

# MAINE STATE LEGISLATURE

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DOCUMENTS

PRINTED BY ORDER OF

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. 12.

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## REPORT

*Of the Committee of Conference, appointed on the disagreement of the Senate and House of Representatives, on the bill to provide for inquests in cases of suspected incendiarism.*

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IN SENATE, February 18, 1860.

The Committee of Conference, appointed on the disagreement of the Senate and House of Representatives, on the bill to provide for inquests in cases of suspected incendiarism, have considered the subject, and recommend the passage of the bill in a new draft, which is herewith submitted.

The bill, now submitted, differs from the original bill, by providing that the proceedings can only be initiated by the mayor of any city or the municipal officers of any town, in which the fire occurred, and that all the expense of the inquests shall be paid by such city or town.

Per Order.

P. MOULTON.

# 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 property  
2 in the state, shall be destroyed by fire, and within  
3 ninety days thereafter a complaint shall be subscribed  
4 and sworn to by the mayor of the city or the municipal  
5 officers of the town in which the fire occurred, before  
6 any justice of the peace for the county where such fire  
7 shall have occurred, or in any city or town where there  
8 is a municipal or police court, before such court, alleg-  
9 ing that reasonable grounds exist for believing that  
10 such fire was not accidental in its origin, but was  
11 caused by design, it shall be the duty of such justice  
12 and of the judge of such court, forthwith to issue his  
13 warrant to some constable of the town or city where

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

SECT. 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 of  
4 the land on which such 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, in behalf of this state, when, how, and  
8 by what means, the fire which has here occurred was  
9 caused; and that you will return a true inquest, ac-  
10 cording to your best knowledge, and such evidence as  
11 shall be laid before you.

SECT. 3. The judge or justice shall issue subpœnas  
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 before a justice of the peace or a judge of a  
8 municipal or police court.

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

SECT. 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 direc-  
4 tion, and subscribed by the witness.

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

SECT. 7. The fees of said judge or justice, and the  
2 expenses of said inquisition, shall, in amount and man-  
3 ner of payment, be the same as now provided by law  
4 for coroners' inquests, and the county commissioners in  
5 apportioning the county tax shall add to the sum ap-

## INQUESTS.

5

6 portioned to the town where such fire occurred, the  
7 amount paid by the county for the inquest, and the  
8 same shall be paid by such city or town, and the same  
9 remedies for collecting the same as is by law provided  
10 for the collection of county taxes.





STATE OF MAINE.

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IN SENATE, Feb. 18, 1860.

Laid on the table on motion of Mr. DRUMMOND,

And 350 copies ordered to be printed for the use of the Legislature.

JAMES M. LINCOLN, *Secretary.*