

# MAINE STATE LEGISLATURE

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THE  
**REVISED STATUTES**

OF THE  
STATE OF MAINE,

PASSED OCTOBER 22, 1840;

TO WHICH ARE PREFIXED

**THE CONSTITUTIONS**

OF THE

*United States and of the State of Maine,*

AND TO WHICH ARE SUBJOINED THE OTHER

PUBLIC LAWS OF 1840 AND 1841,

WITH AN

**APPENDIX.**

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PRINTED AND PUBLISHED IN COMPLIANCE WITH A RESOLVE OF OCTOBER 22, 1840.

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**Augusta:**

PUBLISHED BY WILLIAM R. SMITH & Co., PRINTERS TO THE STATE.

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1841.

## CHAPTER 131.

## OF BASTARD CHILDREN, AND THEIR MAINTENANCE.

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| <p>SECT. 1. Accusation by a woman, pregnant with a bastard child, and her examination.</p> <p>2. Justice may issue a warrant.</p> <p>3. Person arrested, to give bond.</p> <p>4. On refusal, to be committed.</p> <p>5. Cause to be continued, in certain cases.</p> <p>6. Surrender of principal by his sureties, and proceedings.</p> <p>7. Declaration to be filed, and form thereof.</p> | <p>SECT. 8. When complainant may be a witness.</p> <p>9. Proceedings, if respondent be adjudged guilty.</p> <p>10. To be discharged, if adjudged not guilty.</p> <p>11. Complainant not to settle with the father, if the overseers of the poor object.</p> <p>12. Discharge of the father from imprisonment, on taking the poor debtor's oath.</p> <p>13. Liability, after such discharge.</p> |
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Accusation, by a woman pregnant with a bastard child, and her examination.  
1821, 72, § 1.  
16 Maine, 38.  
6 Pick. 104.  
13 Pick. 284.

SECTION 1. When any woman, being pregnant with a child, which, if born alive, may be a bastard, or who has been delivered of a bastard child, shall accuse any man of being the father thereof, before any justice of the peace, and request a prosecution against the person accused, such justice shall take her accusation and examination, on oath, respecting the person accused, and the time and place, as correctly as either can be described, when and where the child was begotten, and all such other circumstances, as he may deem useful in the discovery of the truth.

Justice may issue a warrant.  
1836, 210, § 2.

SECT. 2. Such justice may issue his warrant for the apprehension of such person, directed to the sheriff of any county, in which the person accused is supposed to reside, accompanied by such accusation and examination.

Person arrested, to give bond.  
1821, 72, § 1.  
7 Mass. 340.  
396.  
2 Greenl. 165.  
3 Greenl. 433.  
18 Pick. 257.  
20 Pick. 86.

SECT. 3. When the person is brought before such or any other justice, he may require him to give bond, with sufficient sureties, in such reasonable sum as he shall order, to the complainant, conditioned for his appearance at the next district court to be held in the county in which she resides, and for his abiding the order of court thereon.

On refusal, to be committed.

SECT. 4. If the accused person shall refuse or neglect to give such bond, said justice shall commit him to the jail of the county of such justice, until such bond shall be given.

Cause to be continued, in certain cases.  
1821, 72, § 1.  
12 Pick. 196.

SECT. 5. If, at such next, or any subsequent court, the complainant shall not have been delivered of her child, or be unable to attend court, or for other good reason, the cause may be continued, and the bond shall remain in force, until final judgment, unless it shall become void, as mentioned in the following section.

Surrender of principal by his sureties, and proceedings.  
1836, 210, § 2.

SECT. 6. The sureties of the accused may surrender him in court at any time before final judgment, and thereupon they shall be discharged: and he shall be committed, until a new bond shall be given.

Declaration to be filed, and form thereof.  
1 Greenl. 304.  
6 Greenl. 460.  
3 Fairf. 27.

SECT. 7. Before proceeding to trial, the complainant must file a declaration, stating that she had been delivered of a bastard child, which was begotten by the accused; the time and place, when and where, it was begotten, with as much precision as the case will admit; that, being put on the discovery of the truth during the time of her travail, she accused the respondent of being the father of the child, and that she had been constant in such accusation.

SECT. 8. When the complainant, having made the said accusation, and been examined on oath as before mentioned, and being put upon the discovery of the truth, respecting the same accusation at the time of her travail, shall thereupon accuse the same man with being the father of the child, of which she is about to be delivered, and shall continue constant in such accusation, and shall prosecute him as the father of such child before such court, the man shall be held to answer to such complaint, and she shall be a witness in the trial of the cause, unless she would be an incompetent witness in any other cause, by reason of a conviction of some crime.

When complainant may be a witness.  
1821, 72, § 1.  
5 Mass. 517.  
8 Greenl. 163.  
3 Pick. 194.  
5 Pick. 63.  
8 Pick. 560.  
17 Pick. 380.  
20 Pick. 99.  
21 Pick. 132.

SECT. 9. If, on such issue, the jury shall find the respondent guilty, or if the facts in the declaration filed, shall be admitted by default or on demurrer, he shall be adjudged, by the court, the father of such child, and stand charged with the maintenance thereof, with the assistance of the mother, as the court shall order; and shall give a bond with sufficient sureties, and approved by the court, to the complainant, to perform the said order, and also a bond with sufficient sureties approved as aforesaid, to the town that might be chargeable for the maintenance of such child; and he shall be committed till he shall make and execute such bonds: which latter bond shall be deposited with the clerk of the court for the use of such town.

Proceedings, if respondent be adjudged guilty.  
1821, 72, § 1.  
2 Greenl. 165.

SECT. 10. If, on trial of said cause, the jury shall find the respondent, not guilty, the court shall order him to be discharged; and the verdict in either case shall be final.

To be discharged, if adjudged not guilty.  
1821, 72, § 1.

SECT. 11. No woman, whose accusation and examination, on oath, shall have been taken by a justice of the peace at her request, as aforesaid, shall be allowed to make any settlement with the father, or give him any discharge, which shall be given in evidence on the trial of any such complaint to bar or affect the same, if it shall be objected to in writing by the overseers of the poor of the town, interested in the support of such mother or child.

Complainant not to settle with the father, if the overseers of the poor object.  
1821, 72, § 1.

SECT. 12. When the father of such bastard child shall have remained ninety days in jail, without being able to comply with the order of court, he may be liberated, by taking the poor debtor's oath, in the same manner, as persons, now or hereafter, may, who are committed on execution; provided, he shall give the like notification of his intention to take the benefit of said oath, to be served on the complainant, if then living, and also on the clerk of the town, where the child, of which he has been adjudged the father, has its legal settlement, if in this state; said notice to be given fifteen days before the day appointed for taking the oath.

Discharge of the father from imprisonment, on taking the poor debtor's oath.  
1831, 487, § 1.

SECT. 13. The mother of such child and said town, may, after such liberation of such prisoner, recover of him by action of debt, any sum of money, which ought to have been paid pursuant to the order of court.

Liability, after such discharge.