

MAINE STATE LEGISLATURE

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SIXTH REVISION

THE
REVISED STATUTES

OF THE

STATE OF MAINE

PASSED SEPTEMBER 29, 1916, AND TAKING
EFFECT JANUARY 1, 1917



By the Authority of the Legislature

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deponent or trustee, in writing, waives such reading, the transcript shall be admissible as his deposition or disclosure, without his signature. No change of or addition to the transcript shall be made by the deponent or trustee except in the presence of the counsel who attested the taking of the deposition. The commissioner shall state the facts in his certificate, as to reading, signature or waiver, and what, if any, changes or additions were made.

Sec. 32. Fees. R. S. c. 109, § 32. They shall receive the same fees for travel, swearing witnesses, notifying parties and deponents as are received by justices of the peace, and in addition thereto, twenty cents a page for their transcripts.

See c. 118, § 2.

Note. Depositions to prove copy of lost deed, c. 78, § 35.
Depositions may be taken out of the state before commissioners appointed by governor, c. 78, § 26.

CHAPTER 113.

Reference of Disputes by Consent of Parties.

Sec. 1. What controversies may be referred; powers of referees; revocation only by consent. R. S. c. 110, § 1. All controversies which may be the subject of a personal action, may be submitted to one or more referees, with the same powers as those appointed by the court; and the parties personally, or by attorney, may sign and acknowledge an agreement before a justice of the peace, although he is one of the referees, 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 — —; and judgment rendered on their report, or that of a majority of them, made to the supreme judicial" (or "superior") "court for the said 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 for hearing the parties, they may proceed in his absence.

Dated this — day of —, A. D., 19—."

Such agreement shall not be revoked without mutual consent; but the parties may agree when the report shall be made, and vary the form accordingly.

5 Me. 41; 18 Me. 253, 257; 22 Me. 241; 23 Me. 130; 32 Me. 79; 34 Me. 161;
36 Me. 21, 594; 41 Me. 357; 47 Me. 425; 55 Me. 245; 59 Me. 129; 60 Me.
102; 62 Me. 50, 120; 64 Me. 367.

Sec. 2. Submission of all demands, and of a specific demand. R. S. c. 110, § 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

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is submitted, it shall be annexed to the agreement and signed by the party making it, and be so stated as to be readily understood.

9 Me. 15; 22 Me. 241; 30 Me. 114; 35 Me. 358; 45 Me. 375; 55 Me. 246; 68 Me. 324.

Sec. 3. Authority of referees. R. S. c. 110, § 3. All the referees must meet and hear the parties; but a majority may make the report, which shall be as valid as if signed by all, if it appears by the report, or certificate of the dissenting referee that all attended and heard the parties. They may allow costs or not to either party unless special provision is made therefor in the submission, but the court may reduce their compensation; and any referee may swear witnesses.

1 Me. 66; 30 Me. 553; 35 Me. 284; 50 Me. 65.

Sec. 4. Report, how and when to be returned. R. S. c. 110, § 4. The report shall be made to the court and within the time specified in the submission; one of the referees shall deliver it into court, or it shall be sealed up and sent sealed to the court, and be opened by the clerk.

36 Me. 595; 37 Me. 505; 59 Me. 285; 60 Me. 102.

Sec. 5. Action on report; exceptions; writ of error. R. S. c. 110, § 5. The court may accept, reject, or recommit the report, and either party may file exceptions thereto; if recommitted, the referees shall notify the parties of the time and place for a new hearing; when the report is accepted, judgment shall be entered thereon as in case of submissions by rule of court; and either party may bring a writ of error to reverse such judgment.

6 Me. 25; 8 Me. 290; 23 Me. 437; 27 Me. 128; 29 Me. 70; 31 Me. 41, 116; 32 Me. 79; 36 Me. 109; 37 Me. 506; 40 Me. 196; 41 Me. 409, 511; 51 Me. 31; 55 Me. 537; 56 Me. 145; 59 Me. 285.

CHAPTER 114.

Prevention of Frauds and Perjuries in Contracts, and Actions Founded Thereon.

Sec. 1. Cases in which promises must be in writing; consideration need not be expressed therein. R. S. c. 113, § 1. No action shall be maintained in any of the following cases:—

I. To charge an executor or administrator upon any special promise to answer damages out of his own estate;

II. To charge any person upon any special promise to answer for the debt, default or misdoings of another;

7 Me. 360; 21 Me. 412, 550; 22 Me. 397; 26 Me. 349; 36 Me. 114; 41 Me. 559; 46 Me. 143; 58 Me. 442; 62 Me. 245; 69 Me. 101, 154; 74 Me. 505; 87 Me. 82; 89 Me. 476; 92 Me. 554; 93 Me. 262; 112 Me. 278.

III. To charge any person upon an agreement made in consideration of marriage;

IV. Upon any contract for the sale of lands, tenements or hereditaments, or of any interest in or concerning them;

12 Me. 509; 15 Me. 16, 63, 203; 16 Me. 214; 18 Me. 18; 22 Me. 397; 23 Me. 134; 35 Me. 220; 38 Me. 240; 41 Me. 301; 48 Me. 345; 53 Me. 147, 394; 54 Me. 199, 407; 55 Me. 106; 63 Me. 584; 64 Me. 193; 68 Me. 374; 70 Me. 31; 71 Me. 484, 532; 92 Me. 27; 98 Me. 373; 107 Me. 129.