

# MAINE STATE LEGISLATURE

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REVISED STATUTES  
OF THE  
STATE OF MAINE

1954

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1959 CUMULATIVE SUPPLEMENT

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ANNOTATED

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IN FIVE VOLUMES

**VOLUME 3**

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**Place in Pocket of Corresponding  
Volume of Main Set**

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THE MICHIE COMPANY  
CHARLOTTESVILLE, VIRGINIA  
1959

him or be subsequently employed as counsel or attorney in any case tried before him; nor hear or determine any civil action commenced by himself; and every action so commenced shall be dismissed. (R. S. c. 97, § 20. 1959, c. 317, § 110.)

**Effect of amendment.**—The 1959 amendment, effective December 1, 1959, substituted “an action” for “a suit” near the beginning of the section and substituted “be dismissed” for “abate” at the end of the section.

## Chapter 111.

### Miscellaneous Provisions Relating to Courts and Public Officers.

#### Title to Real Estate.

**Sec. 1. When title to real estate is in question.**—In actions before a trial justice when it appears by the pleadings that the title to real estate is in question, the cause shall on request of either party be removed to the superior court in the county. Such party shall recognize to the other in a reasonable sum, with sufficient sureties, to enter the case in the superior court within 30 days. If he does not so recognize, the trial justice shall hear and decide the case as if such request had not been made. (R. S. c. 98, § 1. 1949, c. 349, § 126. 1959, c. 317, § 111.)

**Effect of amendment.**—The 1959 amendment divided the section into three sentences, deleted “in a municipal court or” following “In actions” near the beginning of the section, deleted “or brief statement” following “pleadings” in the present first sentence, substituted “in the superior court within 30 days” for “at the next term thereof” at the end of the present second sentence and deleted “or municipal court judge” following “trial justice” in the present last sentence.

**Effective date and applicability of Public**

**Laws 1959, c. 317.** — Section 420, chapter 317, Public Laws 1959, provides as follows: “This act shall become effective December 1, 1959. It shall apply to all actions brought after December 1, 1959 and also to all further proceedings in actions at law or suits in equity then pending, except to the extent that in the opinion of the court the application of this act in a particular action pending on December 1, 1959 would not be feasible or would work injustice, in which event the laws in effect prior to December 1, 1959 would prevail.”

**Sec. 2. Copy and papers produced at appellate court; proceedings if not entered.**—The party so recognizing shall produce at said court a copy of the record and all such papers as are required to be produced by an appellant. If he fails to do so or to enter the action as provided, it shall on complaint of the adverse party be dismissed or defaulted, as the case may be. Such judgment shall be rendered as law and justice require. (R. S. c. 98, § 2. 1959, c. 317, § 112.)

**Effect of amendment.**—The 1959 amendment divided the section into three sentences, deleted “before” preceding “provided” in the present second sentence, substituted “it” for “he” following “provided”

in the same sentence and substituted “dismissed” for “nonsuited” in that sentence.

**Effective date of 1959 amendment.**—See note to § 1.

#### Appeals.

**Sec. 4. Appeal.**—Any party aggrieved by the judgment of a municipal court or trial justice, whether after trial or upon default, may appeal to the superior court in the same county and may enter such appeal at any time within 5 days after the judgment, Sunday not included. The appellant shall within 5 days after judgment, Sunday not included, pay to the clerk the required fees for such appeal, including the entry fee in and cost of forwarding such appeal to the appellate court, and in that case no execution shall issue, and the clerk shall enter

the appeal in the appellate court where it shall be determined as a new entry. (R. S. c. 98, § 4. 1949, c. 349, § 127. 1959, c. 317, § 113.)

**Effect of amendment.**—The 1959 amendment substituted “a municipal court or” for “the judge or the” in the first sentence and deleted “next” preceding “superior

court” in that sentence.

**Effective date of 1959 amendment.**—See note to § 1.

### **Sec. 9. Actions and executions, when directed into other counties.**

—In actions against bail, indorsers for costs, and proceedings after judgment against executors or administrators, and in all actions against 2 or more defendants before a trial justice or a judge of a municipal court, where the defendant or trustee resides out of the county where the proceedings are had, the justice or judge may direct the summons, writ or execution to any proper officer of the county where such defendant or trustee resides, who shall charge fees of travel from the place of his residence to the place of service only, and postage paid by him. (R. S. c. 98, § 9. 1959, c. 317, § 114.)

**Effect of amendment.**—The 1959 amendment substituted “actions” for “cases of scire facias” and “for costs, and proceedings after judgment against” for “of writs” near the beginning of the section, substituted “actions” for “trustee processes or

original writs” preceding “against 2 or more defendants” and added “summons,” preceding “writ or execution.”

**Effective date of 1959 amendment.**—See note to § 1.

## **Chapter 112.**

### **Commencement of Civil Actions.**

Section 84-A. Attachment in Counterclaim, Cross-Claim or Third-Party Complaint.

#### **Forms and Requisites of Writs.**

**Sec. 1.** Repealed by Public Laws 1959, c. 317, § 115.

**Effective date and applicability of Public Laws 1959, c. 317.** — Section 420, chapter 317, Public Laws 1959, provides as follows: “This act shall become effective December 1, 1959. It shall apply to all actions brought after December 1, 1959 and also to all further proceedings in actions at law or suits

in equity then pending, except to the extent that in the opinion of the court the application of this act in a particular action pending on December 1, 1959 would not be feasible or would work injustice, in which event the laws in effect prior to December 1, 1959 would prevail.”

**Sec. 2. Writs or precepts sold, etc., only to attorneys.**—Clerks of judicial courts, judges and registers of the probate courts, recorders of the municipal courts and trial justices of the state shall not sell or deliver any blank writs or precepts bearing the seal of said courts and the signature of said judges, recorders, registers and trial justices to any person except one who has been admitted as an attorney and counselor at law and solicitor and counselor in chancery in accordance with the laws of this state, and said judges and registers of said probate courts shall not receive any paper, petition or other instrument pertaining to the practice of law before said probate courts unless it bears the indorsement of an attorney or counselor at law duly authorized to practice before said courts, except that the above provisions shall not apply to a party in interest in the subject matter in said courts. (R. S. c. 99, § 2. 1959, c. 317, § 116.)

**Effect of amendment.**—The 1959 amendment repealed the former first paragraph of this section.

**Effective date of 1959 amendment.**—See note to § 1.