

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

FIFTY-SIXTH LEGISLATURE

OF THE

STATE OF MAINE.

1877.

Published by the Secretary of State, agreeably to Resolves of June 28, 1820,
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1877.

PUBLIC LAWS

OF THE

STATE OF MAINE.

1877.

Chapter 178.

An act relative to proceedings in court.

Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows :

In criminal cases defendant may plead over, at same term at which demurrer is overruled.
Proviso.

That in all criminal cases, the defendant may demur, and in case the demurrer is not sustained, may plead over, at the same term at which the demurrer is overruled, *provided*, that where exceptions are filed to the rulings of the presiding judge, upon the demurrer, said cause shall be in order for trial as if no demurrer had been filed.

Approved February 7, 1877.

Chapter 179.

An act in relation to Municipal and Police Courts.

Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows :

Real estate may be attached on writs from municipal or police courts in certain cases.

Where a municipal or police court has a regular seal of court, and a recorder, and has jurisdiction in any action where the amount of damage claimed exceeds twenty dollars, real estate and interests in real estate attachable on writs from the supreme judicial court, may be attached on writs, or taken on executions from such municipal or police court, where the amount of the debt or damage, exclusive of costs, exceeds twenty dollars.

Approved February 7, 1877.

Chapter 180.

An act additional to chapter sixty-seven of the Revised Statutes, relating to the appointment of guardians.

Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows :

Guardians may refer action pending in which their wards are interested, to judge of S. J. court or his appointee.

SECT. 1. Guardians of minors, insane and incompetent persons, spendthrifts and convicts, are authorized, by agreement of parties, to refer, by rule of court, any action hereafter pending in the supreme judicial court, in favor of or against their ward, on any claim or demand for money or

other property in which said ward is interested, to any judge of said court, or any person appointed by said judge, whose decision, when accepted by said court, shall be final.

CHAP. 181

Decision final.

SECT. 2. The judge of probate may authorize any such guardian to adjust, by arbitration or compromise, any claim for money or other property, in favor of or against any ward represented by him.

Claims may be adjusted by arbitration or compromise.

Approved February 7, 1877.

Chapter 181.

An act to amend section sixteen of chapter seventy-seven of the Revised Statutes, relating to the powers of the Supreme Judicial Court.

Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows :

SECT. 1. Section sixteen of chapter seventy-seven of the revised statutes is hereby amended, so as to read as follows :

Sec. 16, ch. 77, R. S., amended.

‘SECT. 16. The clerk of a county, by virtue of a certificate, provided for in this chapter, received in vacation, shall enter judgment as of the preceding term, and execution may issue as of that term ; but all attachments then in force continue thirty days after the next term in that county ; and if the defendant was arrested on mesne process and gave bond to disclose after judgment, he may do so after said next term without breach of his bond. *Provided*, that in all cases where a party to a suit dies while the action is pending before the law court, and no suggestion of such death has been made upon the docket of the county where the action is pending, at the time the certificate of decision is received by the clerk of the court in such county, any justice of the supreme judicial court may, in term time or vacation, order such action to be brought or carried forward on such county docket to a subsequent term of the court in such county, in order that such death may be suggested upon the docket, and the proper party or parties entitled to defend or prosecute such suit may enter their appearance therein, and that the judgment in said action may be entered up at such subsequent term, in accordance with such certificate from the law court.’

Clerk of a county to enter judgment on certificate, as of preceding term.

Attachments to continue in force.

Defendant may disclose after next term.

Provision, where a party to a suit dies, while action is pending before law court.

SECT. 2. This act shall take effect when approved.

Approved February 7, 1877.