

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.

the deposition; and he refuses to attend, the magistrate may adjourn the time of taking his deposition, and issue a *capias*, directed to a proper officer, to apprehend and bring him before him at the time and place of the adjournment; and if, on being brought before the magistrate who is to take his deposition, he refuses to depose and answer such questions as are propounded to him by either of the parties or persons interested, under his direction, he may commit him to the prison of the county for contempt, as the supreme judicial court may commit a witness for refusing to testify.

CHAP. 107.

Punishment if he refuses.

R. S., c. 133,
§ 36, 37.

CHAPTER 108.

REFERENCE OF DISPUTES BY CONSENT OF PARTIES.

- SEC. 1. What controversies may be submitted; manner and form of submission; not to be revoked but by consent.
2. Submission of all demands, and of a specific demand.
 3. Parties may agree upon the time of reporting.
 4. Report, how returned into court.
 5. Power of referees same as if appointed under rule of court.
 6. Proceedings of court thereon; recommitment.
 7. All the referees must hear, but a majority may decide.
 8. Costs; compensation of referees.
 9. Report to be made to the supreme judicial court; either party may bring writ of error or file exceptions.
 10. A referee may take acknowledgment, or administer oaths.

SEC. 1. All controversies, which may be the subject of a personal action, may be submitted to one or more referees; and the parties personally, or by attorney, may sign and acknowledge an agreement before a justice of the peace, in substance as follows:

Know all men by these presents, that _____ of _____, in the county of _____, and _____ of _____, in the county of _____, have agreed to submit the demand made by said _____, against said _____, which is hereunto annexed, (and all other demands between the parties, as the case may be,) to the determination of _____; and judgment rendered on their report, or that of a majority of them, made to the supreme judicial court for the county of _____, within one year from this day, shall be final. And if either party neglects to appear before the referees, after proper notice given to him of the time and place appointed by the referees for hearing the parties, the referees may proceed in his absence.

Dated this _____ day of _____, in the year _____.

Such agreement, subscribed by the parties, shall be acknowledged by them or their attorneys as their voluntary act, before the same or any other justice, and shall not be revoked without the mutual consent of the parties.

What controversies may be submitted, &c.
5 Greenl. 38.
13 Maine, 41.
13 Maine, 251,
255.
22 Maine, 240.
32 Maine, 78.
34 Maine, 161.
36 Maine, 593.
R. S., c. 133,
§ 1, 2, 5.

CHAP. 108.

Submission of all demands, and of a specific demand.

R. S., c. 138, § 3, 4.

Parties may agree upon time of reporting.

R. S., c. 138, § 6.

Report how returned.

R. S., c. 138, § 7.

Power of referees, &c.

23 Maine, 125.

R. S., c. 138, § 8.

Proceedings of court thereon; recommitment.

R. S., c. 138, § 9.

All the referees must hear; majority may decide.

R. S., c. 138, § 10.

Costs; compensation of referees.

R. S., c. 138, § 11.

Report to S. J. court, &c.

8 Greenl. 165.

23 Maine, 435.

R. S., c. 138, § 12, 13.

1845, c. 168.

A referee may take acknowledgment, &c.

R. S., c. 138, § 14.

SEC. 2. If all demands between the parties are so submitted, no specific demand need be annexed to the agreement; but if a specific demand only is submitted, it shall be annexed to the agreement and signed by the party making it, and so stated as to be readily understood, and as certain in substance as the case admits. (a)

SEC. 3. The parties may agree when the report shall be made, and in that respect, vary from such form without being confined to one year.

SEC. 4. One of the referees shall deliver the report to the court to which, by the agreement, it is to be returned, or it shall be sealed up and transmitted, sealed, to the court, and opened by the clerk.

SEC. 5. Such referees shall have the same authority as those appointed by a rule of court.

SEC. 6. The court may accept, reject, or recommit it for further consideration; and the referees shall notify the parties of the time and place of a new hearing; and when the report is accepted, judgment shall be entered thereon, as in cases of submission by rule of court. (b)

SEC. 7. All the referees must meet and hear the parties, but a majority may make the report, which shall be valid as if signed by all; but it must appear by the report, or certificate of the dissenting referee, that all attended and heard the parties. (c)

SEC. 8. The referees may allow costs or not to either party, as they judge reasonable, unless special provision is made in the submission on the subject; but the court may reduce the compensation of referees.

SEC. 9. The report shall be made to the supreme judicial court within the time limited in the submission, unless varied by the parties; and either party may bring a writ of error to reverse any judgment, or file exceptions to any decision of the court accepting, rejecting, or recommitting a report, and carry the same to the law court.

SEC. 10. Any one of the referees, who is a justice of the peace, may take the acknowledgments of the parties to the submission, and any referee may swear witnesses.

(a) 9 Maine, 15; 22 Maine, 240; 30 Maine, 113; 35 Maine, 357.

(b) 6 Greenl. 21; 8 Greenl. 288; 23 Maine, 435; 27 Maine, 125; 29 Maine, 70; 31 Maine, 39, 112; 32 Maine, 78; 36 Maine, 108.

(c) 1 Greenl. 64; 30 Maine, 552; 35 Maine, 281.