

MAINE STATE LEGISLATURE

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EIGHTY-FOURTH LEGISLATURE

House Document

No. 471

H. P. 1409 House of Representatives, February 26, 1929.

Referred to Committee on Judiciary and 500 copies ordered printed. Sent up for concurrence.

CLYDE R. CHAPMAN, Clerk.

Presented by Mr. Williamson of Augusta.

STATE OF MAINE

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

AN ACT to Modify the Practice on Pleas in Abatement.

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

Pleas and motions in abatement or to the jurisdiction may
2 be filed within five days after the entry of the action, the
3 day of entry to be reckoned as one, and, if alleging mat-
4 ter of fact not apparent on the face of the record, shall
5 be verified by affidavit. When a plea or motion in abate-
6 ment or to the jurisdiction has been overruled the defend-
7 ant shall have the right to answer over on the merits. Noth-
8 ing herein contained shall be construed as affecting the pro-
9 visions of existing law relative to the filing of appearances.

STATEMENT OF FACTS

Under the existing law pleas in abatement are a snare. They are required to be filed on the first or second day of the term and if such a plea is overruled the defendant has no right to answer over to the merits. He is therefore compelled to act at his peril when he has insufficient time for consideration. As a practical matter a wise defendant will not run the risk of filing such a plea.