

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

DOCUMENTS

PRINTED BY ORDER OF

THE LEGISLATURE

OF THE

STATE OF MAINE,

DURING ITS SESSION

A. D. 1857.

PART SECOND.

AUGUSTA:
STEVENS & BLAINE, PRINTERS TO THE STATE.
1857.

THIRTY-SIXTH LEGISLATURE.

HOUSE.]

[No. 39.

STATE OF MAINE.

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

AN ACT additional to Chapter twenty-five of the
Revised Statutes, relating to Ways.

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

SECTION 1. Whenever a jury is ordered as provided in the eighth section of the twenty-fifth chapter of the revised statutes, the commissioners may appoint a person to preside at the view and hearing, who shall be sworn and allowed a compensation, to be determined as hereinafter provided. When no

7 person is appointed, or when the person appointed
8 is absent, the officer who summoned the jury is to
9 preside. The person presiding is to administer an
10 oath to the jurors, for the faithful discharge of their
11 duties; to swear the witnesses; to keep order and
12 direct the course of the proceedings; to decide all ques-
13 tions of law arising on the trial, which would be
14 proper for the decision of a judge; to instruct the
15 jury upon any question of law when requested by
16 either party; and to certify to the court with the
17 verdict, the substance of any decision or instruction
18 by him given, when any party shall request it.

SECT. 2. The jury are to view the premises; hear
2 the testimony and the arguments of the parties or
3 their counsel, and render a verdict signed by all of
4 them, which is to be enclosed in an envelope with
5 an endorsement thereon stating the contents, and is
6 to be delivered to the officer having charge of them,
7 who is to return it to the supreme judicial court, at
8 the next term thereof to be held in the same county,
9 with his doings, stating his own travel and attend-
10 ance, and that of each juror.

SECT. 3. Said court shall receive said verdict and
2 certificate of the person presiding, and adjudicate
3 thereon, and may confirm the verdict, or set it aside
4 for good cause, reserving the right to except as in
5 other cases; and if the matter shall have been deter-
6 mined by a committee, as provided in said chapter,
7 their report shall be made to the next term of said
8 court held in that county, and like proceedings shall
9 be had thereon, as on a verdict returned, as aforesaid.

SECT. 4. The clerk of said court shall certify such
2 verdict or report, as the case may be, with the final
3 adjudication of the court thereon to the commission-
4 ers, at their next meeting after such adjudication
5 shall be had; and if the jury shall not have agreed
6 on a verdict, or the verdict or report been set aside by
7 the court to which it was returned, or upon excep-
8 tions, the commissioners, on application therefor, shall
9 order a new jury, or the parties may agree upon a
10 new committee; and thereupon like proceedings shall
11 be had as are herein provided.

SECT. 5. The verdict of the jury or report of the
2 committee returned to the court as before provided,
3 and accepted and certified to the commissioners, and

by them recorded, shall be conclusive upon the parties to the proceedings.

SECT. 6. The party prevailing shall recover costs, to be taxed and allowed by the court to which the verdict or report shall have been returned, and certified with it to the commissioners; and said court shall determine the compensation of the committee and of the person presiding at the trial by jury.

SECT. 7. So much of the twenty-fifth chapter of the revised statutes as is inconsistent with the provisions of this act, is hereby repealed.

STATE OF MAINE.

HOUSE OF REPRESENTATIVES, }
April 2d, 1857. }

ORDERED, That 350 copies of the foregoing Bill be printed for the use of the Legislature.

GEO. W. WILCOX, *Clerk*