

MAINE STATE LEGISLATURE

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PUBLIC ACTS

OF THE

STATE OF MAINE,

PASSED BY THE

SIXTEENTH LEGISLATURE,

JANUARY SESSION, 1836.

PUBLISHED AGREEABLY TO THE RESOLVE OF JUNE 23, 1820.

AUGUSTA:

SMITH & ROBINSON.....PRINTERS TO THE STATE.

1836.

PUBLIC LAWS

OF THE

STATE OF MAINE.

Chapter 196.

AN ACT to alter and define the Criminal Jurisdiction of the Judicial Courts.

SECT. 1. *Be it enacted by the Senate and House of Representatives in Legislature assembled,* That in all cases in which the Court of Common Pleas, has now, by law jurisdiction of crimes, offences and misdemeanors concurrent with the Supreme Judicial Court, it shall have such jurisdiction exclusive of said Supreme Judicial Court—*Provided,* that nothing in this Act shall alter the exclusive jurisdiction of said Supreme Judicial Court, as now prescribed by law, nor alter or diminish the jurisdiction, powers and duties of Justices of the Peace.

Court of C. P. to have jurisdiction exclusive of S. J. Court in certain criminal cases.

Proviso.

SECT. 2. *Be it further enacted,* That, in each County in the State, in which two terms at least, of the Supreme Judicial Court, shall be annually holden, no traverse Juries shall be summoned to attend at the full or law term of said Court, unless the Court shall otherwise order—*Provided, however,* that when any person or persons, shall be in prison charged with any of the crimes, offences, or misdemeanors, cognisable in said Supreme Judicial Court, and the Attorney General or the Attorney for the State, or the person so imprisoned by him-

Traverse Juries not to attend at the law terms of S. J. Court unless, &c.

Proviso.

self, or his Counsel, shall request said Court in session, or any Justice thereof in vacation to summon a jury or juries, for the trial of such prisoner or prisoners; it shall be the duty of such Court or Justices so to summon such jury or juries, any thing in this section to the contrary notwithstanding—unless a continuance upon the application of the prosecuting attorney or the prisoner, and upon legal ground or by consent, shall be granted by the Court.

If aggrieved by opinion may except, &c.

SECT. 3. *Provided nevertheless, and be it further enacted,* That if any person charged with any crime, offence or misdemeanor in any Court of Common Pleas, shall be aggrieved by any opinion, direction or judgment of said Court in any matter of law, he may alledge exceptions thereto, in the same manner and the same proceedings shall be had, as is provided, in the fifth section of the Act, to establish a Court of Common Pleas passed the fourth of February A. D. 1822; and the person making the exceptions shall enter into recognisance with sureties, as the Court shall direct, to enter his appeal at the Supreme Judicial Court at the next term thereof in the said County—and produce all papers in the case—and if the person making the exceptions shall enter his appeal at the Supreme Judicial Court at the next term thereof in the said County, the Supreme Judicial Court shall have cognisance thereof and may enter judgment or grant a new trial at the bar of said Court, or remand the same to the Court of Common Pleas, as justice may require—and if the person so excepting shall fail to enter his appeal and to produce all papers as aforesaid, the Supreme Judicial Court may sentence such person to such punishment as the Court of Common Pleas might have inflicted, or adjudge the recognisance forfeited as the case may require.

—must recognise.

—produce all papers in the case.

S. J. C. may enter judgment or grant a new trial or remand the case back to the C. C. Pleas.

—may sentence.

[Approved by the Governor, February 3, 1836.]