

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

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. 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 is bailable, the accused may recognize with sufficient sureties to appear at the adjournment; and if he does not so recognize, or the offence is not bailable, 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.

SEC. 1. Any coroner shall hold inquests on dead bodies of such persons only as appear or are supposed to come to their death by violence, and not when it is believed their death was caused by casualty; and as soon as he is notified of any such dead body in his county, he shall make out his warrant in the following form, directed to any of the constables of the same town or an adjoining town in his county, requiring him forthwith to summon a jury of six good and lawful men of their towns to appear before him at the time and place fixed in the warrant:

CHAP. 139.

When an inquest shall be taken, &c.
R. S., c. 176,
§ 1, 2.

[L. S.] To either of the constables in the town of _____, in the county of _____, GREETING.

In the name of the State of Maine, you are hereby required immediately to summon six good and lawful men of said town of _____, to appear before me, one of the coroners of the county of _____, at the dwellinghouse of _____, (or at the place called _____,) within said town of _____, at the hour of _____, then and there to inquire upon and view the body of _____, there lying dead, how and in what manner he came to his death. Fail not herein at your peril.

Given under my hand and seal, at _____, the _____ day of _____, in the year eighteen hundred and _____. S. F.

SEC. 2. The constable, to whom such warrant is directed and delivered, shall forthwith execute it, repair to the place where the dead body is at the time appointed, and make return of the warrant with his doings to said coroner, or he shall forfeit the sum of ten dollars; and every person summoned as a juror, neglecting to attend at the time and place appointed, without reasonable excuse, shall forfeit and pay the sum of seven dollars, to be recovered in an action of debt in the name of the coroner or the county, and for the use of the county.

Duties of constable and jurors, and penalties for neglect.
R. S., c. 176,
§ 3.

SEC. 3. The coroner shall administer to the jurors who appear in view of the body the following oath: You solemnly swear that you will diligently inquire and true presentment make, on behalf of this state, how, when, and in what manner, the person whose body here lies dead came to his death, and you shall return to me a true inquest thereof according to your knowledge and the evidence laid before you. So help you God.

Juror's oath.
R. S., c. 176,
§ 4.

SEC. 4. If the six jurors summoned do not appear as commanded, the coroner may require the constable or any other person he appoints, to return jurors from the bystanders to complete the number.

Talesmen.
R. S., c. 176,
§ 5.

SEC. 5. The coroner may issue subpoenas for witnesses to be served as in other cases, and shall administer to them an oath as follows:

Subpoenas for witnesses, and their oath.

R. S., c. 176,
§ 6, 7.

You solemnly swear, that the evidence which you shall give to this inquest, concerning the death of the person here lying dead, shall be the truth, the whole truth, and nothing but the truth. So help you God.

SEC. 6. The evidence of all the witnesses shall be in writing and signed by them; and if it relates to the trial of any person

Testimony to be in writing and signed, &c.

CHAP. 139.

R. S., c. 176,
§ 8.

concerned in the death, the coroner shall bind such witnesses by recognizance, in a reasonable sum, for their personal appearance at the next supreme judicial court to be held in the same county, to give their testimony accordingly; and if they do not so recognize, he shall commit them to prison, and return to the same court the inquisition, written evidence, and recognizance by him taken.

Coroner's
charge to the
jury, &c.
R. S., c. 176,
§ 9.

SEC. 7. After the coroner has sworn the jurors, he shall charge them to declare whether the person died by felony, mischance or accident; if by felony, who were principals and accessories; the instrument employed, and all important circumstances; if by mischance, or by his own hand, in what manner, and all attending circumstances; and make proclamation for all persons who can give any evidence to draw near and be sworn.

Form of ver-
dict.
R. S., c. 176,
10.

SEC. 8. The jury, after examining the body, hearing the evidence and making all useful inquiries, shall draw up and deliver to the coroner their verdict in writing under their hand and seals in substance as follows:

An inquisition held at _____, within the county of _____, the _____ day of _____, in the year _____, before S. F., one of the coroners of said county, upon view of the body of _____, there lying dead, by the oaths of _____, good and lawful men, who, being charged and sworn to inquire for the state, when, how, and by what means the said _____ came to his death, upon their oaths say: (then insert how, when and by what means, and with what instrument he was killed.) In testimony whereof the said coroner and the jurors of the inquest have hereunto set their hands and seals the day and year abovesaid.

Coroner may
issue a war-
rant, &c.
R. S., c. 176,
§ 11.

SEC. 9. If any person, charged by the inquest with causing the death of such person, is not then in custody, the coroner shall have the same power as a justice of the peace to issue a warrant for his apprehension, to be returned before any judge or justice of the peace, who shall proceed therein according to law.

Coroner to
bury the body,
&c.
R. S., c. 176,
§ 12.

SEC. 10. Every coroner within his county, after the return of an inquisition of the jury upon view of the dead body of a stranger, shall bury the body in a decent manner; and all the expenses attending the burial and the expenses of the inquisition shall be paid to the coroner out of the state treasury, if the coroner certifies under oath that the deceased was a stranger not belonging to the state, according to his best knowledge and belief; otherwise, the expenses of burial shall be paid to the coroner by the town where the body was found, and repaid to such town by the town to which he belonged in the state; and the expense of the inquisition, by the county.

Compensation
to coroner, &c.
R. S., c. 176,
§ 7.
1846, c. 187.
1855, c. 179.

SEC. 11. The coroner, jurors, witnesses, and any other person required to summon jurors or witnesses, shall be allowed, in addition to the regular fees, a sum sufficient to make a reasonable compensation for all their services and expenses; and any coroner, if necessary, may employ some person to watch the dead body till an inquest is held, for which a suitable compensation shall be allowed.