

MAINE STATE LEGISLATURE

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FOURTH REVISION.

THE
REVISED STATUTES

OF THE

STATE OF MAINE,

PASSED AUGUST 29, 1883, AND TAKING EFFECT JANUARY 1, 1884.

BY THE AUTHORITY OF THE LEGISLATURE.



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SEC. 9. A town prosecuting in behalf of the complainant, is 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.

SEC. 10. When the father of such bastard child has remained for 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 the 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.

SEC. 11. When the complainant dies before trial, her executor or administrator may prosecute her action to final judgment; and in case of judgment against the respondent, the bond for performance of the order of court, required by section seven, shall run to such executor or administrator, who, after payment of the costs of prosecution, shall appropriate to the support of the child the money recovered of the respondent.

CHAP. 97.

Town, failing in suit, pays costs. R.S., c. 97, § 9. 61 Me., 406.

How the father may be discharged from imprisonment after ninety days. R.S., c. 97, § 10. 19 Me., 411. 32 Me., 21.

—action to recover sums due after discharge.

Complainant dying before trial. 1879, c. 109.

CHAPTER 98.

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

- SEC. 1. Seizure of forfeited personal property, by the person entitled thereto.
2. Property shall be restored to claimant, on his giving bond.
 3. Shall be appraised, and how.
 4. Inventory and appraisal, if there is no claimant.
 5. If the value exceeds twenty dollars, libel shall be in the supreme or superior court. How notice of libel must be given.
 6. Court may order party seizing, to give bond. Proceedings and decree thereon.
 7. If the libel is not supported, or is discontinued, court shall decree restoration. Damages, for seizure without probable cause.
 8. If value is less than twenty dollars, libel must be filed before trial justice.
 9. Appeal; decree shall be affirmed, if appeal is not prosecuted; depositions may be used in the trial.
 10. 11. Duty of finder of goods worth three dollars; also, when worth ten dollars.
 12. Proceedings, if owner appears within one year.
 13. If no owner appears within one year, the finder shall 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 personal property is forfeited for an offence, and no special mode is prescribed for recovering it, any person entitled to the whole or part thereof, may seize and keep it until final judgment, unless restored on the bond as herein provided.

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

SEC. 2. If the person claiming it for himself or another, gives bond

Restored to claimant, on

CHAP. 98.

giving bond.
R.S., c. 98, § 2.

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

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

If the value exceeds \$20, libel to be filed in supreme or superior court.
R.S., c. 98, § 5.
62 Me., 37.
—how notice of libel must be given.

Court may order party seizing to give bond.
R.S., c. 98, § 6.
—proceedings, and decree thereon.

If libel is not supported, property restored with damages.
R.S., c. 98, § 7.

If the value is less than \$20, libel must be filed before trial justice.
R.S., c. 98, § 8.

Appeal; if not prosecuted, decree shall be affirmed.
R.S., c. 98, § 9.
—depositions.

Duty of finder of goods worth three dollars, or more.
R.S., c. 98, § 10.

to the party seizing, with sufficient surety, to pay the appraised value when it is decreed forfeited, it shall be restored to him.

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 in the county.

SEC. 4. If no person claims the property after such seizure, the party seizing shall cause an inventory and appraisement thereof to be made by three disinterested persons, under oath, appointed by a justice in the county; which shall be the rule for deciding in what court the libel shall be filed.

SEC. 5. If the property seized exceeds twenty dollars, the party seizing, within twenty days, shall file a libel in the clerk's office of the supreme judicial or superior 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 notice 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, 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 disposal 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 or superior 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, shall, if the owner is unknown, within ten days give notice thereof in writing to the clerk of the town where they are found, post 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 is ten dollars or more, the same shall be cried and notice given by posting as aforesaid in two towns adjoining, in addition. CHAP. 98.

SEC. 11. Every finder of lost goods of the value of ten dollars or more, shall, within two months after finding, and before using them to their disadvantage, 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 at said clerk's office, within seven days from its date, to appraise said goods under oath.

Also, if worth ten dollars or more.
R.S., c. 98, § 11.

SEC. 12. If the owner of such lost money or goods appears within one year after said notice to the town 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 owner appears within one year.
R.S., c. 98, § 12.

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.

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

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 to cause them to be cried and advertised as herein provided, he forfeits the full value thereof, half to the town, and half to the prosecutor, and shall be liable to the owner for the lost money or goods.

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

CHAPTER 99.

HABEAS CORPUS.

- SEC. 1. Who may prosecute the writ, as matter of right.
2. Minors enlisting in the army or navy, are entitled to its benefits.
3. Parent, master, or guardian of minor restrained, is entitled to the writ.
4. Supreme or superior court may grant such writ, on application of any person, in behalf of one incapable of making his own application.
5. Who are not so entitled, as of right.
6. Application; how to be made, by persons not of right entitled.
7. Returnable before the court, or any justice thereof.
8. Application must be in writing, signed and sworn to, and shall state the case clearly. When the writ shall not issue.
9. Proceedings, if excessive bail is demanded.
10. If the officer refuses a copy of precept, the writ shall issue forthwith.
11. Form of writ in cases mentioned in section five.
12. Time of service and return. Tender of fees.
13. Officer, when he makes return, must bring the body of person restrained. Proceedings, if the person is sick, and cannot be brought.
14. Examination of the causes of restraint.
15. Persons interested must be notified, before discharge.