

MAINE STATE LEGISLATURE

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NEW DRAFT.

SEVENTY-EIGHTH LEGISLATURE

HOUSE

NO. 664

House of Representatives, March 23, 1917.

Printed under joint rules.

W. R. ROIX, Clerk.

STATE OF MAINE

IN THE YEAR OF OUR LORD ONE THOSAND 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 justices shall establish a seal for said court; and all writs and processes issuing therefrom shall be in the name of the state, of the usual forms, bearing the tests of

4 said justice, under the seal of said court, and shall be signed
5 by its clerk, and may be made returnable in the superior
6 court of any other county in which the action might be leg-
7 ally brought; they shall be obeyed and executed throughout
8 the state.

Sect. 3. 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 jurisdic-
4 tion of actions of scire facias on judgments and recogniz-
5 ances not exceeding five hundred dollars; of bastardy trials,
6 and all other civil actions at law not exclusively cognizable
7 by municipal and police courts, and trial justices, where the
8 damages demanded do not exceed five hundred dollars, ex-
9 cept complaints for flowage, real actions and actions of
10 trespass quare clausum; and concurrent original jurisdiction
11 of actions of trespass quare clausum, libels for divorce and
12 proceedings in habeas corpus, and of all other civil actions
13 at law where the damages exceed five hundred dollars, ex-
14 cept complaints for flowage and real actions.

Sect. 4. 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 be transferred to and
5 conferred upon the superior court within and for said
6 county, which court shall exercise the same in the same
7 manner as heretofore authorized by law to be exercised by
8 the supreme judicial court in said county.

Sect. 5. All indictments and informations, and all criminal
2 processes pending in said supreme judicial court for said
3 county shall be transferred to said superior court, and shall
4 be entered upon the docket of the same at the October, nine-
5 teen hundred and seventeen, term thereof, and shall have
6 day therein; and all warrants and recognizances, appeals in
7 criminal cases, and all criminal processes whatever, which
8 but for the passage of this act would be returnable to, or
9 which by law would be entered in said supreme judicial
10 court in said county, on the third Tuesday of September,
11 nineteen hundred and seventeen, shall be returnable to and
12 entered upon the docket of said superior court at said Octo-
13 ber, nineteen hundred and seventeen, term thereof, and shall
14 have day therein; and all grand jurors, witnesses and others,
15 in criminal matters, who would, but for the passage of this
16 act, be held to appear at said supreme judicial court for said
17 county, on the third Tuesday of September, nineteen hun-
18 dred and seventeen, shall be held to appear at said October
19 term of said superior court.

Sect. 6. 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.

Traverse jurors shall be drawn and returned to serve at the
2 several terms of said court, except that, in the discretion of
3 the justice of said court, not exceeding three civil terms dur-
4 ing a calendar year may be held without a traverse jury.

Sect. 7. The first term of said superior court shall be held
2 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 herein-
7 before 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. 8. 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. 9. 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. 10. The provisions of the revised statutes of Maine,
2 chapter eighty-two, sections eighty-eight to one hundred
3 and five, inclusive, applicable to the superior courts for the
4 counties of Cumberland and Kennebec, are hereby made
5 applicable to said superior court for the county of Andros-
6 coggin, except as the same may be modified by the other
7 provisions of this act.

Sect. 11. The justice of said court may appoint a steno-
2 grapher to report the proceedings thereof, who shall be
3 an officer of the court and be sworn to a faithful discharge
4 of his duty, and who shall perform the duties prescribed
5 and be subject to the provisions of the revised statutes of
6 Maine, chapter eighty-seven, sections one hundred and six-
7 ty-seven to one hundred and seventy-two inclusive, so far
8 as the same may be applicable. The salary of said stenog-
9 rapher shall be eighteen hundred dollars annually, to be paid
10 quarterly from the treasury of the state.