

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

Acts and Resolves

As Passed by the

Seventy-Eighth Legislature

OF THE

STATE OF MAINE

1917

Including Acts and Resolves of the Special Session of the
Seventy-Seventh Legislature held in 1916.

Published by the Secretary of State, in accordance with the Resolves of the Legislature approved June 28, 1820, March 18, 1840, and March 16, 1842.

THE LEWISTON JOURNAL CO.
LEWISTON, MAINE
1917

PUBLIC LAWS
OF THE
STATE OF MAINE

As Passed by the Seventy-Eighth Legislature

1917

[supplied from page 1 of volume]

CHAP. 260

command where the officer against whom the complaint is made is stationed. This officer shall examine into said complaint and take proper measures for redressing the wrong complained of; and he shall, as soon as possible, transmit to the adjutant general a true statement of such complaint, with the proceedings had thereon.

Sec. 141. Certain statutes repealed. Chapter two hundred and six of the public laws of nineteen hundred and nine, chapters seven and eighty-one of the public laws of nineteen hundred and eleven, chapter three and one hundred and fifty-one of the public laws of nineteen hundred and thirteen and chapter one hundred and forty-five of the public laws of nineteen hundred and fifteen and all amendments thereto as embodied in chapter fifteen of the revised statutes are hereby repealed.

Sec. 142. Denomination. This chapter shall be known as "The Military Law of the State of Maine."

Sec. 143. Emergency Clause. In view of the emergency cited in the preamble, this act shall take effect when approved.

Approved April 7, 1917.

Chapter 260.

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:

Sec. 1. Superior court for Androscoggin; qualification of justice. 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.

Sec. 2. Seal; writs and processes. Said justice 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 teste of said justice, under the seal of said court, and shall be signed by its clerk, and may be made returnable in the superior court of any other county in which the action might be legally brought; they shall be obeyed and executed throughout the state.

Sec. 3. Jurisdiction. Within said county, said superior court shall have exclusive jurisdiction of civil appeals from municipal and police courts, and trial justices, exclusive original jurisdiction of actions of scire facias on judgments and recognizances not exceeding five hundred dollars; of bastardy trials, and all other civil actions at law not exclusively cognizable by municipal and police courts, and trial justices, where the damages demanded do not exceed five hundred dollars, except complaints for flowage, real actions and actions of trespass quare clausum; and concurrent original jurisdiction of actions of trespass quare clausum, libels for divorce and proceedings in habeas corpus, and of all other civil actions at law where the dam-

CHAP. 260

ages exceed five hundred dollars, except complaints for flowage and real actions.

Sec. 4. Criminal jurisdiction. The original and appellate jurisdiction in all criminal matters now vested in, and exercised by the supreme judicial court within and for the county of Androscoggin, and all powers incident thereto, shall be transferred to and conferred upon the superior court within and for said county, which court shall exercise the same in the same manner as heretofore authorized by law to be exercised by the supreme judicial court in said county.

Sec. 5. Actions pending in supreme court transferred. All indictments and informations, and all criminal processes pending in said supreme judicial court for said county shall be transferred to said superior court, and shall be entered upon the docket of the same at the October, nineteen hundred and seventeen, 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 third Tuesday of September, nineteen hundred and seventeen, shall be returnable to and entered upon the docket of said superior court at said October, nineteen hundred and seventeen, term thereof, and shall have day therein; and all grand jurors, witnesses and others, in criminal matters, who would, but for the passage of this act, be held to appear at said supreme judicial court for said county, on the third Tuesday of September, nineteen hundred and seventeen, shall be held to appear at said October term of said superior court.

Sec. 6. Terms; certain terms may be held without jury. Said court shall be held for civil business on the first Tuesday of every month, except July, August and September; but the criminal business of said county shall be transacted at the terms held on the first Tuesdays of February, May and October, together with civil business.

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

Sec. 7. First term; transfer of pending actions discretionary with justice; jurisdiction of supreme judicial court limited. The first term of said superior court shall be held on the first Tuesday of October, nineteen hundred and seventeen. At any term of the supreme judicial court for said county of Androscoggin held after this act shall take effect, any action pending therein which would fall within the exclusive jurisdiction of said superior court, as hereinbefore defined and established, with all papers belonging thereto and orders and decrees thereon, may, on motion of either party, be transferred from the docket of said supreme judicial court to the docket of said superior court, and entered, tried and have day therein as if it had been originally commenced therein; provided, that the justice presiding in said supreme judicial court believes that a speedier trial may thus be had. And upon the taking effect of this act the jurisdiction of the supreme judicial court for the trial of civil cases in said county shall be limited in conformity

CHAP. 261

to the foregoing provisions; and all acts and parts of acts relating to courts and judicial proceedings shall be modified so far as to give full effect to this act, and all acts and parts of acts inconsistent with this act are hereby repealed.

Sec. 8. Actions when returnable. Actions may be made returnable at one of the next two terms of said court begun and held after the commencement thereof.

Sec. 9. Justice; appointment and salary. The justice of said superior court may be appointed, commissioned and qualified at any time after this act shall take effect, and his salary shall be thirty-five hundred dollars annually. He shall be entitled to receive the same from the treasury of the state in quarterly payments, on the first days of January, April, July and October.

Sec. 10. Provisions as to Cumberland and Kennebec courts applicable except as modified. The provisions of the revised statutes, chapter eighty-two, sections eighty-eight to one hundred and five, inclusive, applicable to the superior courts for the counties of Cumberland and Kennebec, are hereby made applicable to said superior court for the county of Androscoggin, except as the same may be modified by the other provisions of this act.

Sec. 11. Stenographer; duties and salary. The justice of said court may appoint a stenographer to report the proceedings thereof, who shall be an officer of the court and be sworn to a faithful discharge of his duty, and who shall perform the duties prescribed and be subject to the provisions of the revised statutes, chapter eighty-seven, sections one hundred and sixty-seven to one hundred and seventy-two inclusive, so far as the same may be applicable. The salary of said stenographer shall be fifteen hundred dollars annually, to be paid quarterly from the treasury of the county.

Approved April 7, 1917.

Chapter 261.

An Act to Provide for the Division and Management of the School Fund from the Sale of Timber and Grass, and from Trespasses on Reserved Lands, and Amending Sections Twenty and Twenty-one of Chapter Eight of the Revised Statutes.

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

Sec. 1. R. S., c. 8, § 20, relating to money obtained from sale of timber and grass on reserved lands, amended. Section twenty of chapter eight of the revised statutes is hereby amended by striking out all of said section after the word "treasury" in the fourth line thereof and inserting in place thereof the following: 'shall be held by the state treasurer in two separate funds the income of which only shall be expended and applied as it is by law provided for school purposes. Upon these funds the state shall allow interest annually at four per cent; the first fund to be known as the unorganized townships fund, the income of which, after the expenditures provided by