

MAINE STATE LEGISLATURE

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DOCUMENTS

PRINTED BY ORDER OF

THE LEGISLATURE

OF THE

STATE OF MAINE,

A. D. 1859.



AUGUSTA:

STEVENS & SAYWARD, PRINTERS TO THE STATE.

1859.

THIRTY-EIGHTH LEGISLATURE.

SENATE.]

[No. 26.

STATE OF MAINE.

IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED AND FIFTY-NINE.

AN ACT in relation to reviews.

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

SECTION 1. If a petitioner for review makes it appear that a witness testifies falsely to material facts against him in the original trial, whereby he was taken by surprise and unable at the trial to produce evidence of the falsehood, but has since discovered such evidence, which, together with any evidence before known, is, in the opinion of the court, sufficient proof that the testimony was false; or if such witness has been convicted of perjury in such testimony, in either case, the petitioner shall be entitled to review.

SECT. 2. A petition for review, for any cause above

2 named, may be commenced within six months after
3 the passage of this act, notwithstanding there may
4 have been a former unsuccessful petition for review
5 of the same action.

SECT. 3. An action prosecuted or defended by a
2 party in interest who is not the party of record, may
3 be reviewed on petition of the party in interest
4 setting forth the fact of such interest ; but the writ of
5 review in such a case shall not issue until the peti-
6 tioner has filed a bond with sufficient surety or sure-
7 ties, approved by the presiding judge, to secure the
8 party of record against any judgment recovered by the
9 defendant in review.

SECT. 4. This act shall take effect from and after its
2 approval by the governor.

A.

Amend the second section by adding at the end thereof the following :

- 1 and the officer serving such petition or writ of review
- 2 may attach thereon the property of the respondent the
- 3 same as on an original writ.

STATE OF MAINE.

IN SENATE, March 16, 1859.

ORDERED, That 350 copies of the Bill and House amendment "A," be printed for the use of the Legislature.

ATTEST :

JOSEPH B. HALL, *Secretary.*