for the transaction of
27 criminal business throughout the year.

Sect. 8. Said court shall be held for civil business on the
2 first Tuesday of every month, except July, August and Sep-
3 tember; but the criminal business of said county shall be

4 transacted at the terms held on the first Tuesdays of Feb-
5 ruary, May and October, together with civil business.

Sect. 9. The first term of said superior court shall be
2 held on the first Tuesday of October, nineteen hundred and
3 seventeen. At any term of the supreme judicial court for
4 said county of Androscoggin held after this act shall take
5 effect, any action pending therein which would fall within
6 the exclusive jurisdiction of said superior court, as here-
7 inbefore defined and established, with all papers belonging
8 thereto and orders and decrees thereon, may, on motion of
9 either party, be transferred from the docket of said supreme
10 judicial court to the docket of said superior court, and en-
11 tered, tried and have day therein as if it had been originally
12 commenced therein; provided, that the justice presiding in
13 said supreme judicial court believes that a speedier trial
14 may thus be had. And upon the taking effect of this act,
15 the jurisdiction of the supreme judicial court for the trial
16 of civil cases in said county shall be limited in conformity
17 to the foregoing provisions; and all acts and parts of acts
18 relating to courts and judicial proceedings shall be modified
19 so far as to give full effect to this act, and all acts and parts
20 of acts inconsistent with this act are hereby repealed.

Sect. 10. Actions may be made returnable at one of the
2 next two terms of said court begun and held after the com-
3 mencement thereof.

Sect. 11. The justice of said superior court may be ap-
2 pointed, commissioned and qualified at any time after this

3 act shall take effect, and his salary shall be thirty-five hun-
4 dred dollars annually. He shall be entitled to receive the
5 same from the treasury of the state in quarterly payments,
6 on the first days of January, April, July and October.

Sect. 12. The provisions of the revised statutes of Maine,
2 chapter eighty-two, sections eighty-eight to one hundred and
3 five, inclusive, applicable to the superior courts for the coun-
4 ties of Cumberland and Kennebec, are hereby made appli-
5 cable to said superior court for the county of Androscoggin,
6 except as the same may be modified by the other provisions
7 of this act.

Sect. 13. The justice of said court may appoint a stenog-
2 rapher to report the proceedings thereof, who shall be an
3 officer of the court and be sworn to a faithful discharge of
4 his duty, and who shall perform the duties prescribed and
5 be subject to the provisions of the revised statutes of Maine,
6 chapter eighty-seven, sections one hundred and sixty-seven
7 to one hundred and seventy-two inclusive, so far as the same
8 may be applicable. The salary of said stenographer shall
9 be fifteen hundred dollars annually, to be paid quarterly
10 from the treasury of the state.