

MAINE STATE LEGISLATURE

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THE
REVISED STATUTES

OF THE
STATE OF MAINE,

PASSED JANUARY 25, 1871;

TO WHICH ARE PREFIXED

THE CONSTITUTIONS

OF THE

UNITED STATES AND OF THE STATE OF MAINE:

WITH AN APPENDIX.

BY AUTHORITY OF THE LEGISLATURE.



PORTLAND:
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CHAP. 97.

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. On what conditions complainant may maintain her prosecution.
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. Town prosecuting, liable for costs, if respondent prevails.
10. The father may be discharged from imprisonment, on taking the poor debtor's oath; his liability to the mother and town, after such discharge in action of debt.

Accusation
by a woman
pregnant with
a bastard
child, and her
examination.
R. S. c. 97, § 1.

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)

Justice may
issue a war-
rant.
R. S. c. 97, § 2.

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.

Person arrest-
ed to give
bond, or be
committed.
R. S. c. 97, § 3.
2 Me. 165.
3 Me. 433.
19 Me. 409.
26 Me. 378.
26 Me. 486.
37 Me. 546.
56 Me. 414.

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.

Cause to be
continued, if
complainant
not then deliv-
ered. Surren-
der of princi-
pal by his
sureties.
R. S. c. 97, § 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.

(a) 8 Me. 163; 16 Me. 38; 13 Me. 304, 372; 26 Me. 486; 37 Me. 546; 39 Me. 469.

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

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Declaration must be filed before trial; form thereof. R. S. c. 97, § 5. 1 Me. 304. 6 Me. 460. 12 Me. 27. 55 Me. 360. 56 Me. 317.

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. (a)

On what conditions, complainant may maintain her prosecution. R. S. c. 97, § 6.

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.

Proceedings if respondent is adjudged guilty. If not guilty, to be discharged. R. S. c. 97, § 7. 2 Me. 165. 37 Me. 546.

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.

Complainant not to settle with the father if town objects in writing. R. S. c. 97, § 8. 18 Me. 150.

SEC. 9. A town, prosecuting in behalf of the complainant, shall be liable to the respondent, if he prevails, for his costs of court, to be recovered in an action of the case; or the court may, on his motion, enter judgment against the town for such costs, and issue execution thereon.

Town prosecuting, liable for costs if respondent prevails. 1864, c. 274, § 3.

SEC. 10. 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

How and when the father may be discharged from imprisonment. Action of debt to recover sums due after discharge. R. S. c. 97, § 9. 19 Me. 409. 32 Me. 21.

(a) 8 Me. 169; 18 Me. 39, 304, 372; 23 Me. 573; 33 Me. 481; 34 Me. 287; 35 Me. 433; 39 Me. 469; 44 Me. 342; 56 Me. 317.

CHAP. 98. 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.
 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. Court may order party signing to give bond.
 7. If libel is not supported, or is discontinued, court shall decree restoration.
Damages without probable cause.
 8. If the value is less than twenty dollars, libel to be before a trial 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.

Who may seize forfeited personal property.
R. S. c. 98, § 1.

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.

To be restored to claimant, on his giving bond.
R. S. c. 98, § 2.

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 appraised, and how.
R. S. c. 98, § 3.

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.

Inventory and appraisal, if no claimant.
R. S. c. 98, § 4.

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.

If the value exceeds \$20, libel to be filed in S. J. C.
How notice of

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