

MAINE STATE LEGISLATURE

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DOCUMENTS

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THE LEGISLATURE

OF THE

STATE OF MAINE,

DURING ITS SESSION

A. D. 1846.



AUGUSTA:

WM. T. JOHNSON, PRINTER TO THE STATE.

1847.

TWENTY-SIXTH LEGISLATURE.

No. 33.

HOUSE.

STATE OF MAINE.

IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED AND
FORTY-SIX.

AN ACT for the appointment of district attorneys.

Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows :

SECTION 1. Grand juries shall not be selected for
2 or required to attend the Supreme Judicial Court in
3 any county in this State ; and the grand juries attend-
4 ing the district court in the several counties, in addition
5 to their present duties, shall find and return into said
6 court, indictments against all persons for all crimes and
7 offenses which now are or may hereafter be made cog-
8 nizable by the supreme judicial court. And said dis-
9 trict court shall have the same power to issue all
10 necessary processes to compel the attendance of wit-
11 nesses and for the arrest of persons charged with
12 offenses cognizable by the supreme judicial court, as

13 the supreme judicial court now has and shall have
14 power to commit or recognize persons so charged, to
15 answer at the next term of the supreme judicial court
16 to be held for the county where the indictment is
17 found, and to compel in the manner provided by law
18 in other cases, the attendance of witnesses at the next
19 term of the court having cognizance of the offense.
20 And the clerk of the district court in which such in-
21 dictment shall be found, shall return the same, togeth-
22 er with all processes issued in pursuance hereof, into
23 the supreme judicial court at the term next to be
24 holden for the county in which the indictment was
25 found and the same shall be entered and have day
26 therein.

SEC. 2. After the time when this act shall take
2 effect, all recognizances in criminal cases taken be-
3 fore justices of the peace, coroners and other magis-
4 trates, which heretofore have been returnable by law
5 to the supreme judicial court, shall be returned to the
6 district court, and all persons hereafter committed to
7 appear and answer for any offense cognizable by the
8 supreme judicial court, shall be committed to appear
9 and answer at the district court next to be holden
10 within and for the same county. And all costs in
11 cases provided for in this act, accruing before the

12 same are certified and entered in the supreme judicial
13 court, shall be taxed and allowed by the district court
14 in the same manner as they were before the passing
15 of this act, taxed and allowed by the supreme judicial
16 court.

SEC. 3. This State is hereby divided into four dis-
2 tricts for the administration of criminal law. The
3 counties of York, Cumberland and Oxford, shall
4 constitute the western district. The counties of Lin-
5 coln, Kennebec and Franklin, shall constitute the
6 middle district. The counties of Waldo, Hancock,
7 Aroostook, and Washington, shall constitute the east-
8 ern district. The counties of Penobscot, Somerset
9 and Piscataquis, shall constitute the northern district.

SEC. 4. The attorney general shall be ex officio,
2 district attorney in the district to which he shall be
3 assigned by commission from the governor, by and
4 with the advice and consent of the council, and in
5 each of the other districts, there shall be appointed
6 and commissioned by the governor, by and with the
7 advice and consent of the council, a district attorney,
8 who shall reside within the district for which he is
9 appointed.

SEC. 5. The attorney general in the district as-

2 signed to him, shall appear and act for the State, in
3 all cases, civil and criminal, in which the State is a
4 party or interested, and shall within said district,
5 [discharge] all the duties which the county attorney or
6 attorney general is now by law obliged to do and
7 perform in behalf of the State. He shall also, unless
8 excused by the court, be present and conduct, in
9 whatever county the same may be, the trial of all
10 persons indicted for crimes which at the time of the
11 adoption of the constitution of this State, were pun-
12 ishable with death. He shall also, whenever request-
13 ed by the governor and council, give to them an
14 opinion in writing, upon such questions of law as
15 may be submitted to him by their direction.

SEC. 6. The district attorneys shall, within their
2 respective districts, appear and act for the State in all
3 cases, criminal and civil, except when the attorney
4 general is by this act required to appear, in which the
5 State is a party or interested; and they shall, within
6 their respective districts, perform all the duties which
7 the county attorneys and the attorney general, with
8 the exceptions herein contained, are now by law
9 obliged to do and perform in behalf of the State; and
10 in the absence of the attorney general shall attend

11 and conduct, within their respective districts, the
12 trials, which by the fifth section hereof the attorney
13 general is required to attend and conduct.

SEC. 7. The said district attorneys may, with refer-
2 ence to their mutual accommodation, from time to
3 time interchange the duties of their offices or assist
4 each other so as best to secure the discharge of the
5 duties incumbent on them.

SEC. 8. The several district attorneys shall annual-
2 ly, in the month of March, make to the attorney gen-
3 eral a report of the amount and kind of official busi-
4 ness done by them respectively in each county, in the
5 year preceding ; the number of persons prosecuted ;
6 the offenses for which such prosecutions were had ;
7 the results thereof, and the punishment awarded in
8 each case, with such suggestions as they may deem
9 interesting. And the attorney general shall annually,
10 in the month of April, make and transmit to the gov-
11 ernor and council an abstract of the reports made to
12 him by the district attorneys, together with a like
13 report of his own doings as attorney general and dis-
14 trict attorney.

SEC. 9. The several district attorneys, except the
2 attorney general, shall receive a salary of one thou-
3 sand dollars a year, to be paid to them severally out

4 of the treasury of the State in equal quarterly pay-
5 ments, in full for all services rendered by them ; and
6 the attorney general shall receive a salary of twelve
7 hundred dollars a year, to be paid to him out of the
8 treasury of the State in equal quarterly payments, in
9 full for his services both as attorney general and as
10 district attorney.

SEC. 10. All acts and parts of acts relating to the
2 appointment, election and salaries of county attorneys,
3 and all acts and parts of acts inconsistent with the
4 provisions of this act, are hereby repealed.

SEC. 11. This act shall take effect on the first day
2 of January next: *provided*, that the district attor-
3 neys may be appointed at any time after this act shall
4 have been approved by the governor ; such appoint-
5 ments to take effect on the first day of January next.

STATE OF MAINE.



HOUSE OF REPRESENTATIVES, }
July 31, 1846. }

Ordered, That 350 copies of the foregoing Bill, reported from the Committee on the Judiciary, be printed for the use of the Legislature.

SAMUEL BELCHER, *Clerk*.