

# MAINE STATE LEGISLATURE

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DOCUMENTS

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THE LEGISLATURE

OF THE

STATE OF MAINE.

1860.

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SIEVENS & SAYWARD, PRINTERS TO THE STATE.

1860.

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# THIRTY-NINTH LEGISLATURE.

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SENATE.

No. 5.

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## STATE OF MAINE.

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IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED AND  
SIXTY.

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AN ACT to provide for Inquests in cases of suspected  
Incendiarism.

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

SECTION 1. Whenever any building, or other proper-  
2 ty, in the State, shall be destroyed by fire, and within  
3 ten days thereafter, a complaint shall be subscribed and  
4 sworn to, before any justice of the peace for the county  
5 where such fire shall occur, or in any city or town  
6 where there is a municipal or police court, before such  
7 court, alleging that reasonable grounds exist for be-  
8 lieving that such fire was not accidental in its origin,  
9 but was caused by design ; it shall be the duty of such  
10 justice and of the judge of such court, forthwith to is-

11 sue his warrant to some constable of the town or city  
12 where such property was destroyed, requiring him to  
13 summon immediately, six good and lawful men of the  
14 county, to appear before such judge or justice, at the  
15 time and place expressed in the warrant, to inquire,  
16 when, how, and by what means said fire originated.  
17 And in case of the non-appearance of any person so  
18 summoned, the constable shall, by order of said judge  
19 or justice, return some person from the by-standers  
20 to complete said number.

SEC. 2. When the persons thus summoned appear,  
2 or the number be made complete, the said judge or  
3 justice shall call over their names, and then, in view  
4 of the land on which said property was destroyed, he  
5 shall administer the following oath: You solemnly  
6 swear that you will diligently inquire, and true pre-  
7 sentment make, on behalf of this State, when, how,  
8 and by what means, the fire which has here occurred  
9 was caused; and you shall return a true inquest, ac-  
10 cording to your best knowledge, and such evidence as  
11 shall be laid before you.

SEC. 3. The judge or justice shall issue subpoenas  
2 for witnesses, returnable forthwith at such time and  
3 place as he shall therein direct. Such witnesses shall  
4 be allowed the same fees, and their attendance shall  
5 be enforced in the same manner, as if they had been

6 served with a subpoena in behalf of the State to attend  
7 any court of the same.

SEC. 4. The witnesses appearing hereunder, shall be  
2 sworn to the effect that the evidence which they shall  
3 give to this inquest, of what they know concerning the  
4 origin of the fire of which inquiry is now to be made,  
5 shall be the truth, the whole truth, and nothing but  
6 the truth.

SEC. 5. The testimony of all witnesses examined  
2 before any inquest, shall be reduced to writing by said  
3 presiding judge or justice, or some person by his di-  
4 rection, and subscribed by the witness.

SEC. 6. The jury, after hearing the testimony of the  
2 witnesses, and making all needful inquiries, shall draw  
3 up and deliver to such judge or justice, their inquisi-  
4 tion under their hands, in which they shall find and  
5 certify, when, how, and by what means, such fire was  
6 caused. Said inquisition and testimony, thus sub-  
7 scribed, shall be filed by said judge or justice, with the  
8 clerk of the courts for said county, within one week  
9 thereafter.

SEC. 7. The fees of said judge or justice, and the  
2 expense of said inquisition, shall, in amount and man-  
3 ner of payment, be the same as now provided by law  
4 for coroner's inquests.

STATE OF MAINE.

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IN SENATE, February 4, 1860.

Reported by the Committee on Judiciary; laid on the table on motion of Mr. Drummond, and three hundred and fifty copies ordered to be printed for the use of the Legislature.

JAMES M. LINCOLN, *Secretary.*