

MAINE STATE LEGISLATURE

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REVISED STATUTES
OF THE
STATE OF MAINE
1954

1959 CUMULATIVE SUPPLEMENT

ANNOTATED

IN FIVE VOLUMES
VOLUME 4

Place in Pocket of Corresponding
Volume of Main Set

THE MICHIE COMPANY
CHARLOTTESVILLE, VIRGINIA
1959

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 ex-

tent 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."

Replevin of Goods.

Sec. 16. Continuance of attachment, if goods replevied.—If the goods replevied had been attached, they shall, in case of judgment for a return, be held by the attachment until 60 days after adjournment in the action in which they were attached has become final as provided in chapter 112, section 72. If such final judgment is rendered before the return of the goods or if the goods when replevied had been seized on execution, they shall be held by the same attachment or seizure for 60 days after the return and may be taken and disposed of as if they had not been replevied. (R. S. c. 112, § 16. 1959, c. 317, § 277.)

Effect of amendment.—The 1959 amendment divided the section into two sentences, substituted "60" for "30" in both sentences, substituted "action" for "suit" in the first sentence and added "has be-

come final as provided in chapter 112, section 72" at the end of that sentence.

Effective date of 1959 amendment.—See note to § 7.

Sec. 19. Limitation of surety's liability on replevin bond.—No action shall be maintained against any surety on a replevin bond unless it is commenced within one year after final judgment in replevin or, if the complaint in replevin is not filed with the court by the plaintiff, within one year after the replevin of the goods. (R. S. c. 112, § 19. 1959, c. 317, § 278.)

Effect of amendment.—The 1959 amendment rewrote this section.

Effective date and applicability of Public Laws 1959, c. 317.—See note to § 7.

Chapter 126.

Habeas Corpus. Bail Commissioners.

Sec. 35. Commissioners admit to bail persons committed for not finding sureties.—When a person is confined in a jail for a bailable offense or for not finding sureties on a recognizance, except when a verdict of guilty has been rendered against him for an offense punishable in the state prison and except when such person is committed pending decision on report or exceptions as provided in section 29 of chapter 148, any such commissioner, on application, may inquire into the case and admit him to bail and exercise the same power as any justice of the supreme judicial court or superior court can; and may issue a writ of habeas corpus and cause such person to be brought before him for this purpose, and may take such recognizance; provided, however, that during a term of the superior court, a bail commissioner is not authorized to admit to bail any person confined in jail or held under arrest by virtue of a precept returnable to said term; and when a person is confined in jail for a bailable offense or for not finding sureties on a recognizance and the amount of his bail has been fixed by a justice of the supreme judicial court or of the superior court or by a judge or recorder of a municipal court, a bail commissioner is not authorized to change the amount of such bail. Such bail commissioner shall receive not exceeding the sum of \$5 in each case in which bail is so taken, the same to be paid by the person so admitted to bail; but the person admitted to bail shall not be required to pay any other fees or charges to any officer for services connected with the giving of such bail; provided, however, that if a bail commissioner takes bail after

8:00 P. M. and prior to 8:00 A. M. of the following day he shall be permitted to receive a charge of up to \$10 for the occasion of taking such bail, but said charge shall not be in addition to the charge in each case otherwise authorized in this section but shall be inclusive of such charge or charges.

(1955, c. 356.)

Effect of amendment.—The 1955 amendment added the proviso at the end of the first paragraph. As the second paragraph was not changed, it is not set out.

Sec. 35-A. Surety bonds authorized in criminal cases.—In any criminal proceeding or mesne process or other process where a bail bond recognizance or personal sureties or other obligation is required, or whenever any person is arrested and is required or permitted to recognize with sureties for his appearance in court, the court official or other authority authorized by law to accept and approve the same shall accept and approve in lieu thereof, when offered, a good and sufficient surety bond duly executed by a surety company authorized to do business in this state. (1959, c. 143, § 2.)

Chapter 127.

Writ of Audita Querela.

Secs. 1-7. Repealed by Public Laws 1959, c. 317, § 279.

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."

Chapter 129.

Writs of Error, Certiorari, Mandamus and Quo Warranto.

Writs of Error.

Secs. 1-10. Repealed by Public Laws 1959, c. 317, § 280.

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."

Writs of Error in Criminal Cases.

Sec. 11. Writ of error in criminal cases.

Quoted in *Dwyer v. State*, 151 Me. 382, 120 A. (2d) 276.

Sec. 12. Effect; custody of plaintiff; release on bail; copies of judgment.

Errors that appear upon face of record.—This section and section 11 of this chapter, when this statute has been invoked, have been construed to apply to