

MAINE STATE LEGISLATURE

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SEVENTY-SEVENTH LEGISLATURE

HOUSE

NO. 550

House of Representatives, March 6, 1915.

Reported by Mr. Greenleaf from Committee on Revision of Statutes, and ordered printed under joint rules.

FORTUNAT BELLEAU, Clerk Pro Tem.

STATE OF MAINE

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

AN ACT to Amend Section Thirty-five of Chapter Eighty-four of the Revised Statutes Relating to Proceedings on Demurrers.

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

Section thirty-five of chapter eighty-four of the revised
2 statutes is hereby amended by adding at the end thereof the
3 following sentence: 'But by leave of court the time therefore
4 may be enlarged, or further time may be granted by the
5 court within which to pay said costs and to file such amend-
6 ment or new pleadings,' so that said section as amended shall
7 read as follows:

'Sect. 35. A general demurrer to the declaration may be
9 filed; and in any stage of the pleadings either party may

10 demur, and the demurrer must be joined, and it shall not
11 be withdrawn without leave of court, and of the opposite
12 party; but the justice shall rule on it, and his ruling shall
13 be final unless the party aggrieved excepts; and before ex-
14 ceptions are filed and allowed, he has the same power as the
15 full court to allow the plaintiff to amend, or the defendant
16 to plead anew. If the law court deems such exceptions
17 frivolous, it shall award treble costs against the party ex-
18 cepting from the time the exceptions were filed. If the dec-
19 laration is adjudged defective and is amendable, the plain-
20 tiff may amend upon payment of costs from the time when
21 the demurrer was filed. If the demurrer is filed at the first
22 term and overruled, the defendant may plead anew on pay-
23 ment of costs from the time when it was filed, unless it is
24 adjudged frivolous and intended for delay, in which case
25 judgment shall be entered. At the next term of court in
26 the county where the action is pending, after a decision on
27 the demurrer has been certified by the clerk of the district to
28 the clerk of such county, and not before, judgment shall
29 be entered on the demurrer, unless the costs are paid, and the
30 amendment or new pleadings filed on the second day of the
31 term. But by leave of court the time therefor may be en-
32 larged, or further time may be granted by the court within
33 which to pay said costs and to file such amendment or new
34 pleadings.'