

MAINE STATE LEGISLATURE

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Wm. B. Fogg
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.

SENATE.

No. 4.

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 demurrer to the declaration is sustained, and the declaration is adjudged defective, the plaintiff shall have leave to amend his declaration if legally amendable, upon payment of the defendant's costs from the time of filing the demurrer till the decision thereon. And if the demurrer is overruled, the defendant shall have leave to plead anew upon payment of the plaintiff's costs from the time of filing the demurrer to the decision thereon. And if the demurrer is ad-

11 judged frivolous, he may plead anew upon payment
12 of double costs for said time. And such actions shall
13 be continued on the docket of the county where they
14 are pending until the next term after the determina-
15 tion of the issue arising upon the demurrer shall be
16 certified by the clerk of the district to the clerk of
17 the county. At such term, judgment shall be ren-
18 dered upon the demurrer, unless the terms of amend-
19 ing the declaration, or of pleading anew, are complied
20 with, and the amendments or new pleadings filed on
21 or before the second day of said term.

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



STATE OF MAINE.

IN SENATE, February 2, 1856.

ORDERED, That the Secretary procure the printing of 350 copies of this bill for the use of the Legislature.

WM. G. CLARK, *Secretary.*