

MAINE STATE LEGISLATURE

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REVISED STATUTES
OF THE
STATE OF MAINE
1954

1961 CUMULATIVE SUPPLEMENT

ANNOTATED

IN FIVE VOLUMES

VOLUME 4

Discard Previous Pocket Part Supplement

THE MICHIE COMPANY
CHARLOTTESVILLE, VIRGINIA
1961

Chapter 127.

Writ of Audita Querela.

Secs. 1-7. Repealed by Public Laws 1959, c. 317, § 279.

Effective date and applicability of Public Laws 1959, c. 317. — Section 420, chapter 317, Public Laws 1959, provides as follows: "This act shall become effective December 1, 1959. It shall apply to all actions brought after December 1, 1959 and also to all further proceedings in actions at law or suits

in equity then pending, except to the extent that in the opinion of the court the application of this act in a particular action pending on December 1, 1959 would not be feasible or would work injustice, in which event the laws in effect prior to December 1, 1959 would prevail."

Chapter 128.

Writ for Replevyng a Person.

Sec. 1. Persons entitled to writ, and from what court.—If any person is imprisoned, restrained of his liberty or held in duress, unless by a lawful writ, warrant or other process, civil or criminal, he may have the writ for replevyng the person, on complaint filed by himself or anyone in his behalf in the superior court, at the discretion of the court and not otherwise. (R. S. c. 115, § 1. 1961, c. 317, § 449.)

Effect of amendment.—Prior to the 1961 amendment this section provided for issuance of the writ, on application, by a justice

of the superior court in term time or vacation.

Sec. 9. If plaintiff produced.—If the defendant, after the return of eloignment, produces the body of the plaintiff in court, the court shall deliver him from imprisonment, upon his giving the defendant such bond as hereinbefore in this chapter directed to be taken by the officer when the plaintiff is delivered by him; and for want thereof, he shall be committed to abide the judgment on the writ for replevyng the plaintiff; and, in either case, the action shall be tried as aforesaid. (R. S. c. 115, § 9. 1961, c. 317, § 450.)

Effect of amendment.—The 1961 amendment substituted "action" for "suit" near the end of this section.

Chapter 129.

Writs of Error, Certiorari, Mandamus and Quo Warranto.

Writs of Error.

Secs. 1-10. Repealed by Public Laws 1959, c. 317, § 280.

Effective date and applicability of Public Laws 1959, c. 317. — Section 420, chapter 317, Public Laws 1959, provides as follows: "This act shall become effective December 1, 1959. It shall apply to all actions brought after December 1, 1959 and also to all further proceedings in actions at law or suits

in equity then pending, except to the extent that in the opinion of the court the application of this act in a particular action pending on December 1, 1959 would not be feasible or would work injustice, in which event the laws in effect prior to December 1, 1959 would prevail."

Writs of Error in Criminal Cases.

Sec. 11. Writ of error in criminal cases.

Quoted in *Dwyer v. State*, 151 Me. 382.
120 A. (2d) 276.