

MAINE STATE LEGISLATURE

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SEVENTY-SEVENTH LEGISLATURE

HOUSE

NO. 391

House of Representatives, Feb. 25, 1915.

Reported by Mr. Greenleaf from Committee on Legal Affairs and ordered printed under joint rules.

C. C. HARVEY, Clerk.

STATE OF MAINE

IN THE YEAR OF OUR LORD ONE THOUSAND NINE
HUNDRED AND FIFTEEN

AN ACT to amend Section 55, of Chapter 79 of the Revised Statutes relating to fixing the time within which Exceptions and motions for New Trials, may be filed in civil and criminal cases.

Be it enacted by the People of the State of Maine, as follows:

Section 1. Section 55 of Chapter 79 is hereby amended
2 by inserting after the word "justice" in the fifth line of said
3 section, the following words:

‘Provided however that in all cases such exceptions shall
5 be presented within thirty days after the verdict is rendered
6 or the opinion, direction or judgment is announced, in the

7 case in which such verdict, opinion, direction or judgment
8 is made.'

Sect. 2. Said section is further amended by inserting
2 after the words "superior courts" in the thirteenth line the
3 following words, 'unless said superior courts shall other-
4 wise provide by rule.'

Sect. 3. And by adding to said section 55 the following
2 paragraph:

'And all motions for new trials as against law or the evi-
4 dence shall be filed during the term at which verdict is ren-
5 dered, but in no case later than thirty days after verdict
6 rendered;' so that said section 55 as amended shall read as
7 follows:

'Sect. 55. When the court is held by one justice, a party
9 aggrieved by any of his opinions, directions or judgments,
10 in any civil or criminal proceeding may, during the term,
11 present written exceptions in a summary manner, signed by
12 himself or counsel, and when found true they shall be al-
13 lowed and signed by such justice; provided however that in
14 all cases such exceptions shall be presented within thirty
15 days after the verdict is rendered or the opinion, direction
16 or judgment is announced, in the case in which such verdict,
17 opinion, direction or judgment is made; but if he deems
18 them frivolous and intended for delay, he may so certify
19 on motion of the party not excepting; and such exceptions
20 may then be transmitted at once by such justice to the chief
21 justice, and shall be argued in writing on both sides within
22 thirty days thereafter, unless the presiding justice for good

23 cause, enlarges the time, and they shall be considered and de-
24 cided by the justices of said court as soon as may be, and the
25 decision certified to the clerk of the county where the case is
26 pending. This section applies to exceptions filed in any
27 criminal proceedings in either of the superior courts, unless
28 said superior courts shall otherwise provide by rule. If the
29 justice disallows or fails to sign and return the exceptions,
30 or alters any statement therein, and either party is aggrieved,
31 the truth of the exceptions presented may be established be-
32 fore the supreme judicial court sitting as a court of law upon
33 petition setting forth the grievance, and thereupon, the truth
34 thereof being established, the exceptions shall be heard and
35 the same proceedings had as if they had been duly signed
36 and brought up to said court with the petition. The supreme
37 judicial court shall make and promulgate rules for settling
38 the truth of exceptions alleged and not allowed.

And all motions for new trials as against law or the evi-
40 dence shall be filed during the term, at which verdict is ren-
41 dered, but in no case later than thirty days after verdict ren-
42 dered.'