

MAINE STATE LEGISLATURE

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SEVENTY-NINTH LEGISLATURE

HOUSE

NO. 222

House of Representatives, Feb. 21, 1919.

Referred to Committee on Legal Affairs and 500 copies ordered printed. Sent up for concurrence.

CLYDE R. CHAPMAN, Clerk.

Presented by Mr. Garcelon of Auburn.

STATE OF MAINE

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

AN ACT to amend sections three, six and eight of chapter two hundred sixty of the Public Laws of nineteen hundred seventeen, entitled "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. Section three of chapter 260 of the public laws 2 of 1917 is hereby amended by inserting between the words 3 "appeals" and "from municipal and police courts" in the 4 second line thereof the words 'and civil cases removed'; by 5 inserting between the words "jurisdiction of" and "actions 6 of trespass" in the eighth and ninth lines thereof the words

7 'real actions'; by striking out the words "and real actions"
8 in the eleventh and twelfth lines thereof; and by adding to
9 said section the following: 'It is hereby expressly pro-
10 vided, however, that all municipal courts within said county
11 of Androscoggin shall have concurrent jurisdiction with said
12 superior court in all civil actions where the debt or damages
13 demanded do not exceed one hundred dollars.' So that said
14 section as amended shall read as follows:

'Sect. 3. Within said county, said superior court shall
2 have exclusive jurisdiction of civil appeals and civil cases
3 removed from municipal and police courts, and trial justices,
4 exclusive original jurisdiction of actions of scire facias on
5 judgments and recognizances not exceeding five hundred
6 dollars; of bastardy trials, and all other civil actions at law
7 not exclusively cognizable by municipal and police courts, and
8 trial justices, where the damages demanded do not exceed
9 five hundred dollars, except complaints for flowage, real
10 actions and actions of trespass quare clausum; and con-
11 current original jurisdiction of real actions, actions of tres-
12 pass quare clausum, libels for divorce and proceedings in
13 habeas corpus, and of all other civil actions at law where the
14 damages exceed five hundred dollars, except complaints for
15 flowage. It is hereby expressly provided, however, that all
16 municipal courts within said county of Androscoggin shall
17 have concurrent jurisdiction with said superior court in all
18 civil actions where the debt or damages demanded do not
19 exceed one hundred dollars.'

Sect. 2. Section six of said chapter 260 of the public laws 2 of 1917 is hereby amended by striking out said section and 3 inserting in place thereof the following: 'Sect. 6. Said 4 court shall be held for civil and criminal business on the first 5 Tuesday of February, April, June, October and December, 6 provided that the grand jury shall attend only at the October, 7 February and June terms, unless specially summoned by 8 order of the court. All recognizances for appearance to 9 abide action by the grand jury shall be for appearance at the 10 term at which the next regular session of the grand jury is 11 held, but appeals in criminal as well as civil matters and 12 removals shall be to the next regular term.'

Sect. 3. Section eight of said chapter 260 of the public 2 laws of 1917 is hereby amended by adding to said section the 3 following: 'Actions may also be made returnable on the first 4 Tuesday of each month, other than the months in which 5 regular terms are held, and if no appearance is entered for 6 the defendant before the third Tuesday of the month in 7 which such actions are entered, a default shall be entered by 8 the clerk and judgment follow as of said third Tuesday. If 9 appearance is entered the action shall stand continued until 10 next regular term, which for all proceedings as to pleadings 11 and costs, shall be deemed the first term.' So that said 12 section as amended shall read as follows:

'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. Actions may also be made returnable

4 on the first Tuesday of each month, other than the months in
5 which regular terms are held, and if no appearance is
6 entered for the defendant before the third Tuesday of the
7 month in which such actions are entered, a default shall be
8 entered by the clerk and judgment follow as of said third
9 Tuesday. If appearance is entered the action shall stand
10 continued until the next regular term, which for all pro-
11 ceedings as to pleadings and costs, shall then be deemed the
12 first term.'