

# MAINE STATE LEGISLATURE

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# FIFTY-NINTH LEGISLATURE.

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HOUSE.

No. 124.

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## STATE OF MAINE.

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

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AN ACT to amend chapter one hundred and five of  
the public laws of eighteen hundred and seventy-  
nine, relating to ways.

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

SECTION 1. Chapter one hundred and five of the  
2 public laws of eighteen hundred and seventy-nine  
3 is hereby amended so as to read as follows :

4 *Sect. 13.* The jury are to view the premises, hear  
5 the testimony and arguments of the parties or their  
6 counsel, and render a verdict signed by all of them,  
7 which is to be enclosed in an envelope with an en-  
8 dorsement thereon stating the contents, and is to  
9 be delivered to the officer having charge of them,  
10 who is to return it to the supreme judicial court, at

11 the next term thereof, to be held in the same coun-  
12 ty, with his doings, stating his own travel and at-  
13 tendance and that of each juror. Said court shall  
14 receive said verdict and the certificate and report  
15 of the person presiding. Either party interested  
16 therein may file a written motion to set aside said  
17 verdict for the same cause that a verdict rendered in  
18 court may be set aside. The court shall hear any  
19 competent evidence relating to the same, and, by  
20 agreement of the parties, adjudicate thereon, con-  
21 firm the verdict, or set it aside for good cause, re-  
22 serving the right to except as in other cases. If  
23 the parties do not agree to an adjudication by the  
24 court, the case shall be reported by the objecting  
25 party, otherwise by the party filing the motion, to  
26 the law court for judgment upon the law and the  
27 facts; and the law court may, upon motion and re-  
28 port of the evidence, set aside a verdict and order  
29 a new trial, as in other cases. If the matter is  
30 determined by a committee, as provided in this  
31 chapter, their report shall be made to the next term  
32 of said court held in that county, and like proceed-  
33 ings shall be had thereon as on a verdict returned  
34 as aforesaid. The clerk of said court shall certify  
35 such verdict or report, as the case may be, with  
36 the final adjudication of the court thereon, to the

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

SECT. 2. This act shall take effect when approved.

STATE OF MAINE.

IN HOUSE OF REPRESENTATIVES, }  
March 15, 1880. }

Reported by Mr. STROUT from Committee on Judiciary, and  
ordered printed under rule.

ORAMANDAL SMITH, *Clerk.*