

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

FIFTY-NINTH LEGISLATURE

OF THE

STATE OF MAINE.

1880.

Published by the Secretary of State, agreeably to Resolves of June 28, 1820,
February 18, 1840, and March 16, 1842.

AUGUSTA:
SPRAGUE & SON, PRINTERS TO THE STATE.
1880.

PUBLIC LAWS
OF THE
STATE OF MAINE.
1880.

An act to amend chapter one hundred and five of the Public Laws of eighteen hundred and seventy-nine, relating to Ways.

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

Ch. 105, public laws 1879, amended.

SECT. 1. Chapter one hundred and five of the public laws of eighteen hundred and seventy-nine, is hereby amended, by inserting in the thirteenth line of section thirteen of said chapter, after the words "relating to the same," the words, 'and by agreement of the parties ;' and by adding after the word "cases," in the fifteenth line of said section, the words, 'if the parties do not agree to an adjudication by the court, the case shall be reported by the objecting party, otherwise by the party filing the motion, to the law court for judgment upon the law and the facts ; and the law court may, upon motion and report of the evidence, set aside a verdict and order a new trial, as in other cases,' so as to read as follows :

Jury to view premises, hear testimony and argument and render sealed verdict.

'SECT. 13. The jury are to view the premises, hear the testimony and arguments of the parties or their counsel, and render a verdict signed by all of them, which is to be enclosed in an envelope with an endorsement thereon stating the contents, and is to be delivered to the officer having charge of them, who is to return it to the supreme judicial court, at the next term thereof, to be held in the same county, with his doings, stating his own travel and attendance and that of each juror. Said court shall receive said verdict and the certificate and report of the person presiding. Either party interested therein may file a written motion to set aside said verdict for the same cause that a verdict rendered in court may be set aside. The court shall hear any competent evidence relating to the same, and, by agreement of the parties, adjudicate thereon, confirm the verdict, or set it aside for good cause, reserving the right to except as in other cases.

Motion to set aside.

Proceedings in case of disagreement of parties.

If the parties do not agree to an adjudication by the court, the case shall be reported by the objecting party, otherwise by the party filing the motion, to the law court for judgment upon the law and the facts ; and the law court may, upon motion and report of the evidence, set aside a verdict and order a new trial as in other cases. If the matter is determined by a committee, as provided in this chapter, their report shall be made to the next term of said court held in that county, and like proceedings shall be had thereon

Determination of matter by committee.

as on a verdict returned as aforesaid. The clerk of said court shall certify such verdict or report, as the case may be, with the final adjudication of the court thereon, to the commissioners at their next meeting after such adjudication, who shall record the same; and if the jury shall not have agreed on a verdict, or the verdict or report been set aside by the court to which it was returned, or upon exceptions, the commissioners, on application therefor, shall order a new jury, or the parties may agree upon a new committee; and thereupon like proceedings shall be had as are herein provided. The party prevailing shall recover costs, to be taxed and allowed by the court to which the verdict or report is returned and certified with it to the commissioners; except that the costs shall not be recovered by the party claiming damages, but by the other party, if upon appeal taken as provided in this chapter, by either party, said claimant shall fail to recover and have adjudged to him, a greater sum as damages than was allowed to him by the commissioners; and said court shall determine the compensation of the committee, and of the persons presiding at the trial by jury.

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

Approved March 18, 1880.

CHAP. 243

Clerk of courts to certify verdict or report with adjudication.

Proceedings when no verdict is rendered.

Costs, how adjusted.

Court to fix compensation.

Chapter 243.

An act to amend chapter ninety-one of the Revised Statutes relating to Liens on Vessels.

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

SECT. 1. Section ten of chapter ninety-one of the revised statutes, is hereby amended by adding thereto the words: 'and whenever a vessel shall have been attached as aforesaid, and the expense of retaining possession of said vessel shall be great, or the vessel shall be liable to depreciate in value by reason thereof, any attaching creditor, or an owner of said vessel may in term time or vacation, petition a justice of the supreme judicial court, praying that said vessel attached as aforesaid, may be sold, and said justice may order a hearing on said petition; and due notice shall be given to all parties

Sec. 10, ch. 91, R. S., amended.

Proceedings for the sale of attached vessels liable to depreciate in value.