

# MAINE STATE LEGISLATURE

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# Sixty-Fourth Legislature.

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HOUSE.

No. 25.

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## STATE OF MAINE.

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

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AN ACT in relation to suits at law and in equity in  
the Supreme Judicial Court.

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

SECTION 1. When, in an action at law in the  
2 Supreme Judicial Court, it appears that the rights  
3 of the parties can be better determined and enforced  
4 by a judgment and decree in equity, the court may,  
5 upon reasonable terms, strike out the pleadings at  
6 law, and require the parties to plead in equity in  
7 the same cause, and may hear and determine the  
8 cause in equity.

SECT. 2. When in any equity proceeding in the  
2 Supreme Judicial Court, it appears that the remedy

3 at law is plain, adequate and complete and that the  
4 rights of the parties can be fully determined and  
5 enforced by a judgment and execution at law, the  
6 court may upon reasonable terms strike out the  
7 pleadings in equity, and require the parties to plead  
8 at law in the same cause and may hear and deter-  
9 mine the cause at law.

SECT. 3. No attachments shall be affected by any  
2 proceedings under this act.

SECT. 4. In all proceedings in the Supreme  
2 Judicial Court, when there appears to be any con-  
3 flict or variance between the rules and principles of  
4 law, and those of equity as to the same subject  
5 matter the rules and principles of equity shall prevail.

STATE OF MAINE.

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HOUSE OF REPRESENTATIVES, }  
January 23, 1889. }

Tabled, pending reference and ordered printed on motion of Mr.  
WISWELL of Ellsworth.

NICHOLAS FESSENDEN, *Clerk.*