

# MAINE STATE LEGISLATURE

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NEW DRAFT

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**EIGHTY-FOURTH LEGISLATURE**

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**Senate Document**

**No. 417**

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S. P. 780

In Senate, April 4, 1929.

Reported by Senator Weatherbee of Penobscot from Committee on Revision of Statutes and laid on table to be printed under joint rules.

ROYDEN V. BROWN, Secretary.

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**STATE OF MAINE**

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

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AN ACT to Amend Sections Eighteen, Nineteen and Twenty-one of Chapter Eighty-Eight of the Revised Statutes, Relative to Appeals from Trial Justices and Municipal Courts.

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

Section 1. Section eighteen of chapter eighty-eight of the 2 revised statutes is hereby amended by inserting after the 3 word "included" in the fourth line thereof the words 'The 4 appellant shall within five days after judgment, Sunday 5 not included, pay to the clerk the required fees for 6 such appeal, including the entry fee in and cost of forward- 7 ing such appeal to the appellate court' and by striking out

8 the words "and the case shall be entered and determined in  
9 the appellate court," in the fourth and fifth lines of said  
10 section and by inserting in place thereof the words 'and the  
11 clerk shall enter the appeal in the appellate court where it  
12 shall be determined as a new entry,' so that said section as  
13 amended shall read as follows:

'Sect. 18. *Appeal, when and how claimed; its effect.* Any  
2 party aggrieved by the judgment of the justice, may appeal  
3 to the next supreme judicial or superior court in the same  
4 county, and may enter such appeal at any time within  
5 five days after the judgment, Sunday not included. The  
6 appellant shall within five days after judgment, Sunday not  
7 included, pay to the clerk the required fees for such appeal,  
8 including the entry fee in and cost of forwarding such ap-  
9 peal to the appellate court; and in that case no execution  
10 shall issue and the clerk shall enter the appeal in the appel-  
11 late court, where is shall be determined as a new entry.'

Sect. 2. Section nineteen of said chapter eighty-eight is  
2 amended by striking out at the beginning of said section  
3 the words "Before such appeal is allowed, the appellant  
4 shall recognize with sufficient surety or sureties to the ad-  
5 verse party, if required by him," and by inserting in place  
6 thereof the words 'If so requested by the adverse party, the  
7 appellant shall within one week after notice of such request,  
8 Sunday not included, or within such further time as may  
9 be allowed by the court, recognize to such adverse party,'  
10 so that said section as amended shall read as follows:

‘Sect. 19. *Appellant’s recognizance.* If so requested by  
2 the adverse party, the appellant shall within one week after  
3 notice of such request, Sunday not included, or within such  
4 further time as may be allowed by the court, recognize to  
5 such adverse party in a reasonable sum, with condition to  
6 prosecute his appeal with effect, and pay all costs arising  
7 after the appeal.’

Sect. 3. Section twenty of said chapter eighty-eight is  
2 hereby renumbered nineteen and section nineteen of said  
3 chapter eighty-eight is hereby renumbered twenty.

Sect. 4. Section twenty-one of said chapter eighty-eight is  
2 hereby amended by striking out the whole of said section  
3 and by substituting in place thereof the following:

‘Sect. 21. *On appeal, copies and papers to be produced.*  
2 When such appeal is completed the clerk shall file in the  
3 appellate court, the originals of all depositions and other  
4 written evidence or documents, and a copy of the record  
5 and all papers filed in the cause.’

Sect. 5. The new section herein enacted is numbered twen-  
2 ty-one and the subsequent sections of said chapter are re-  
3 numbered to follow said new section twenty-one.