

MAINE STATE LEGISLATURE

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THE
REVISED STATUTES

OF THE

STATE OF MAINE,

PASSED APRIL 17, 1857;

TO WHICH ARE PREFIXED

THE CONSTITUTIONS

OF THE

UNITED STATES AND OF THE STATE OF MAINE:

WITH AN

APPENDIX.

PUBLISHED BY AUTHORITY OF THE LEGISLATURE.

BANGOR:
WHEELER & LYNDE.

1857.

CHAP. 137.

reason of insanity, &c.
R. S., c. 173,
§ 1.
1844, c. 108.
1847, c. 33, § 14.

How supported at hospital.
R. S., c. 173,
§ 2.
1844, c. 108.
1856, c. 268, § 4.

How and by whom discharged.
1855, c. 124,
§ 1, 2, 3.

When an inmate of the state prison becomes insane, &c.
1847, c. 33, § 16.

the court; and when a traverse jury, for the same reason, acquits any person indicted, they shall state that fact to the court when they return their verdict; and the court, by a precept stating the fact of insanity, may commit him to prison or to the insane hospital, till restored to his right mind or delivered according to law; but he shall only remain in prison till provision can be made for him at the hospital, and then removed thereto.

SEC. 3. The person so committed shall be there supported at his own expense, if he has sufficient means; otherwise, at the expense of the state.

SEC. 4. Any person committed under section two may be discharged by any judge of the supreme judicial court, or by two justices of the peace and quorum of the county where he is placed, one chosen by his friends and the other by the trustees of the hospital, on satisfactory proof that if enlarged he would not be dangerous to the peace and safety of the community; or, on application of any friend of the insane, he may be committed to the custody of such friend, by his giving bond to the judge of probate for the same county, with sufficient sureties approved by said magistrates, conditioned for his safe keeping, and the payment of all damages which any person sustains by his acts.

SEC. 5. When an inmate of the state prison becomes insane, the warden shall notify the governor of the fact, and he, with advice of council, shall appoint a commission of two or more skillful physicians to investigate the case, and if such inmate is found insane by their examination, he shall be sent to the insane hospital until he becomes of sound mind; and if this takes place before the expiration of his sentence, he shall be returned to prison; but if after, he shall be discharged free. The expenses of the commission, removal, and support, shall be paid by the state.

CHAPTER 138.

PARDONS, AND FUGITIVES FROM JUSTICE.

PARDONS.

- SEC. 1. Conditional pardons may be granted to persons under sentence of death.
2. Written notice shall be given to county attorney on all petitions for pardon, and any other notice ordered by executive, and they may require the minutes of the trial.

FUGITIVES FROM JUSTICE IN THIS STATE.

3. Governor to appoint an agent to demand and receive fugitives in other states.
4. May offer rewards for apprehending persons convicted, or charged with crimes.

FUGITIVES FROM JUSTICE IN OTHER STATES.

5. May issue his warrant to surrender fugitives found in this state.
6. When the court or magistrates may issue warrants for the arrest of fugitives from justice found in this state.

- SEC. 7. The case to be examined, and if made out, may be continued to obtain executive warrant, and accused bailed or committed. Results of forfeiture of such bail.
8. He shall be discharged at the adjourned day unless executive warrant is obtained, or for cause case further continued, but these proceedings not to prevent arrests in the ordinary mode.
9. The complainant shall be answerable for costs of such proceedings.

CHAP. 138.

PARDONS.

SEC. 1. When any person sentenced to suffer the punishment of death, applies to the governor for a pardon, he may, by the advice and consent of the council, grant a pardon on condition that the convict shall be imprisoned or confined to hard labor for life, or any term of years expressed in the pardon; and to carry the same into effect, may issue his warrant directed to all proper officers, who shall serve and obey it, as if such had been the original sentence.

Conditional pardons may be granted to persons under sentence of death.
R. S., c. 174, § 4.

SEC. 2. On all petitions to the governor for pardons or commutation of sentence, written notice thereof shall be given to the county attorney for the county where the case was tried, and such other notice in any newspapers as the governor orders; and the governor and council may require the judge and prosecuting officer who tried the case, to furnish them a concise statement of it as proved at the trial, and any other facts bearing on the propriety of granting the pardon.

Notice to be given to county attorney on all petitions for pardon, &c.
1849, c. 99, § 1, 2, 3.

FUGITIVES FROM JUSTICE IN THIS STATE.

SEC. 3. In any case, authorized by the constitution and laws of the United States, the governor may appoint an agent to demand and receive of the executive authority of any other state, any fugitive from justice charged with any crime in this state; and the accounts of such agent shall be audited and paid by order of the governor and council from the treasury.

Governor to appoint an agent to receive fugitives in other states.
R. S., c. 174, § 1.

SEC. 4. He may offer and pay a suitable reward, not exceeding one thousand dollars, to any person, who, by reason of such offer, arrests, brings back, and secures any prisoner escaping from prison in this state, convicted or charged with any capital crime or other high offence; or any person who has committed such offence and is not arrested therefor, when he cannot be arrested and secured in the ordinary course of proceedings; and with advice of council, may draw his warrant on the treasurer for the payment thereof.

May offer rewards for apprehending persons convicted, &c.
R. S., c. 174, § 3.

FUGITIVES FROM JUSTICE IN OTHER STATES.

SEC. 5. When such demand as is mentioned in section three is made on the governor of this state, and he is satisfied, on examination of the grounds thereof, that it is according to law and ought to be granted, he shall issue his warrant, under the seal of the state, authorizing the agent making the demand, at his own expense, to take and transport such fugitive to the line of the state at the time designated in the warrant, and shall therein re-

May issue his warrant to surrender fugitives found in this state.
R. S., c. 174, § 2.

CHAP. 138. quire the civil officers of the state to afford all needful aid in its execution.

When the court may issue warrants for the arrest of fugitives, &c.
1846, c. 193, § 1.

SEC. 6. When any such fugitive from justice in another state is found in this state, any court or magistrate authorized to issue warrants in criminal cases, on complaint under oath, setting forth the offence and other facts necessary to bring the case within the provisions of law, may grant a warrant and have the accused arrested for examination as in other cases.

The case to be examined, &c.
1846, c. 193, § 2.

SEC. 7. On such examination, if the court or magistrate believes that the complaint is true, and that the accused can lawfully be demanded of the governor, the case shall be adjourned long enough to obtain an executive warrant; and if the offence isailable, the accused may recognize with sufficient sureties to appear at the adjournment; and if he does not so recognize, or the offence is notailable, he shall be committed; and if any such recognizance is forfeited, the same proceedings shall be had as in case of other recognizances.

He shall be discharged at the adjourned day, &c.
1846, c. 193, § 3.

SEC. 8. If the accused appears at the adjournment, he shall be discharged, unless some person is authorized to receive him by an executive warrant, or another adjournment is ordered for sufficient cause, and in that case the same proceedings shall be had as at the first adjournment; but nothing in this, and the two preceding sections, shall prevent the arrest of any accused by an executive warrant, and such arrest shall discharge any such existing recognizance.

The complainant shall be answerable for costs.
1846, c. 193, § 4.

SEC. 9. The complainant shall be answerable in all such cases for the actual costs and charges, and the support in prison of the accused when committed, to be paid as a creditor pays for his debtor committed on execution; and if his support in prison is not so paid, the jailer may discharge the accused as if he were committed on execution for debt.

CHAPTER 139.

CORONERS' INQUESTS.

- SEC. 1.** When inquests shall be taken; the coroner's warrant to the constable to summon a jury.
2. Duties of constable, and jurors, and penalties for neglect.
3. Juror's oath.
4. Talesmen may be appointed.
5. Subpœnas for witnesses, and their oath.
6. Testimony to be in writing and signed. Power of coroner to recognize the witnesses.
7. Coroner's charge to the jury, and proclamation for persons to give evidence.
8. Form of verdict.
9. Coroner may issue a warrant for the arrest of the person charged by the inquest.
10. Coroner to bury the body. Expenses of inquest and burial how paid.
11. Reasonable compensation to coroner and all others concerned for their services and expenses, and person may be employed to watch the dead body.