

# MAINE STATE LEGISLATURE

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# FIFTY-EIGHTH LEGISLATURE.

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HOUSE.

No. 33.

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## STATE OF MAINE.

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

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AN ACT to amend chapter eighteen of the revised statutes, relating to ways.

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

Section thirteen of chapter eighteen of the revised  
2 statutes is hereby amended, by inserting after the  
3 word "commissioners" in the twenty-eighth line of  
4 said section the following words: "except that  
5 costs shall not be recovered by the party claiming  
6 damages, but by the other party, if upon appeal  
7 taken as provided in this chapter by either party,  
8 said claimant shall fail to recover and have adjudged  
9 to him, a greater sum as damages than was allowed  
10 to him by the commissioners;" so that said section  
11 as amended shall read as follows:

12 *Sect. 13.* The jury are to view the premises, hear  
13 the testimony and the arguments of the parties or  
14 their counsel, and render a verdict signed by all of  
15 them, which is to be enclosed in an envelope with  
16 an endorsement thereon stating the contents, and  
17 is to be delivered to the officer having charge of  
18 them, who is to return it to the supreme judicial  
19 court at the next term thereof to be held in the  
20 same county, with his doings, stating his own travel  
21 and attendance and that of each juror's. Said court  
22 shall receive said verdict and the certificate and re-  
23 port of the person presiding. Either party inter-  
24 ested therein may file a written motion to set aside  
25 said verdict, for the same cause that a verdict ren-  
26 dered in court may be set aside. The court shall  
27 hear any competent evidence relating to the same,  
28 adjudicate thereon, and confirm the verdict, or set  
29 it aside for good cause, reserving the right to except  
30 as in other cases. If the matter is determined by  
31 a committee, as provided in this chapter, their re-  
32 port shall be made to the next term of said court  
33 held in that county, and like proceedings shall be  
34 had thereon as on a verdict returned as aforesaid.  
35 The clerk of said court shall certify such verdict,  
36 or report, as the case may be, with the final adju-  
37 dication of the court thereon, to the commissioners

38 at their next meeting after such adjudication, who  
39 shall record the same; and if the jury shall not  
40 have agreed on a verdict, or the verdict or report  
41 been set aside by the court to which it was re-  
42 turned, or upon exception, the commissioners, on  
43 application therefor, shall order a new jury, or the  
44 parties may agree upon a new committee; and  
45 thereupon like proceedings shall be had as are  
46 herein provided. The party prevailing shall re-  
47 cover costs to be taxed and allowed by the court,  
48 to which the verdict or report is returned and cer-  
49 tified with it to the commissioners: except that  
50 costs shall not be recovered by the party claiming  
51 damages, but by the other party; if upon appeal  
52 taken as provided in this chapter by either party,  
53 said claimant shall fail to recover and have ad-  
54 judged to him, a greater sum as damages than was  
55 allowed to him by the commissioners; and said  
56 court shall determine the compensation of the com-  
57 mittee, and of the persons presiding at the trial by  
58 jury.

STATE OF MAINE.

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IN HOUSE OF REPRESENTATIVES, }  
January 29, 1879. }

Reported from the Committee on the Judiciary, by Mr. BROWN  
of Bangor, and ordered printed under the Joint Rule.

B. L. STAPLES, *Clerk.*