

MAINE STATE LEGISLATURE

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Acts and Resolves

As Passed by the

Seventy-Ninth Legislature

OF THE

STATE OF MAINE

1919

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PUBLIC LAWS
OF THE
STATE OF MAINE

As Passed by the Seventy-Ninth Legislature

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Chapter 9.

An Act to Establish a Superior Court in the County of Penobscot.

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

Sec. 1. Superior court to be established at Bangor; qualifications of justice. A superior court is hereby established at Bangor within and for the county of Penobscot, 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. 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. Civil 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 bastardly 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 damages exceed five hundred dollars, except complaints for flowage and real actions.

It is hereby expressly provided, however, that all municipal courts within said county of Penobscot shall have concurrent jurisdiction with said superior court, in all cases where said municipal courts have heretofore had concurrent jurisdiction with the supreme judicial court.

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 Penobscot, 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. Transfer of actions pending in supreme court. All indictments and informations, actions of scire facias, and all criminal processes pend-

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ing 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 September, nineteen hundred and nineteen 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 first Tuesday of September, nineteen hundred and nineteen, shall be returnable to and entered upon the docket of said superior court on the first Tuesday of September, nineteen hundred and nineteen, 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 first Tuesday of September, nineteen hundred and nineteen, shall be held to appear at said term of said superior court to be held on the first Tuesday of September.

Sec. 6. Date of holding court; one term each year may be held without jury. Said court shall be held on the first Tuesday of the following months: January, March, May, September and November, and the criminal business of said county shall be transacted at the terms held on the first Tuesdays of January, May, and September, 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 one term for civil business may be held within a calendar year without a traverse jury.

Sec. 7. First term of court to be held first Tuesday of September, 1919; transfer of actions pending in supreme court; jurisdiction of supreme court limited. The first term of said superior court shall be held on the first Tuesday of September, nineteen hundred and nineteen. At any term of the supreme judicial court for said county of Penobscot, 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 to the foregoing provisions; and all acts relating to courts and judicial proceedings shall

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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. When actions may be made 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. Salary of justice and date of appointment. 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 four thousand 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 of R. S., relative to Cumberland and Kennebec superior 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 Penobscot, except as the same may be modified by the other provisions of this act.

Sec. 11. Stenographer, salary and duties. 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 eighteen hundred dollars annually, to be paid quarterly from the treasury of the county.

Sec. 12. Certain sections of R. S., relative to terms of supreme court repealed. That portion of section fifty-one of chapter eighty-two of the revised statutes, providing for terms of the supreme judicial court to be held in the county of Penobscot on the first Tuesdays of January, February and September, is hereby repealed.

Approved February 26, 1919.

Chapter 10.

An Act to Amend Section Twenty-one of Chapter Seven of the Revised Statutes, Relating to the Time of the Opening and Closing of Polls at Elections.

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

R. S., c. 7, § 21; relating to the time of opening and closing of polls of state elections, and at municipal elections in cities. Section twenty-one of