

# 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.

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BY AUTHORITY OF THE LEGISLATURE.



PORTLAND:  
PUBLISHED BY BAILEY & NOYES.

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.
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  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 appraisment 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 appraisment 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

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.

SEC. 6. When there is a claimant, the court may order the party seizing to give bond to him with sufficient surety for the safe keeping of the property seized, and compliance with the decree of court for restoration, and the payment of costs and damages, if not forfeited, and 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.

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.

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

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libel to be given.  
R. S. c. 98, § 5.Court may order party seizing to give bond. Proceedings and decree thereon.  
R. S. c. 98, § 6.  
1860, c. 165.If libel is not supported, property restored, with costs and damages.  
R. S. c. 98, § 7.If the value is less than \$20, libel to be filed before trial justice.  
R. S. c. 98, § 8.Appeal; decree to be affirmed, if not prosecuted. Depositions used.  
R. S. c. 98, § 9.Duty of finder of goods worth \$3, or more.  
R. S. c. 98, § 10.Also, if worth \$10, or more.  
R. S. c. 98, § 11.

CHAP. 98. ble within seven days from the date in said clerk's office, to appraise said goods under oath.

Proceedings, if owner appears in one year.  
R. S. c. 98, § 12.

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.

Proceedings, if no owner appears within one year.  
R. S. c. 98, § 13.

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.

Penalty, if finder neglects to give notice.  
R. S. c. 98, § 14.

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.