

MAINE STATE LEGISLATURE

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Wm. F. Hill
DOCUMENTS

PRINTED BY ORDER OF

THE LEGISLATURE

OF THE

STATE OF MAINE,

DURING ITS SESSION

A. D. 1856.

PART SECOND.

Augusta:

FULLER & FULLER, PRINTERS TO THE STATE.

1856.

THIRTY-FIFTH LEGISLATURE.

HOUSE.

No. 19.

STATE OF MAINE.

IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED AND
FIFTY-SIX.

AN ACT regulating proceedings on demurrer.

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

SECTION 1. In all actions of law, whenever a
2 demurrer to the declaration is sustained, and the
3 declaration is adjudged defective, the plaintiff shall
4 have leave to amend his declaration, if legally amend-
5 able, upon payment of the defendant's costs from the
6 time of filing the demurrer till the decision thereon.
7 And if the demurrer is overruled, the defendant shall
8 have leave to plead anew upon payment of the
9 plaintiff's costs from the time of filing the demurrer
10 to the decision thereon, unless the court shall adjudge

11 the demurrer frivolous and intended merely for delay,
12 in which case judgment shall be rendered on the
13 demurrer. And such actions shall be continued on
14 the docket of the county where they are pending until
15 the next term after the determination of the issue
16 arising upon the demurrer shall be certified by the
17 clerk of the district to the clerk of the county. At
18 such term judgment shall be rendered upon the de-
19 murrer, unless the terms of amending the declaration,
20 or of pleading anew, are complied with, and the
21 amendments or new pleadings filed on or before the
22 second day of said term. But in any action hereafter
23 to be entered in court, the defendant shall have no
24 benefit of this act, unless his demurrer shall be filed
25 at the first term.

SECT. 2. This act shall take effect from and after
2 its approval by the governor.

STATE OF MAINE.



HOUSE OF REPRESENTATIVES, }
February 13, 1856. }

ORDERED, That 350 copies of this Bill be printed.

DAVID DUNN, *Clerk.*