

MAINE STATE LEGISLATURE

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SEVENTY-NINTH LEGISLATURE

SENATE NO. 274

In Senate, March 27, 1919.

Reported by Mr. Gurney from Committee on Legal Affairs
and laid on table to be printed under joint rules.

P. F. CRANE, Secretary.

STATE OF MAINE

IN THE YEAR OF OUR LORD ONE THOUSAND
NINE HUNDRED AND NINETEEN

AN ACT to Amend Section Fifty-five of Chapter Eighty-two
of the Revised Statutes Relating to Exceptions in Civil and
Criminal Cases.

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

Section fifty-five of chapter eighty-two of the revised stat-
2 utes is hereby amended by striking out in the sixteenth
3 and seventeenth lines thereof the words "unless said supe-
4 rior courts shall otherwise provide by rule," and inserting
5 in place thereof the words 'except as otherwise provided
6 by section ninety-three of this chapter'; also by inserting
7 in the sixteenth line before the word "criminal" the words
8 'civil or'; also by inserting in the seventeenth line after the
9 word "justice" the words 'of the supreme judicial court or

10 of any of the superior courts'; also by inserting in the
11 eighteenth line after the word "therein" the words 'in either
12 civil or criminal proceedings,' so that said section as amend-
13 ed shall read as follows:

'Sect. 55. When the court is held by one justice, a party
2 aggrieved by any of his opinions, directions or judgments,
3 in any civil or criminal proceeding, may, during the term,
4 present written exceptions in a summary manner, signed
5 by himself or counsel, and when found true they shall be
6 allowed and signed by such justice; provided, however, that
7 in all cases, such exceptions shall be presented within thirty
8 days after the verdict is rendered or the opinion, direction
9 or judgment is announced, in the case in which such ver-
10 dict, opinion, direction or judgment is made; but if he
11 deems them frivolous and intended for delay, he may so
12 certify on motion of the party not excepting; and such ex-
13 ceptions may then be transmitted at once by such justice to
14 the chief justice, and shall be argued in writing on both
15 sides within thirty days thereafter, unless the presiding
16 justice, for good cause, enlarges the time, and they shall
17 be considered and decided by the justices of said court as
18 soon as may be, and the decision certified to the clerk of
19 the county where the case is pending. This section applies
20 to exceptions filed in any civil or criminal proceedings in
21 either of the superior courts, except as otherwise provided
22 by section ninety-three of this chapter. If the justice of
23 the supreme judicial court or of any of the superior courts

24 disallows or fails to sign and return the exceptions, or al-
25 ters any statement therein, in either civil or criminal pro-
26 ceedings, and either party is aggrieved, the truth of the
27 exceptions presented may be established before the su-
28 preme judicial court sitting as a court of law, upon petition
29 setting forth the grievance, and thereupon, the truth thereof
30 being established, the exceptions shall be heard, and the
31 same proceedings had as if they had been duly signed and
32 brought up to said court with the petition. The supreme
33 judicial court shall make and promulgate rules for settling
34 the truth of exceptions alleged and not allowed. All mo-
35 tions for new trials, as against law or evidence, shall be
36 filed during the term at which verdict is rendered, but in no
37 case later than thirty days after verdict rendered.'