

MAINE STATE LEGISLATURE

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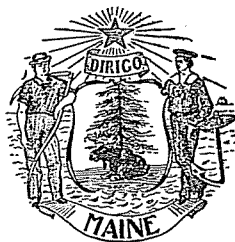
FIFTH REVISION.

THE
REVISED STATUTES

OF THE
STATE OF MAINE,

PASSED SEPTEMBER 1, 1903, AND TAKING EFFECT JANUARY 1, 1904.

BY THE AUTHORITY OF THE LEGISLATURE.



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CHAP. 140.

When the court or magistrate may issue a warrant for the arrest of a fugitive.
R. S., c. 138, § 11.

How such case shall be examined.
R. S., c. 138, § 12.

When such prisoner shall be discharged at the adjourned day.
R. S., c. 138, § 13.

The complainant is answerable for costs.
R. S., c. 138, § 14.
See c. 114, § 81.

SEC. 10. When such fugitive from justice in another state is found in this state, any court or magistrate authorized to issue warrants in criminal cases, may, on complaint under oath, setting forth the offense and other facts necessary to bring the case within the provisions of law, grant a warrant and have the accused arrested for examination as in other cases.

SEC. 11. 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 offense is bailable, the accused may recognize with sufficient sureties to appear at the adjournment; and if he does not so recognize, or the offense 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.

SEC. 12. 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, or the two preceding sections, shall prevent the arrest of any accused by an executive warrant, and such arrest discharges any such existing recognizance.

SEC. 13. The complainant is 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 140.

CORONERS' INQUESTS.

When an inquest shall be taken.
R. S., c. 139, § 1.
See c. 52, § 68.

—form of coroner's warrant.

SEC. 1. Coroners shall hold inquests on dead bodies of such persons only as appear or are supposed to have come to their death by violence, and not when it is believed that their death was caused by casualty; and as soon as a coroner 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 or an adjoining town in said 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:

"[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 said county of —, at the dwelling-house of — —, (or "at the place called —,") "within said town at the hour of —, — M., 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 —, A. D.,
19— S. F."

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

SEC. 3. The coroner shall, in view of the body, administer to the jurors who appear, the following oath: "You solemnly swear that you will diligently inquire and true presentment make on behalf of the 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."

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

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:

"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. Coroners, when holding inquests, have the same authority as probate courts, to compel the attendance of witnesses, and may commit for contempt.

SEC. 7. The evidence of all the witnesses shall be in writing and signed by them; and if it relates to the trial of any person 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 or superior 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.

SEC. 8. 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 shall make proclamation for all persons who can give any evidence to draw near and be sworn.

SEC. 9. 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 hands and seals, in substance as follows:

"An inquisition held at —, within the county of —, on the — day of —, A. D., 19—, before S. F., one of the coroners of said county, upon view of the body of — —, there lying dead, by the oaths of — —, — —, — —, — —, — —, and — —, good and lawful men, who, being charged and sworn to inquire for the state, when, how, and by what means 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."

SEC. 10. 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

Duties of constable and jurors, and penalties for neglect.
R. S., c. 139, § 2.

Jurors' oath.
R. S., c. 139, § 3.

Talesmen.
R. S., c. 139, § 4.

Subpoenas for witnesses.
R. S., c. 139, § 5.

—form of oath.

Witnesses are compelled to attend.
R. S., c. 139, § 6.
See c. 65, § 3.

Testimony shall be in writing, and signed.
R. S., c. 139, § 7.

—when witnesses shall recognize.
—or be committed.

Coroner's charge to the jury.
R. S., c. 139, § 8.
See c. 52, § 68.

—his proclamation for evidence.

Form of verdict.
R. S., c. 139, § 9.

When coroner may issue a warrant

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of arrest.
R. S., c. 139, § 10.
See c. 133, § 5.

Coroner shall
bury the
body of a
stranger.
R. S., c. 139, § 11.

Compensa-
tion to coro-
ners, jurors,
witnesses
and others,
and reim-
bursement
of expenses.
R. S., c. 139, § 12.

Evidence
taken shall
be filed with
clerk of
courts.
1885, c. 296.
1901, c. 267.

—may employ
stenog-
rapher.

power as a trial justice to issue a warrant for his apprehension, to be returned before any judge or trial justice, who shall proceed therein according to law.

SEC. 11. 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 it 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 be repaid to such town by the town to which he belonged; and the expense of the inquisition, by the county.

SEC. 12. The coroner, whether an inquest is held or not, the 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 the coroner shall pay to the party giving him notice that a dead body has been found, and to the person who picked up such dead body, and to the person who has had the care of such body until taken charge of by him, a suitable compensation, which shall be reimbursed as for personal services.

SEC. 13. The evidence of all the witnesses taken at any inquest shall, within ten days after the delivery of the verdict to the coroner, be filed by the coroner with the clerk of courts for the county in which said inquest is held, and there remain open for public inspection. Coroners may employ a stenographer for the purpose of taking such evidence, who shall receive as compensation therefor the sum of six dollars a day and ten cents a hundred words for transcript of notes, and six cents a mile actual travel.