

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.

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

Augusta:

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

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1841.

CHAPTER 132.

OF PERSONAL PROPERTY SEIZED, AND LOST GOODS; AND PROCEEDINGS THEREON.

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| <p>SECT. 1. Seizure of forfeited personal property, by the person entitled thereto.</p> <p>2. To be restored to claimant, on his giving bond.</p> <p>3. Appraisal thereof.</p> <p>4. Inventory and appraisal, if there be no claimant.</p> <p>5. Libel in the district court, if value exceed twenty dollars.</p> <p>6. Notice of libel, how given.</p> <p>7, 8. Proceedings, and decree thereon.</p> <p>9. Libel before a justice, if the value be less than twenty dollars.</p> | <p>SECT. 10. Appeal, and proceedings.</p> <p>11. Decree to be affirmed, if appeal be not prosecuted.</p> <p>12. Depositions may be used.</p> <p>13. Duty of finder of goods, worth three dollars or more.</p> <p>14, 15. Duty of finder of goods, worth ten dollars or more.</p> <p>16. Proceedings, if owner appear in one year.</p> <p>17. If no owner appear, how disposed of.</p> <p>18. Penalty, if finder neglect.</p> |
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Seizure of forfeited personal property by the person entitled thereto. 1821, 81, § 1.

SECTION 1. When any personal property shall be forfeited for any offence, and no special mode is prescribed for recovering the same, any person entitled thereto, in whole or in part, may seize and keep the same until final judgment, unless they are restored on the bond, as hereinafter mentioned.

To be restored to claimant, on his giving bond. 1821, 81, § 1.

SECT. 2. If the person claiming the same for himself or another, shall give bond with sufficient surety or sureties to the party seizing; to pay the appraised value thereof, when, and if, the same shall be decreed forfeited, then the same shall be restored to such owner or claimant.

Appraisal thereof. 1821, 81, § 1.

SECT. 3. The value shall be ascertained by the appraisement of three disinterested men, mutually chosen by the parties; or if they cannot agree, by a justice of the peace of the same county.

Inventory and appraisal, if there be no claimant. 1821, 81, § 1.

SECT. 4. If no person claims the property, after it has been so seized, the party seizing, shall cause an inventory and appraisement of the same, to be made by three disinterested persons, under oath, appointed by a justice of the same county; which value shall be the rule for deciding, where the libel shall be filed.

Libel in the district court, if value exceed twenty dollars. 1821, 81, § 2.

SECT. 5. If the property seized shall exceed twenty dollars, the party seizing shall, within twenty days after the seizure, but not afterwards, file a libel in the office of the clerk of the district court in the county, where the offence was committed, stating the cause of seizure and praying for a decree of forfeiture. The clerk shall, thereupon, make out a notice to all persons to appear at such court at the time appointed, to shew cause, why such decree should not be passed.

Notice of libel, how given. 1821, 81, § 2.

SECT. 6. Such notice shall be published in some newspaper, printed in the same county, if there be one, if not, in an adjoining county, or in the newspaper, published by the printer to the state, at least fourteen days before the time of trial.

Proceedings, and decree thereon. 1821, 81, § 2.

SECT. 7. The court may, where there is a claimant, hear and determine the cause by a jury, or without if the parties agree; but, where there is no claimant, the court shall decree the forfeiture and disposition of the property, according to law, and a sale and distri-

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 bution of the proceeds, after deducting all proper charges; and may allow costs against the claimant.

SECT. 8. If the libel shall not be supported, or be discontinued, the court shall decree a restoration of the property, with costs. And if the jury, or the court, shall find the seizure, without probable cause, reasonable damages also shall be decreed for the complainant. Same subject.

SECT. 9. When the property seized shall not exceed the value of twenty dollars, the libel shall be filed before a justice of the peace of the county, where the offence was committed; and, after notice of the kind, mentioned in the fifth section, has been posted at two or more public places in the same county, seven days at least before the day of trial, such justice shall try and decide the cause, and make such decree therein, as the law requires. Libel before a justice, if the value be less than twenty dollars. 1821, 81, § 3.

SECT. 10. Either party may appeal to the next district court in the same county, recognizing accordingly as in other cases of appeal; which court may decide the same, and decree what law and justice shall require. Appeal and proceedings. 1821, 81, § 3.

SECT. 11. If the appeal shall not be prosecuted, the court, on complaint, may affirm the decree of the justice, with costs. Decree to be affirmed, if appeal be not prosecuted. 1821, 81, § 3.

SECT. 12. In such case, depositions, duly taken, may be used before the justice, or the district court. Depositions may be used. 1821, 81, § 3.

SECT. 13. Whoever shall find any money or goods, of the value of three dollars, or more, the owner whereof is unknown, shall, within ten days next following, give notice thereof in writing to the clerk of the town in which they are found, and cause a notification thereof to be posted up in some public place in the same town; and, if there be any public crier in such town, shall cause the same to be cried publicly therein on three several days. Duty of finder of goods, worth three dollars or more. 1821, 130, § 1.

SECT. 14. If the money or goods, so found, be of the value of ten dollars or more, the same shall be cried, and notice given thereof by posting as aforesaid in two towns adjoining, in addition to the requirement in the preceding section. Duty of finder of goods worth ten dollars or more. 1821, 130, § 1.

SECT. 15. Every finder of lost goods, of the value of ten dollars or more, shall also, within two months after finding, and before using the same to their disadvantage, procure, from the town clerk or a justice of the peace, a warrant, directed to two persons, not interested, except as inhabitants of the town, to be appointed by said clerk or justice of the peace, returnable within seven days from the date, into the town clerk's office, to appraise the said goods under oath. Same subject. 1821, 130, § 2.

SECT. 16. If the owner of such lost money or goods appear, within one year after notice given to said clerk as aforesaid, and shall give reasonable evidence of his right thereto, to the finder, he shall have restitution of the same or the value thereof; allowing and paying all necessary charges, including a reasonable compensation to the finder for his trouble; to be liquidated and adjudged by some justice of the peace in the county, if the owner and finder do not agree. Proceedings, if the owner appear in one year. 1821, 130, § 3.

SECT. 17. If no owner shall appear, within one year as aforesaid, then such money or lost goods shall remain to the finder, he paying one half of the value thereof, all necessary charges having been first deducted, to the treasurer of said town; and, in case of If no owner appear, how disposed of. 1821, 130, § 3.

CHAP. 132. the neglect of the finder, then to pay the same on demand, after converting the same to his own use, the same may be recovered in an action, to be brought by said treasurer in the name of the town.

Penalty, if finder neglect.
1821, 130, § 6.

SECT. 18. If any finder of any lost money or goods, of the value of three dollars or upwards, shall neglect to give notice thereof to the town clerk, and cause the same to be cried and advertised, in time and manner, as provided in the thirteenth and fourteenth sections of this chapter, he shall forfeit the full value of such money or goods, one half to the use of the town, and the other half to him who shall sue for the same; and shall moreover remain responsible to the owner of such lost money or goods.

CHAPTER 133.

OF DEPOSITIONS, AND MODES OF TAKING THEM; AND OF WITNESSES.

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| <p>SECT. 1. In what cases, depositions may be used.</p> <p>2. Before whom they may be taken.</p> <p>3. When a cause is deemed, pending, for the purpose.</p> <p>4. Reasons, for which they may be taken and used.</p> <p>5. Summons to deponent, and citation to the adverse party.</p> <p>6. Service of such citation.</p> <p>7. Who is to be considered attorney of the adverse party.</p> <p>8. Notice to one of the adverse party, sufficient.</p> <p>9. Time of notice.</p> <p>10. Verbal notice, by the justice or notary.</p> <p>11. Form of citation to adverse party.</p> <p>12. Form of summons to deponent.</p> <p>13. Witness may be compelled to give his deposition.</p> <p>14. How depositions may be taken, out of the state.</p> <p>15. Deponent to be sworn, before examination.</p> <p>16. Who may write the deposition.</p> <p>17. Form of caption.</p> <p>18. Deposition to be delivered in court, or sealed up.</p> <p>19. Not to be used, if the reason for taking it no longer exists.</p> <p>20. Objections to competency of a witness, or to questions proposed, when to be made.</p> <p>21. When depositions may be used in a second suit.</p> <p>22. When depositions may be used, taken out of the state.</p> <p>23. Commissions to take depositions out of the state.</p> | <p>SECT. 24. Witnesses may be compelled to give depositions in cases of contested elections.</p> <p>25. Application for taking a deposition in perpetuum.</p> <p>26. Notice to persons interested.</p> <p>27. Deposition, how taken, and certificate thereon.</p> <p>28. To be recorded.</p> <p>29. When it may be used in evidence.</p> <p>30. Such depositions may be taken, out of the state.</p> <p>31. Application to the court for a commission therefor.</p> <p>32. Notice to persons interested.</p> <p>33. Court may issue a commission.</p> <p>34. Deposition to be taken upon interrogatories.</p> <p>35. Application may be filed in vacation, and notice given.</p> <p>36. Proceedings, to compel a deponent to appear, to give his deposition.</p> <p>37. Punishment, if he refuse to depose.</p> <p>38. Certain deponents may affirm.</p> <p>39. If a false deposition be given, it is to be deemed perjury.</p> <p>40. Witnesses may be summoned into another state to testify in criminal cases.</p> <p>41, 42. Mortgagee to disclose the amount due on the mortgage; to an attaching creditor of the mortgager.</p> <p>43. May be compelled to give his deposition.</p> <p>44. Who are competent witnesses.</p> <p>45. How records of courts of other states are to be authenticated.</p> |
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