

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)

DOCUMENTS

PRINTED BY ORDER OF

THE LEGISLATURE

OF THE

STATE OF MAINE,

A. D. 1859.



AUGUSTA:

STEVENS & SAYWARD, PRINTERS TO THE STATE.

1859.

THIRTY-EIGHTH LEGISLATURE.

HOUSE.]

[No. 18.

STATE OF MAINE.

IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED AND
FIFTY-NINE.

AN ACT to modify and limit the jurisdiction of the Supreme Judicial Court.

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

SECTION 1. The supreme judicial court, from and
2 after the thirty-first day of May, in the year of our
3 Lord one thousand eight hundred and fifty-nine, shall
4 consist of a chief justice and four associate justices
5 and shall have original and concurrent jurisdiction
6 with the court of common pleas of all real actions,
7 and actions between towns, and of all other civil
8 actions in which the debt or damage demanded exceeds
9 two hundred dollars; and shall have jurisdiction and
10 cognizance of the crimes of murder, rape, burglary

11 and arson, and shall have exclusive jurisdiction of all
12 suits in equity.

SECT. 2. If in any personal action, other than ac-
2 tions between towns, originally commenced in said
3 supreme judicial court, the plaintiff shall not recover
4 more than two hundred dollars, as debts or damage,
5 he shall not recover any costs unless the court shall
6 determine that the plaintiff had good reason for bring-
7 ing his action therein.

SECT. 3. The supreme judicial court shall be annu-
2 ally holden by at least a majority of the justices there-
3 of for the hearing and determining questions of law
4 or equity, at the several places and times, as follows:
5 At Portland, within and for the western district, on
6 the second Tuesday of July.
7 At Augusta, within and for the middle district, on
8 the third Tuesday of June.
9 At Bangor, within and for the eastern district, on
10 the fourth Tuesday of May.

SECT. 4. The several clerks of the supreme judicial
2 courts for the counties of Cumberland, Kennebec and
3 Penobscot, for the time being, shall also be the several
4 clerks of the western, middle and eastern districts,
5 respectively, and they shall severally keep a docket
6 for each district, upon which shall be entered all
7 cases at law or in equity pending in any county

8 in the district, and remove to, and entered at the law
9 term in the order of counties as follows :

10 Franklin, Oxford, Androscoggin, York and Cumber-
11 land, in the western district.

12 Somerset, Sagadahoc, Lincoln and Kennebec, in the
13 middle district.

14 Aroostook, Washington, Piscataquis, Waldo, Han-
15 cock and Penobscot, in the eastern district.

SECT. 5. All cases, civil or criminal, in which a
2 question of law shall be raised or reserved, and all
3 cases in equity, when ready for hearing, shall be re-
4 spectively marked "law" on the docket of the county
5 where they are pending, and shall be continued on
6 the same until the determination of the questions
7 arising shall be respectively certified by the clerk of
8 the district to the clerk of such county.

SECT. 6. When any suit in equity shall be pending
2 in the supreme judicial court, any one of the justices
3 thereof may, as well in vacation as in term time, make
4 all such interlocutory orders and decrees as may be
5 necessary or proper to prepare the case for a final
6 hearing.

SECT. 7. When any question of law shall arise in
2 any cause, civil or criminal, at law or in equity, before
3 the said court when held by one justice, he may, upon

4 the motion of either party, reserve the same for the
5 consideration of the full court, and report the case or
6 so much thereof as may be necessary for a full under-
7 standing of the question.

SECT. 8. The supreme judicial court shall be held
2 annually by one of the justices thereof, for the trial
3 of jury causes and for such other matters as are by
4 law cognizable by one justice thereof, at the several
5 places and times, as follows :

6 At Alfred, within and for the county of York, on the
7 second Tuesday of September.

8 At Portland, within and for the county of Cumber-
9 land, on the first Tuesday of November.

10 At Paris, within and for the county of Oxford, on
11 the second Tuesday of October.

12 At Farmington, within and for the county of Frank-
13 lin, on the fourth Tuesday of September.

14 At Bath, within and for the county of Sagadahoc, on
15 the second Tuesday of December.

16 At Auburn, within and for the county of Andros-
17 coggin, on the first Tuesday of December.

18 At Norridgewock, within and for the county of Som-
19 erset, on the fourth Tuesday of December.

20 At Augusta, within and for the county of Kennebec,
21 on the first Tuesday of November.

22 At Wiscasset, within and for the county of Lincoln,
23 on the fourth Tuesday of November.

24 At Belfast, within and for the county of Waldo, on
25 the third Tuesday of December.

26 At Bangor, within and for the county of Penobscot,
27 on the fourth Tuesday of November.

28 At Machias, in the county of Washington, for the
29 counties of Washington and Aroostook, on the second
30 Tuesday of October.

31 At Ellsworth, within and for the county of Hancock,
32 on the fourth Tuesday of September.

33 At Dover, within and for the county of Piscataquis,
34 on the third Tuesday of September.

SECT. 9. All actions commenced and all appeals
2 from the judgment of a municipal or police court or
3 justice of the peace taken, and all criminal proceed-
4 ings or process pending prior to the time when this
5 act shall take effect, but not at that time entered in
6 court, shall be entered at, and have day in, the first
7 term of the court of common pleas held within and
8 for the same county not less than fourteen days after
9 this act shall take effect and disposed of according to
10 section twenty-seventh of an act entitled "An act to
11 establish a court of Common Pleas."

SECT. 10. This act shall take effect and be in force

2 from and after the thirty-first day of May next; and
3 the first, third, twenty-second, and twenty-third sec-
4 tions of chapter seventy-seven of the revised statutes,
5 and all acts and parts of acts inconsistent with the
6 provisions of this act, be, and the same are hereby
7 repealed from and after said thirty-first day of May;
8 *provided, however,* that the repeal of said acts and
9 parts of acts shall not in any way affect any suits,
10 petitions, proceedings, or prosecutions pending in
11 court when this act shall take effect.

SECT. 11. Each of said justices shall receive a salary
2 of twenty-five hundred dollars, to be paid to them
3 quarterly out of the treasury of the state.

STATE OF MAINE.

HOUSE OF REPRESENTATIVES, March 7, 1859.

ORDERED, That 350 copies of this Bill be printed for the use of
the Legislature.

GEO. W. WILCOX, *Clerk.*