

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

SEVENTH REVISION

THE
REVISED STATUTES

OF THE
STATE OF MAINE

PASSED AUGUST 5, 1930, AND TAKING
EFFECT NOVEMBER 10, 1930



By the Authority of the Legislature

AUGUSTA
KENNEBEC JOURNAL PRINT

CHAPTER 111.

Bastard Children and Their Maintenance.

Sec. 1. Accusation by a woman pregnant with a bastard child, and her examination. R. S. c. 102, § 1. When a woman pregnant with a child, which, 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, such justice 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 such other circumstances as he deems useful in the discovery of the truth.

8 Me. 164; 16 Me. 40; 36 Me. 488; *39 Me. 471; 64 Me. 373; 66 Me. 271; *70 Me. 418; 81 Me. 65; 83 Me. 146; 105 Me. 411; 116 Me. 359; 125 Me. 439.

Sec. 2. Justice may issue a warrant. R. S. c. 102, § 2. He may issue his warrant for the apprehension of the accused, directed to the sheriff of any county in which the accused is supposed to reside, or to either of his deputies, or to a constable of any town in such county accompanied by such accusation and examination.

See c. 94, § 60.

Sec. 3. Justice to take bond or commit; expense of support in jail. R. S. c. 102, § 3. When the accused is brought before such or any other justice, he may be required to give bond to the complainant, with sufficient sureties, in such reasonable sum as the justice orders, conditioned for his appearance at the next term of the superior court for the county in which she resides, and for his abiding the order of the court thereon; and if he does not give it, he shall be committed to jail until he does. The cost of commitment and board of the accused while so in jail shall be paid by the county in which said jail is situated. If he gives the required bond after said commitment, he shall be liberated upon the payment of cost of commitment and board.

2 Me. 169; 3 Me. 433; 19 Me. 411; 26 Me. 380; 36 Me. 488; 37 Me. 548; 56 Me. 415; *66 Me. 271; *70 Me. 418; 76 Me. 249; *80 Me. 361; 85 Me. 287; 116 Me. 396.

Sec. 4. Case continued, if complainant is not yet delivered; surrender of principal. R. S. c. 102, § 4. If at such next or any subsequent term, the complainant is not delivered of her child, or is unable to attend court, or shows 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.

76 Me. 249; *80 Me. 357, 361; *116 Me. 396.

Sec. 5. Declaration must be filed before trial; its form. R. S. c. 102, § 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, and the time and place when and where it was begotten, with as much precision as the case admits; and that being put on the discovery of the truth during the time of her travail, she accused the respondent of being the father of her child, and that she has been constant in such accusation.

1 Me. 305; 6 Me. 461; 12 Me. 29; 37 Me. 548; 55 Me. 361; 56 Me. 317; *70 Me. 416; 83 Me. 146; 92 Me. 126; 125 Me. 55.

Sec. 6. On what conditions complainant may maintain her prosecution. R. S. c. 102, § 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.

8 Me. 164; 18 Me. 307, 374; 23 Me. 574; 33 Me. 481; 34 Me. 238; 35 Me. 434; *39 Me. 471; 44 Me. 347; *56 Me. 317; 57 Me. 491; 64 Me. 372; 67 Me. 246; 83 Me. 147; 92 Me. 125, 126; 125 Me. 55.

Sec. 7. Proceedings after verdict. R. S. c. 102, § 7. 1917, c. 84. 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 said child; stand charged with its maintenance, with the assistance of the mother, as the court orders; and shall be ordered to pay the complainant her costs of suit and for the expense of her delivery, and of her nursing, medicine, and medical attendance, during the period of her sickness and convalescence, and of the support of such child to the date of rendition of judgment; and shall give a bond, with sufficient sureties approved by the court, or by the clerk of said court in term time, or in vacation, 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 until he gives them. The latter bond shall be deposited with the clerk of the court for the use of such town. If the respondent does not comply with that part of the order relative to payment of expenses and costs of suit, execution may issue therefor as in actions of tort.

2 Me. 170; 37 Me. 548; 61 Me. 406; 70 Me. 415; 72 Me. 255; *80 Me. 357, 361; 112 Me. 106.

Sec. 8. Complainant not to settle with the father, if the town objects in writing. R. S. c. 102, § 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.

18 Me. 151; 61 Me. 406.

Sec. 9. Town, failing in suit, pays costs. R. S. c. 102, § 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.

61 Me. 406.

Sec. 10. Discharge of father from imprisonment after six months; action to recover sums due. R. S. c. 102, § 10. 1917, c. 158. When the father of such bastard child has remained for six months in jail, without being able to comply with the order of the 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 the court.

19 Me. 411; 32 Me. 21.

Sec. 11. Complainant dying before trial. R. S. c. 102, § 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.

85 Me. 224.

CHAPTER 112.

Personal Property Forfeited. Lost Goods and Stray Beasts.

Personal Property Forfeited.

Sec. 1. Seizure of forfeited personal property. R. S. c. 103, § 1. When personal property is forfeited for an offense, 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.

See c. 35, § 20; c. 38, § 96; c. 50, §§ 49, 83; c. 51, §§ 2, 4, 14, 16, 19, 20, 24; c. 138,

§ 17.

Sec. 2. Restoration to claimant, on giving bond. R. S. c. 103, § 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.

Sec. 3. Appraisal. R. S. c. 103, § 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. Inventory and appraisal, if no claimant. R. S. c. 103, § 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 of the peace in the county; which shall be the rule for deciding in what court the libel shall be filed.

Sec. 5. If the value exceeds twenty dollars, libel to be filed in superior court; notice of libel. R. S. c. 103, § 5. If the value of the property seized exceeds twenty dollars, the party seizing, within twenty days, shall file a libel in the clerk's office of the superior court in the county where the offense 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.

62 Me. 37.

Sec. 6. Court may order party seizing to give bond; proceedings, and decree thereon. R. S. c. 103, § 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 for-