

MAINE STATE LEGISLATURE

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THE
REVISED STATUTES

OF THE

STATE OF MAINE,

PASSED APRIL 17, 1857;

TO WHICH ARE PREFIXED

THE CONSTITUTIONS

OF THE

UNITED STATES AND OF THE STATE OF MAINE:

WITH AN

APPENDIX.

PUBLISHED BY AUTHORITY OF THE LEGISLATURE.

BANGOR:
WHEELER & LYNDE.

1857.

CHAPTER 97.

BASTARD CHILDREN AND THEIR MAINTENANCE.

- SEC. 1. Accusations by a woman pregnant with a bastard child, and her examination.
2. Justice may issue a warrant.
3. Person arrested to give bond. On refusal, to be committed.
4. Cause to be continued, if complainant is not delivered, or unable to attend court. Surrender of principal by his sureties, and proceedings.
5. Declaration must be filed before trial; form thereof.
6. Complainant may be a witness, if she has continued constant in her accusations.
7. Proceedings if respondent is adjudged guilty. If not guilty, respondent to be discharged.
8. Complainant not to settle with the father, unless by the written consent of the overseers of the poor.
9. The father may be discharged from imprisonment, on taking the poor debtor's oath; his liability to the mother and town, after such discharge.

SEC. 1. When a woman pregnant with a child, that if born alive, may be a bastard, or who has been delivered of a bastard child, accuses any man of being the father thereof, before any justice of the peace, and requests a prosecution against him, he shall take her accusation and examination on oath, respecting the accused, and the time and place when and where the child was begotten, as correctly as they can be described, and all such other circumstances as he deems useful in the discovery of the truth. (a)

Accusations by a woman pregnant with a bastard child, and her examination.

R. S., c. 131, § 1.

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

Justice may issue a warrant.

R. S., c. 131, § 2.

SEC. 3. When the person is brought before such or any other justice, he may require him to give bond to the complainant with sufficient sureties, in such reasonable sum as he orders, conditioned for his appearance at the next supreme judicial court for the county in which she resides, and for his abiding the order of court thereon; and if he does not give it, he shall commit him to jail until he does.

Person arrested to give bond, or be committed.

2 Greenl. 165.
3 Greenl. 433.
19 Maine, 409.
26 Maine, 378.
R. S., c. 131, § 3, 4.

SEC. 4. If at such next or any subsequent court, the complainant is not delivered of her child, or is 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 the sureties of the accused surrender him in court at any time before final judgment, which they may do, and thereupon they shall be discharged; and he shall be committed until a new bond is given.

Cause to be continued, &c. Surrender of principal by his sureties, &c.

R. S., c. 131, § 5, 6.
R. S. c. 114, § 100.

SEC. 5. Before proceeding to trial, the complainant must file a declaration, stating that she has been delivered of a bastard child 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

Declaration must be filed before trial; form thereof.

1 Greenl. 304.
6 Greenl. 460.
12 Maine, 27.

(a) 16 Maine, 38; 18 Maine, 304, 372; 36 Maine, 486; 37 Maine, 546.

CHAP. 97.

18 Maine, 39,
304.

R. S., c. 131,
§ 7.

Complainant
may be a wit-
ness, &c.

R. S., c. 131,
§ 8.

Proceedings if
respondent is
adjudged
guilty.

If not guilty,
to be dis-
charged.

R. S., c. 131,
§ 9, 10.

Complainant
not to settle
with the father,
&c.

18 Maine, 150.
R. S., c. 131,
§ 11.

The father may
be discharged
from imprison-
ment, &c.

19 Maine, 409.
32 Maine, 21.
R. S., c. 131,
§ 12, 13.

her travail, she accused the respondent of being the father of the child, and that she has been constant in such accusation.

SEC. 6. When the complainant has made said accusation; been examined on oath as aforesaid; been put upon the discovery of the truth of such accusation at the time of her travail, and thereupon has accused the same man with being the father of the child of which she is about to be delivered; has continued constant in such accusation, and prosecutes him as the father of such child before such court; he shall be held to answer to such complaint; and she may be a witness in the trial, unless incompetent by reason of a conviction of some crime. (a)

SEC. 7. If, on such issue, the jury finds the respondent not guilty, he shall be discharged; but if they find him guilty, or the facts in the declaration filed are admitted by default or on demurrer, he shall be adjudged the father of such child; stand charged with its maintenance, with the assistance of the mother, as the court orders; and shall give a bond, with sufficient sureties approved by the court, to the complainant to perform said order, and a bond, with sufficient sureties so approved, to the town liable for the maintenance of such child; and be committed till he gives them. The latter bond to be deposited with the clerk of the court for the use of such town.

SEC. 8. No woman, whose accusation and examination, on oath, have been taken by a justice of the peace at her request, shall make a settlement with the father, or give him any discharge to bar or affect such complaint, if objected to in writing by the overseers of the poor of the town interested in her support or the child's.

SEC. 9. When the father of such bastard child has 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, as persons committed on execution; but he shall give fifteen days notice of his intention to do so, to the mother, if living, and to the clerk of the town where the child has its legal settlement, if in this state. The mother and said town may, after such liberation, recover of him by action of debt any sum of money, which ought to have been paid pursuant to the order of court.

CHAPTER 98.

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

- SEC. 1. Seizure of forfeited personal property, by the person entitled thereto.
2. To be restored to claimant, on his giving bond.
 3. The same to be appraised.
 4. Inventory and appraisal, if there is no claimant.

(a) 8 Greenl., 163; 18 Maine, 39, 304, 372; 23 Maine, 573; 34 Maine, 237; 35 Maine, 433; 39 Maine, 469.