

# MAINE STATE LEGISLATURE

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**EIGHTY-FIRST LEGISLATURE**

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**SENATE**

**NO. 41**

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In Senate, Feb. 2, 1923.

On motion by Senator Hinckley of Cumberland laid on table pending reference to Committee on Legal Affairs in concurrence and 500 copies ordered printed.

L. ERNEST THORNTON, Secretary.

Presented by Mr. Maher of Augusta.

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**STATE OF MAINE**

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IN THE YEAR OF OUR LORD ONE THOUSAND NINE  
HUNDRED AND TWENTY-THREE

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AN ACT to Amend Section 58 of Chapter 87 of the Revised Statutes Relative to the Setting Aside of Verdicts by Single Justices.

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

Section 58 of Chapter 87 of the Revised Statutes is hereby  
2 amended by striking out the words "at the" in the first line  
3 thereof and by striking out the words "same term at which  
4 it is rendered" in the second line thereof and by adding to  
5 said section the following paragraph:

'A motion to so set aside a verdict must be filed at the  
2 same term at which such verdict is rendered and shall be

3 heard by the presiding justice either in term time or in vaca-  
4 tion at his discretion and a report of so much of the evidence  
5 as the presiding justice deems necessary shall be filed with  
6 him and copies thereof furnished to counsel by the court  
7 stenographer without expense to the parties, prior to said  
8 hearing.'

So that said section as amended shall read as follows:

'Any justice of the supreme judicial court or of a superior  
2 court may set aside a verdict and grant a new trial in a case  
3 tried before him, when in his opinion the evidence demands  
4 it. But such verdict shall not be set aside by a single justice  
5 when two verdicts have been rendered against the applicant.

A motion to so set aside a verdict must be filed at the same  
2 time at which such verdict is rendered and shall be heard  
3 by the presiding justice either in term time or in vacation  
4 at his discretion and a report of so much of the evidence  
5 as the presiding justice deems necessary shall be filed with  
6 him and copies thereof furnished to counsel by the court  
7 stenographer without expense to the parties, prior to said  
8 hearing.'