

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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and bring such person before him; 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 county jail 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.

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—who may serve it, and where.

—punishment, if he refuses to depose.

—escaping, he may be arrested anywhere.

CHAPTER 108.

REFERENCE OF DISPUTES BY CONSENT OF PARTIES.

- SEC. 1. What controversies may be referred; powers of referees; form of submission; agreement shall not 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 their report shall be returned to court.
5. Report may be accepted, rejected, or recommitted; exceptions; notice of new hearing; judgment on report; writ of error to reverse it.

SEC. 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:

What controversies may be referred; powers of referees.

R.S., c. 108, § 1.

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.

—form.

“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., 18—.”

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.

—to be revoked only by consent.

SEC. 2. If all demands between the parties are so submitted, no Submission

CHAP. 108. 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 be so stated as to be readily understood. (a)

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

All referees must hear; but majority may decide; may allow costs or not; may swear witnesses.
R.S., c. 108, § 3.

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. (b)

Report, how and when to be returned.
R.S., c. 108, § 4.

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 be opened by the clerk. (c)

Court may accept, reject, or recommit.
R.S., c. 108, § 5.
—exceptions;
—new hearing;
—judgment on report;
writ of error to reverse it.

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 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. (d)

CHAPTER 109.

TIMBER AND CORD WOOD; HOW IT MAY BE DISPOSED OF IN CERTAIN CASES.

- SEC. 1. On application of owners of certain interests in woodlands, the supreme court, after a hearing, may grant leave to sell the wood.
2. Commissioners shall be appointed therefor, who shall give bond.
 3. Proceeds, how to be invested; appropriation of income.
 4. Court may appoint trustees of such proceeds, who shall give bond.

On application of the owners of certain interests in woodlands, court may grant leave to sell wood.
R.S., c. 109, § 1.

SEC. 1. Any person seized of a freehold estate, or of a remainder or reversion in fee simple, or fee tail, in a tract of woodland or timber land, on which the trees are of a growth and age fit to be cut, may apply to the supreme judicial court in any county for leave to cut and dispose of such trees, and invest the proceeds for the use of the persons interested therein; and the court, after due notice to all persons inter-

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

(b) 1 Me., 66; 30 Me., 553; 35 Me., 284; 50 Me., 65.

(c) 36 Me., 595; 37 Me., 505; 59 Me., 285; 60 Me., 102.

(d) 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.