

MAINE STATE LEGISLATURE

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EIGHTY-FIRST LEGISLATURE

SENATE

NO. 79

In Senate, Feb. 9, 1923.

Referred to Committee on Judiciary and sent down for concurrence and five hundred copies ordered printed.

L. ERNEST THORNTON, Clerk.

Presented by Senator Buzzell of Waldo.

STATE OF MAINE

IN THE YEAR OF OUR LORD ONE THOUSAND NINE
HUNDRED AND TWENTY-THREE

AN ACT to Establish a Superior Court in Counties of
Knox and Waldo

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

Section 1. A superior court is hereby established at Rock-
2 land within and for the county of Knox, and at Belfast,
3 within and for the county of Waldo, consisting of one jus-
4 tice, who shall be an inhabitant of one of said counties, of
5 sobriety of manners and learned in the law; he shall be ap-
6 pointed, commissioned and qualified according to the con-
7 stitution.

Sect. 2. Said justice shall establish a seal for each of said
2 courts; and all writs and processes issuing from either of

3 said courts shall be in the name of the State of Maine, of
4 the usual forms, bearing the teste of said justice, under the
5 seal of the county issuing the same, and shall be signed by
6 the clerk of said county, and may be made returnable in the
7 superior court of either county in which the action might be
8 legally brought; they shall be obeyed and executed through-
9 out the state.

Sect. 3. Within each of said respective counties said su-
2 perior courts shall have exclusive jurisdiction of civil ap-
3 peals 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,
8 and trial justices where the damages do not exceed five hun-
9 dred dollars, except in flowage complaints, real actions and
10 actions of trespass quare clausum; and concurrent original
11 jurisdiction of actions of trespass quare clausum, complaints
12 for flowage, libels for divorce, and proceedings in habeas
13 corpus, and all other civil actions at law, and in equity,
14 where the damages exceed five hundred dollars. All munic-
15 ipal and police courts within said counties shall have con-
16 current jurisdiction with said superior court in all cases
17 where said municipal and police courts have heretofore had
18 concurrent jurisdiction with the supreme judicial court.

Sect. 4. The original and appellate jurisdiction in all
2 criminal matters now vested in, and exercised by the su-
3 preme judicial court within and for the counties of Knox

4 and Waldo, respectively, and all powers incident thereto,
5 shall be transferred to and conferred upon the superior
6 court within and for each of said counties, which court
7 shall exercise the same in the same manner as heretofore
8 authorized by law to be exercised by the supreme judicial
9 court in each of said counties.

Sect. 5. All indictments and informations, actions of
2 scire facias, and all criminal processes pending in said su-
3 preme judicial court for each of said counties shall be trans-
4 ferred to said superior court in the county where pending
5 and shall be entered upon the docket of such county at the
6 first term of court held therein, and shall have day in said
7 court; and all warrants and recognizances, appeals in crim-
8 inal cases, and all criminal processes whatever, which but
9 for the passage of this act would be returnable to, or which
10 by the law would be entered in said supreme judicial court
11 of either of said counties, to wit: in the supreme judicial
12 court for said Knox county, on the second Tuesday of
13 September, nineteen hundred and twenty-three, and shall
14 have day therein; and in the supreme judicial court for the
15 said Waldo county, on the fourth Tuesday of September,
16 nineteen hundred and twenty-three, and shall have day
17 therein; and all grand jurors, witnesses and others, in crim-
18 inal matters, who would, but for the passage of this act,
19 be held to appear at said supreme judicial court for either
20 of said counties, respectively, to be held as aforesaid, shall
21 be held to appear at said terms of said superior courts to

22 be held, respectively, on said second Tuesday of September
23 and fourth Tuesday of September.

Sect. 6. One term in each county may be held without
2 jury. Said court shall be held at Rockland on the first
3 Tuesday of January, March, May, September and Novem-
4 ber, and the criminal business of said Knox county shall be
5 transacted at the term held on the first Tuesday of January,
6 May and September, together with civil business; said court
7 shall be held at Belfast on the third Tuesday of January,
8 March, May, September and November, and the criminal
9 business of said Waldo county shall be transacted at the
10 terms held on the third Tuesdays of January, May and
11 September, together with civil business.

Traverse jurors shall be drawn and returned to serve at
2 the several terms of said court for each of said counties,
3 except that, in the discretion of the justice of said court,
4 not exceeding one term for civil business in each county
5 may be held within a calendar year without a traverse jury.

Sect. 7. The first term of said superior court in Knox
2 county shall be held on the first Tuesday of September,
3 nineteen hundred and twenty-four; the first term of said
4 superior court in Waldo county shall be held on the third
5 Tuesday of September, nineteen hundred and twenty-four.
6 At any term of the supreme judicial court for either of said
7 counties, held after this act shall take effect, any action
8 pending therein which would fall within the exclusive juris-
9 diction of said superior court, as hereinbefore defined and
10 established, with all papers belonging thereto and orders

11 and decrees thereon, may, on motion of either party, be
12 transferred from the docket of said supreme judicial court
13 in the county where same is pending to the docket of the
14 said superior court of said county, and entered, tried and
15 have day therein, as if it had been originally commenced
16 therein; provided the justice presiding in said supreme ju-
17 dicial court believes a speedier trial may thus be had. And
18 upon the taking effect of this act the jurisdiction of the su-
19 preme judicial court for the trial of civil cases in said coun-
20 ties shall be limited in conformity to the foregoing provi-
21 sions; and all acts relating to courts and judicial proceedings
22 shall be modified so far as to give full effect to this act, and
23 all acts and parts of acts inconsistent with this act are hereby
24 repealed.

Sect. 8. Actions may be made returnable at one of the
2 next terms of said court in either of said counties held there-
3 in for said county begun and held after the commencement
4 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 have taken effect, and his salary shall be four thou-
4 sand 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, chapter
2 eighty-two, sections eighty-eight to one hundred and five,
3 inclusive, applicable to the superior courts for the counties
4 of Cumberland and Kennebec, are hereby made applicable

5 to said superior courts for the counties of Knox and Waldo,
6 respectively, except as the same may be modified by the
7 other provisions of this act.

Sect. 11. The justice of said superior court may appoint
2 a stenographer to report the proceedings in each county
3 thereof, who shall be an officer of said court and be sworn
4 to a faithful discharge of his duties and who shall perform
5 the duties prescribed and subject to the provisions of the
6 revised statutes, chapter eighty-seven, section one hundred
7 and sixty-seven to one hundred and twenty-two, inclusive,
8 so far as the same are applicable. The salary of said
9 stenographer shall be eighteen hundred dollars annually, to
10 be paid quarterly from the treasury of the state.

He shall also receive from the county in which the court
2 is held, his expenses when in attendance upon court away
3 from his place of residence, but not otherwise, a detailed
4 statement of such expenses actually and reasonably incurred
5 shall be approved by the presiding justice.

Sect. 12. When the judge of said court holds *nisi prius*
2 terms of said court in any county other than the county in
3 which he resides, or when any hearing of a cause in law
4 or in equity is had in vacation before said judge in a county,
5 other than the one in which he resides, such judge shall be
6 reimbursed by the state, for his expenses actually and rea-
7 sonably incurred in holding such terms, or in attending said
8 hearing, upon presentation to the state auditor of a detailed
9 statement of such expenses.

Sect. 13. That portion of section fifty-one, chapter eighty-
2 two of the revised statutes, providing for terms of the su-
3 preme judicial court to be held in the county of Knox on
4 the second Tuesday of January, and in the county of Waldo
5 on the first Tuesday of January, is hereby repealed.