

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.

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.

- SEC. 5. If the value exceeds twenty dollars, libel to be in the supreme judicial court.
How notice of libel to be given.
6. Proceedings and decree thereon.
7. If libel is not supported, or is discontinued, court shall decree restoration.
Damages for seizure without probable cause.
8. If the value is less than twenty dollars, libel to be before a justice.
9. Appeal; decree to be affirmed, if appeal is not prosecuted; depositions may be used in the trial.
- 10, 11. Duty of finder of goods worth three dollars, or more; also, worth ten dollars or more.
12. Proceedings, if owner appears in one year.
13. If no owner appears within one year, the finder to have the money, or goods, on paying one half the value to the town treasurer.
14. Penalty, if finder neglects to give notice.

SEC. 1. When any personal property is forfeited for an offence, and no special mode is prescribed for recovering it, any person entitled to the whole or part of it, may seize and keep it till final judgment, unless restored on the bond as herein provided.

Seizure of forfeited personal property, &c.
R. S., c. 132, § 1.

SEC. 2. If the person claiming it for himself or another, gives bond to the party seizing, with sufficient surety, to pay the appraised value when it is decreed forfeited, it shall be restored to him.

To be restored to claimant, on his giving bond.
R. S., c. 132, § 2.

SEC. 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 county.

To be appraised,
R. S., c. 132, § 3.

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

Inventory and appraisal, if no claimant.
R. S., c. 132, § 4.

SEC. 5. If the property seized exceeds twenty dollars, the party seizing, within twenty days thereafter, shall file a libel in the clerk's office of the supreme judicial 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 show cause why such decree should not be passed, which shall be published in some newspaper printed in the county, if any, if not, in the state paper, at least fourteen days before the time of trial.

If the value exceeds \$20, &c.
How notice of libel to be given.
R. S., c. 132, § 5, 6.

SEC. 6. When there is a claimant, the court may hear and determine the cause by a jury, or without, if the parties agree, and may allow costs against the claimant; if there is no claimant, the court shall decree the forfeiture and disposition of the property according to law, and a sale and distribution of the proceeds, after deducting all proper charges.

Proceedings and decree thereon.
R. S., c. 132, § 7.

SEC. 7. If the libel is not supported, or is discontinued, the court shall decree a restoration of the property, with costs. If the jury or court finds the seizure without probable cause, reasonable damages shall be decreed for the claimant.

If libel is not supported, &c.
R. S., c. 132, § 8.

SEC. 8. When the property seized does not exceed twenty dollars, the libel shall be filed before a justice of the peace of the

If the value is less than \$20, &c.

CHAP. 98.

R. S., c. 132,
§ 9.

Appeal; de-
cree to be af-
firmed, &c.
R. S., c. 132,
§ 10, 11, 12.

Duty of finder
of goods worth
\$3, or more.
R. S., c. 132,
§ 13, 14.

Also, worth
\$10, or more.
R. S., c. 132,
§ 15.

Proceedings, if
owner appears
in one year.
R. S., c. 132,
§ 16.

If no owner
appears within
one year, &c.
R. S., c. 132,
§ 17.

Penalty, if
finder neglects
to give notice.
R. S., c. 132,
§ 18.

county where the offence was committed; and after notice as aforesaid has been posted at two or more public places in the county, seven days at least before the day of trial, he shall try and decide the cause, and make such decree therein as law requires.

SEC. 9. Either party may appeal to the next supreme judicial court in the county, recognizing as in other cases of appeal; if the appeal is not prosecuted, the court, on complaint, may affirm the decree of the justice, with costs; and depositions, duly taken, may be used in the trial of the action.

SEC. 10. The finder of money or goods of the value of three dollars or more, if the owner is unknown, within ten days next following, shall give notice thereof in writing to the clerk of the town where they are found, post up a notification thereof in some public place in said town, and cause it to be publicly cried therein on three several days, if there is any public crier in said town. And if the value of said money or goods is ten dollars or more, the same shall be cried and notice given by posting as aforesaid in two towns adjoining, in addition.

SEC. 11. Every finder of lost goods of the value of ten dollars or more, within two months after finding, and before using them to their disadvantage, shall procure a warrant from the town clerk or a justice of the peace, directed to two persons appointed by said clerk or justice not interested, except as inhabitants of the town, returnable within seven days from the date in said clerk's office, to appraise said goods under oath.

SEC. 12. If the owner of such lost money or goods appears within one year after said notice to the clerk, and gives reasonable evidence of his ownership to the finder, he shall have restitution of them or their value, paying all necessary charges and reasonable compensation to the finder, to be adjudged by a justice of the peace of the county, if the owner and finder cannot agree.

SEC. 13. If no owner appears within one year, such money or lost goods shall belong to the finder, by paying one half their value to the treasurer of said town, after deducting all necessary charges; but if he neglects to pay it on demand, it may be recovered in an action brought by said treasurer in the name of the town.

SEC. 14. If the finder of lost money or goods, of the value of three dollars or more, neglects to give notice to the town clerk and cause them to be cried and advertised as herein provided, he shall forfeit the full value thereof, one half to the use of the town, and the other half to him who sues therefor, and be liable to the owner for the lost money or goods.