

MAINE STATE LEGISLATURE

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FORTY-NINTH LEGISLATURE.

SENATE.

No. 49.

STATE OF MAINE.

IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED AND SEVENTY.

AN ACT to amend section twenty-seven of chapter seventy-seven of the revised statutes, relating to exceptions in supreme judicial court.

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

SECTION 1. Section twenty-seven of chapter seventy-
2 seven of the revised statutes is hereby amended by
3 adding the following words: "But such judge, if he
4 deems such exceptions frivolous and intended for delay,
5 may so certify upon motion of the party not excepting;
6 and exceptions so certified to be frivolous and intended
7 for delay may be transmitted at once by such judge
8 to the chief justice, and shall, when so certified, be
9 argued in writing on both sides within thirty days
10 thereafter, unless the judge shall for good cause en-

11 large the time, and exceptions so certified shall be con-
12 sidered and determined by the justices of the supreme
13 judicial court as soon as may be, and their determina-
14 tion shall be forthwith certified to the clerk of the
15 county where the same are pending," so that said
16 section shall read as follows :

17 *Sect. 27.* When the court is held by one justice,
18 a party aggrieved by any of his opinions, directions
19 or judgments in any civil or criminal proceeding, may,
20 during the term, present written exceptions in a sum-
21 mary manner, signed by himself or council, and when
22 found to be true they shall be allowed and signed by
23 such judge. But such judge, if he deems such ex-
24 ceptions frivolous and intended for delay, may so cer-
25 tify upon motion of the party not excepting ; and
26 exceptions so certified to be frivolous and intended for
27 delay may be transmitted at once by such judge to
28 the chief justice, and shall when so certified, be argued
29 in writing, on both sides within thirty days thereafter,
30 unless the judge shall for good cause enlarge the time ;
31 and exceptions so certified shall be considered and
32 determined by the justices of the supreme judicial
33 court as soon as may be, and their determination shall
34 be forthwith certified to the clerk of the county where
35 the same are pending.

SECT. 2. Section twenty-eight of said chapter is

2 hereby amended by striking out all after the word
3 "law," in the third line, and adding the words, "sub-
4 ject to the provisions of the preceding section," so that
5 the section when amended shall read as follows:

6 *Sect. 28.* When a dilatory plea is overruled and
7 exceptions taken, the court is to proceed and close
8 the trial and the action shall then be continued and
9 marked law, subject to the provisions of the preceding
10 section.

STATE OF MAINE.

IN SENATE, March 3, 1870.

Reported from the Committee on the Judiciary, by Mr REED
of Cumberland, and printed under the Joint Rule.

SAMUEL W. LANE, *Secretary.*