

# MAINE STATE LEGISLATURE

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# Sixty - Second Legislature.

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HOUSE.

No. 4.

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## STATE OF MAINE.

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IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED AND  
EIGHTY-FIVE.

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AN ACT to amend chapter ninety-seven of the  
Revised Statutes, in relation to Bastard Children,  
and maintenance.

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*Be it enacted by the Senate and House of Representatives  
in Legislature assembled, as follows:*

SECTION 1. Section one of said chapter is hereby  
2 amended so that it shall read: 'Section 1. When  
3 a woman pregnant with a child, which, if born  
4 alive, may be a bastard, or who has been delivered  
5 of a bastard child, accuses any man of being the  
6 father thereof, before any municipal or police court  
7 or trial justice, and requests a prosecution against  
8 him, such magistrate shall take her accusation and  
9 examination on oath, respecting the accused, and

10 the time and place where the child was begotten,  
11 as correctly as they can be described, and such  
12 other circumstances as he deems useful in the  
13 discovery of the truth. Such magistrate may issue  
14 a warrant, which shall run throughout the State,  
15 and may be returnable before the same or any other  
16 magistrate having jurisdiction thereof in said  
17 county, as said warrant shall direct, for the appre-  
18 hension of the accused, directed to the sheriff of  
19 any county in which the accused is supposed to  
20 reside, or to either of his deputies, or to any con-  
21 stable in either of the cities or towns in said  
22 county, accompanied by such accusation and  
23 examination.'

SECT. 2. Section two of said chapter is hereby  
2 repealed, and the following inserted in its place :  
3 'Section 2. A person arrested upon such warrant,  
4 may be released upon giving bond, with sureties,  
5 in a sum not less than two hundred dollars for his  
6 appearance before the magistrate having cognizance  
7 of said warrant, at a time to be specified in said  
8 bond, not to exceed fourteen days, and said mag-  
9 istrate may continue from time to time, the same as  
10 in criminal cases, the hearing on said warrant, and  
11 shall take a bond as aforesaid, conditioned for the  
12 appearance of the accused, before said magistrate,

13 at the hearing aforesaid, or at any subsequent con-  
14 tinuance of said hearing, and from time to time  
15 until the final disposition of said warrant, and not  
16 to depart without leave. Said bonds, aforemen-  
17 tioned, shall be made to the party for whose bene-  
18 fit the complaint is made or prosecuted, and the  
19 sureties of the first mentioned bond shall be ex-  
20 amined and the bond approved, by a bail commis-  
21 sioner, justice of a municipal or police court, trial  
22 justice or justice of the peace, and they shall re-  
23 ceive the same fees as are now established for like  
24 services. If the accused does not appear before  
25 the said magistrate at any time that there is to be  
26 a hearing on said warrant, or departs without leave,  
27 his default shall be recorded, and the bond, with a  
28 copy of the examination and warrant and of the  
29 record of said court or trial justice shall be trans-  
30 mitted to the next term of the supreme judicial  
31 or superior court for said county in which she re-  
32 sides, and entered in said court, and proceeded  
33 with in accordance with the provisions of the  
34 statutes regulating like proceedings in said courts.  
35 And the said bond shall be security for the per-  
36 formance by said accused of any order of said  
37 court.'

SECT. 3. Section three of said chapter is hereby  
2 amended so as to read : ‘Section 3. When the  
3 accused is brought before the magistrate before  
4 whom said warrant is returnable, he shall, if said  
5 magistrate, after a hearing, finds probable cause to  
6 believe that the allegations in said accusation and  
7 warrant are true, be required to give bond to the  
8 complainant, with sufficient sureties, in such reason-  
9 able sum as said magistrate orders, conditioned for  
10 his appearance at the next term of the supreme  
11 judicial or superior court for the county in which  
12 she resides, and he shall be committed to jail until  
13 such bond is given. The complainant shall have  
14 the same right of appeal as is given parties in civil  
15 actions, but shall not be required to give any bond  
16 on said appeal. If the parents of said child inter-  
17 marry after the issuance of the warrant, and before  
18 a trial in the appellant court, said warrant shall be  
19 dismissed and the respondent discharged.’

SECT. 4. Section five of said chapter is hereby  
2 amended by adding the words ‘in the appellant  
3 court’ after the words “before proceeding to trial,”  
4 in the first line of said section.

SECT. 5. Section eight of said chapter is hereby  
2 amended by striking out the words “justice of the

3 peace” and inserting the words ‘municipal or police  
4 court or trial justice.’

SECT. 6. When the alleged father of a bastard  
2 child acknowledges its paternity, in writing, signed  
3 in the presence of and attested by a creditable wit-  
4 ness, he shall stand charged with its maintenance,  
5 with the assistance of its mother, the same as if  
6 adjudged the father by a court of competent  
7 jurisdiction.

SECT. 7. All acts or parts of acts inconsistent  
2 herewith, are hereby repealed.

SECT. 8. This act shall take effect when ap-  
2 proved.



## STATE OF MAINE.

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IN HOUSE OF REPRESENTATIVES, }  
January 16, 1885. }

Reported from Committee on Judiciary, by Mr. HEATH; ordered  
printed and re-committed.

NICHOLAS FESSENDEN, *Clerk.*