

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

FORTY-SEVENTH LEGISLATURE

OF THE

STATE OF MAINE.

1868.

Published by the Secretary of State, agreeably to Resolves of June 28, 1820,
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1868.

PUBLIC LAWS

OF THE

STATE OF MAINE.

1868.

An act to enlarge the jurisdiction of the superior court in the county of Cumberland.

Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows :

Jurisdiction over criminal cases in Cumberland county transferred from S. J. C. to the superior court.

SECT. 1. The original and appellate jurisdiction now vested in and exercised by the supreme judicial court within and for the county of Cumberland, and all powers incident thereto, shall at the end of the next July term thereof for the transaction of criminal business, be transferred to and conferred upon the superior court within and for said county, which court shall thereafter exercise the same in the same manner as theretofore authorized by law to be exercised by the supreme judicial court in said county.

January, May and September terms designated for criminal business.

SECT. 2. Said criminal business of said county of Cumberland shall, after the month of September next, be transacted at the terms of said superior court held on the first Tuesdays of January, May, and September, together with the civil business of said court.

All criminal process of every kind pending at end of next July criminal term, and all processes returnable after that date, transferred and made returnable to January term of superior court.

SECT. 3. All indictments and informations, and all criminal processes pending in said supreme judicial court for said county at the end of said next July criminal term thereof, shall be transferred to said superior court, and shall be entered upon the docket of the same at the next January term thereof, and shall have day therein, and all warrants and recognizances, appeals in criminal cases, and all criminal processes whatever, which but for the passage of this act would be returnable to or which by law would be entered in said supreme judicial court in said county on the last Tuesday of November, eighteen hundred and sixty-eight, shall be returnable to and be entered upon the docket of said superior court at said January term thereof, and shall have day therein. And all parties, all grand and traverse jurors, witnesses and others who would, but for the passage of this act, be held to appear at said supreme judicial court for said county on the last Tuesday of November, eighteen hundred and sixty-eight, shall be held to appear at said January term of said superior court. Venires for grand jurors to serve at said superior court shall be issued at least forty days before the first Tuesday of September, annually, and such jurors shall serve at every term of said court for the transaction of criminal business throughout the year.

Exceptions to be heard at law term S. J. C. for western district.

SECT. 4. All exceptions or questions of law arising in any way during the trial of criminal cases in said superior court, shall be transferred to the law docket of the supreme judicial court for the western district, and shall have day therein, and if said exceptions are sustained or a new trial is ordered, the cause shall be remanded to said superior court for trial. All motions for a new trial in criminal cases tried in said superior court, shall be heard and finally determined by the justice thereof.

SECT. 5. After the next July term of said supreme judicial court held within and for said county for the transaction of criminal business, the November and July terms of said supreme judicial court provided for said county by the second section of chapter one hundred and fifteen of the public laws of eighteen hundred and sixty-seven, shall be abolished, and no more terms of said supreme judicial court shall thereafter be held in said county for the transaction of criminal business.

CHAP. 217.
November and July criminal terms S. J. C. for Cumberland co. abolished after next July.

SECT. 6. Section thirteen of the act of February fourteen, eighteen hundred and sixty-eight, establishing said superior court, is amended by striking out from the second sentence thereof the words 'after the next April term thereof.'

Sect. 13, chap. 151 public laws 1868 amended.

SECT. 7. This act shall take effect when approved.

Approved March 6, 1868.

Chapter 217.

An act to amend chapter one hundred and one of the revised statutes, relating to the writ for replevying a person.

Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows:

SECT. 1. Section one of chapter one hundred and one of the revised statutes is hereby amended by striking out all of said section after the word "criminal," in the third line, and substituting the following words: 'he shall be entitled by his own application, 'or by any one in his behalf, to the writ for replevying the person, 'on making such application to any judge of the supreme judicial 'court, or within the county of Cumberland to the judge of the superior court for said county, either in term time or vacation, when- 'ever said judge in the exercise of his discretion shall direct that 'such writ be issued, and in no other manner,' so that said section, when amended, shall read as follows:

R. S., chap. 101, sect. 1, amended.

'SECT. 1. If any person is imprisoned, restrained of his liberty, 'or held in duress, unless by a lawful writ, warrant, or other 'process, civil or criminal, he shall be entitled, by his own appli- 'cation, or by any one in his behalf, to the writ for replevying the 'person, on making such application to any judge of the supreme 'judicial court, or to the judge of the superior court for the county 'of Cumberland, either in term time or vacation, whenever said 'judge in the exercise of his discretion shall direct that such writ 'be issued, and in no other manner.'

In Cumberland co. application for writ for replevying a person may be made to justice S. J. C. or superior court.

SECT. 2. This act shall take effect when approved.

Approved March 6, 1868.