

MAINE STATE LEGISLATURE

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1964

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TRIAL AND JUDGMENT

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CHAPTER 301

JUDGES

Sec.

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§ 1101. Power of court unaffected by existence or expiration of term

The existence or expiration of a term of court in no way affects the power of a court to do any act or take any proceeding in any civil action.

R.S.1954, c. 113, § 39; 1959, c. 317, § 170.

§ 1102. Judge may sit by consent where his town or county is party

A justice or judge may sit in the trial or disposal of an action in which the county or town where he resides is a party or interested, if the party adverse to such county or town enters on the docket a waiver of all objections.

R.S.1954, c. 113, § 56.

§ 1103. Petition for assignment of another justice

Within 10 days after the service of a complaint or other application in which equitable relief is sought, the defendant, prior to the filing of his answer, may petition in writing for good cause shown to the Chief Justice of the Supreme Judicial Court for the assignment of a justice to preside on the matter other than the justice to whom the original complaint or application was presented. Upon the receipt of such petition the Chief Justice may assign another justice to hear the matter.

R.S.1954, c. 107, § 10; 1955, c. 392, § 2; 1959, c. 317, § 85.

§ 1104. Order of view by jury

In any jury trial the presiding justice may order a view by the jury.

R.S.1954, c. 113, § 103.

§ 1105. Charge to jury

During a jury trial the presiding justice shall rule and charge the jury, orally or in writing upon all matters of law arising in the case but shall not, during the trial, including the charge, express an opinion upon issues of fact arising in the case, and such expression of opinion is sufficient cause for a new trial if either party aggrieved thereby and interested desires it, and the same shall be ordered accordingly by the law court upon exceptions in a criminal case or on appeal in a civil case.

R.S.1954, c. 113, § 104; 1959, c. 317, § 189.

§ 1106. Disagreement in jury; instructions

When a jury, not having agreed, returns into court stating the fact, the justice may, in his discretion, explain any questions of law if proposed to him or restate any particular testimony and send them out again for further consideration. They shall not be sent out a 3rd time in consequence of their disagreement unless on account of difficulties not stated when they first came into court.

R.S.1954, c. 113, § 107.