

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

PASSED BY THE

THIRTY-NINTH LEGISLATURE

OF THE

STATE OF MAINE.

1860.

Published by the Secretary of State, agreeably to Resolves of June 23, 1820, February 26,
1840, and March 16, 1842.

AUGUSTA:
STEVENS & SAYWARD, PRINTERS TO THE STATE.
1860.

PUBLIC LAWS

OF THE

STATE OF MAINE.

1860.

CHAP. 165.

Trial, attendance of justice at, regulated.

—continuance of.

—time allowed parties to appear at.

Nonsuit or default, provision in case of.

To take effect July 1, 1860. Power of governor to appoint.

SECT. 8. No judgment of any trial justice shall be considered regular, unless he shall be present with the plaintiff's writ, at the place appointed for trial, within one hour after the time set in such writ, or unless the case be continued by some justice, pursuant to the provisions of the revised statutes.

SECT. 9. One hour from the time set in a writ for the trial of a civil action is allowed to the parties to appear; at the expiration of which time, judgment may be entered by such trial justice, on nonsuit or default, against the party who shall not appear.

SECT. 10. Within twenty-four hours after judgment, on nonsuit or default, as provided in the preceding section, the trial justice rendering such judgment may, in his discretion, on motion of either party, strike off such nonsuit or default and revive the action on such terms as he may judge reasonable.

SECT. 11. This act shall take effect from and after the first day of July next; but the governor shall have power, by and with the advice and consent of the council, to appoint said trial justices, and said trial justices may be duly qualified at any time after the approval of this act.

[Approved March 17, 1860.]

Chapter 165.

An act to amend section six of chapter ninety-eight of the revised statutes, relating to personal property seized, and lost goods, and proceedings thereon.

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

Ch. 98, sec. 6, R. S. amended.

SECT. 1. The sixth section of chapter ninety-eight of the revised statutes is amended by inserting next after the word "court" in the first line, as printed, the words: may order the party seizing to give bond, with sufficient surety to such claimant, for the safe keeping of the property seized, and compliance with the decree of court for restoration, and the payment of costs and damages if not forfeited; and so that said section as amended shall read as follows :

Court may order bond.

SECT. 6. When there is a claimant the court may order the party seizing to give bond, with sufficient surety to such claimant, for the safe keeping of the property seized, and compliance with the decree of court for restoration, and the payment of costs and damages if not forfeited, and may hear and determine the cause by a jury, or without, if the parties agree, and may allow costs against the claimant; if there is no claimant the court shall decree the forfeiture and disposition of the property according to law, and a sale and distribution of the proceeds after deducting all proper charges.

Jury.

Decree, if no claimant.

[Approved March 19, 1860.]