

MAINE STATE LEGISLATURE

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PART 4
 PROCEEDING AFTER VERDICT OR
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CHAPTER 401

APPEALS

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SUBCHAPTER I

GENERAL PROVISIONS

- Sec.
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§ 1801. Original papers sent upon appeal; exceptions

In cases carried from a District Court to a higher court, all depositions and original papers, except the process by which the action was commenced, the return of service thereon and the pleadings shall be certified by the proper officer and carried up without leaving copies unless otherwise ordered by the court having original cognizance.

R.S.1954, c. 113, § 10; 1961, c. 317, § 358; 1963, c. 402, § 173.

§ 1802. Appeal found to be frivolous

If an appeal to the law court is found by that court to have been frivolous and intended for delay, treble costs may be allowed to the prevailing party.

R.S.1954, c. 107, § 52; 1959, c. 317, § 91.

§ 1803. No oral testimony on appeal; additional evidence

No witnesses shall be heard orally before the law court as a part of the case on appeal, but the court may, in such manner and on such terms as it deems proper, authorize additional evidence to be taken when the same has been omitted by accident or mistake or discovered after the hearing.

R.S.1954, c. 107, § 31; 1959, c. 317, § 87.

SUBCHAPTER II

SUPERIOR COURT

Sec.

1851. Objections; appeals.

§ 1851. Objections; appeals

For all purposes for which an exception has heretofore been necessary in civil cases, it is sufficient that a party, at the time the order or ruling of the court is made or sought, makes known to the court the action which he desires the court to take or his objection to the action of the court and his grounds therefor. If a party has no opportunity to object to a ruling or order, the absence of an objection does not thereafter prejudice him. In any civil case any party aggrieved by any judgment, ruling or order may appeal therefrom to the law court within 30 days or such further time as may be granted by the court pursuant to a rule of court.

R.S.1954, c. 106, § 14; 1959, c. 317, § 76; c. 378, § 70.

SUBCHAPTER III

DISTRICT COURT

Sec.

- 1901. To Superior Court.
- 1902. Appeals without trial.
- 1903. Appellant's recognizance.
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§ 1901. To Superior Court

Any appeal shall be taken from the District Court to the Superior Court for the county embracing the division in which the judgment was rendered within 10 days after judgment. The appellant shall, within 10 days after judgment, pay to the court the required fees for such appeal and in that case no execution shall issue, and the clerk shall enter the appeal in the appellate court where it shall be determined as a new entry.

1961, c. 386, § 1; 1963, c. 402, § 149.

§ 1902. Appeals without trial

In actions in a District Court, either party, after appearing and filing his pleadings, may waive a trial and give the adverse party judgment, and then appeal as if there had been an actual trial.

R.S.1954, c. 111, § 5; 1963, c. 402, § 150.

§ 1903. Appellant's recognizance

If so requested by the adverse party, the appellant shall within one week after notice of such request, or within such further time as may be allowed by the court, recognize to such adverse party in a reasonable sum, with condition to prosecute his appeal with effect and pay all costs arising after the appeal.

R.S.1954, c. 111, § 6; 1963, c. 402, § 151.

§ 1904. Production of copies and papers

When such appeal is completed, the clerk shall file in the appellate court the originals of all depositions and other written evidence or documents and a copy of the record and all papers filed in the cause.

R.S.1954, c. 111, § 7; 1963, c. 402, § 152.