

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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from resorting to his remedy on the replevin bond, or to his remedy against the officer for insufficiency of the bond, to recover the value of the goods together with the damage or loss occasioned by the replevin thereof, notwithstanding he has endeavored to recover the same by the writs of return and of reprisal as aforesaid. (a)

SEC. 19. No action shall be maintained against any surety in a replevin bond, unless the writ is served on him within one year after final judgment in replevin; or, if the action is not entered by the plaintiff, and the defendant does not obtain judgment upon a complaint, such writ against the surety may be served on him within one year after the end of the term at which the action of replevin ought to have been entered, and not afterwards.

CHAP. 96.
remedy on
the replevin
bond.
R.S., c. 96, § 18.

Limitation
of surety's
liability on
a replevin
bond.
R.S., c. 96, § 19.
62 Me., 534.

CHAPTER 97.

BASTARD CHILDREN AND THEIR MAINTENANCE.

- SEC. 1. 1. Accusation by a woman pregnant with a bastard child, and her examination.
2. Any justice of the peace may issue a warrant.
3. Person arrested must give bond. On refusal, he shall be committed.
4. Cause shall be continued, if complainant has not been delivered, or is unable to attend court. Surrender of principal by his sureties, and proceedings.
5. Declaration must be filed before trial; form thereof.
6. On what conditions, complainant may maintain her prosecution.
7. Proceedings, if respondent is adjudged guilty.
8. Complainant cannot settle with the father, if overseers of the poor object in writing.
9. Town prosecuting, is liable for costs, if respondent prevails.
10. The father may be discharged from imprisonment, on taking the poor debtor's oath; his liability after such discharge, to the mother and town.
11. Complainant dying before trial, her representative may prosecute suit.

SEC. 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. (b)

SEC. 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, accompanied by such accusation and examination.

Accusations
by a woman
pregnant
with a
bastard
child, and her
examination.
R.S., c. 97, § 1.

Justice may
issue a
warrant.
1873, c. 106.

(a) 11 Me., 69; 18 Me., 261; 21 Me., 509; 33 Me., 387; 46 Me., 410; 53 Me., 425; 54 Me., 121; 55 Me., 364; 56 Me., 173; 69 Me., 446; 72 Me., 477; 73 Me., 128, 386.

(b) 8 Me., 164; 16 Me., 40; 36 Me., 488; 39 Me., 471; 64 Me., 373; 66 Me., 271
70 Me., 418.

CHAP. 97.

Justice shall take bond or commit.
R. S., c. 97, § 3.

SEC. 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 supreme judicial or 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. (a)

Case shall be continued, if complainant is not yet delivered.
R. S., c. 97, § 4.
—surrender of principal by his sureties.

SEC. 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.

Declaration must be filed before trial; its form.
R. S., c. 97, § 5.
1 Me., 305.
6 Me., 461.
12 Me., 29.
37 Me., 548.
55 Me., 361.
56 Me., 317.
70 Me., 416.

SEC. 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 the child, and that she has been constant in such accusation.

On what conditions, complainant may maintain her prosecution.
R. S., c. 97, § 6.

SEC. 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. (b)

If respondent is found guilty, he shall be adjudged father, and give bond to assist in child's maintenance.
R. S., c. 97, § 7.
2 Me., 170.
37 Me., 548.
61 Me., 406.
70 Me., 415.
72 Me., 255.

SEC. 7. 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 such child; stand charged with its maintenance, with the assistance of the mother, as the court orders; and shall give a bond, with sufficient sureties approved by the court, 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.

Complainant shall not settle with the father, if the town objects in writing.
R. S., c. 97, § 8.

SEC. 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. (c)

(a) 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.

(b) 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.

(c) 18 Me., 151; 61 Me., 406.

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