

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.

BY AUTHORITY OF THE LEGISLATURE.



PORTLAND:
PUBLISHED BY BAILEY & NOYES.

CHAP. 108. and if, at the time of the adjournment, he is not apprehended, the magistrate may adjourn from time to time, until he is brought before him; and if he then refuses to depose and answer such questions as are propounded to him by either of the parties or persons interested, under his direction, he may commit him to the prison of the county for contempt, as the supreme judicial court may commit a witness for refusing to testify. The capias may be served by the sheriff, deputy sheriff, or any constable of the county, in which such person resides; and if he escapes into another county, either of said officers may arrest him there, and bring him before said magistrate.

1864, c. 236,
§ 2.
1868, c. 198.
22 Me. 337.

CHAPTER 108.

REFERENCE OF DISPUTES BY CONSENT OF PARTIES.

- SEC. 1. What controversies may be referred; powers of referees; form of submission; not to be revoked but by consent.
2. Submission of all demands, and of a specific demand.
 3. All referees must hear; a majority may decide; may allow costs or not; may swear witnesses.
 4. How and when report to be returned to court.
 5. Report accepted, rejected or recommitted; exceptions; notice of new hearing; judgment on report; writ of error to review it.

What controversies may be referred; powers of referees; not to be revoked.
R. S. c. 108, § 1.
5 Me. 38
13 Me. 41.
18 Me. 251,
255.
22 Me. 240.
23 Me. 125.
32 Me. 73.
34 Me. 161.
36 Me. 19, 593.
41 Me. 355.
47 Me. 423.
55 Me. 241.

SEC. 1. All controversies which may be the subject of a personal action, may be submitted to one or more referees, who shall have 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, though 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 judgment rendered on their report, or that of a majority of them, made to the supreme judicial court for the 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 _____, in the year _____.

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.

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

SEC. 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.

SEC. 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 opened by the clerk.

SEC. 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 of a new hearing; and 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. (b)

(a) 9 Me. 15; 22 Me. 240; 30 Me. 118; 35 Me. 357; 45 Me. 374; 47 Me. 545; 55 Me. 241.

(b) 6 Me. 21; 8 Me. 288; 28 Me. 485; 27 Me. 125; 29 Me. 70; 31 Me. 39, 112; 32 Me. 78; 36 Me. 108; 37 Me. 125; 40 Me. 194; 41 Me. 405, 507; 51 Me. 31; 55 Me. 584; 56 Me. 142.

CHAP. 108.
Submission of all demands, and of a specific demand.
R. S. c. 108, § 2.

All referees must hear; majority may decide; may allow costs or not; may swear witnesses.
R. S. c. 108, §§ 7, 8, 10.
1 Me. 64.
30 Me. 552.
35 Me. 281.
50 Me. 64.

How and when report to be returned to court.
R. S. c. 108, §§ 4, 9.
36 Me. 593.
37 Me. 504.

Report accepted, rejected, or recommitted. Exceptions. Notice of new hearing; judgment on report; writ of error to reverse it.
R. S. c. 108, §§ 6, 9.