

MAINE STATE LEGISLATURE

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April 30, 1913

To Frank J. Ham, Warden, State Prison
Re: Criminal Insane, Commitment of

Yours of the 26th inst. with enclosures was duly received.

From an examination of the statutes, I am of the opinion that, so far as to the commitment to the Insane Department of the State Prison, the Judge was correct, There seems to be a failure to repeal that method of commitment, where the commitment is by the Judge of the Court after conviction.

A person convicted of an offense punishable in the State Prison may, if the Presiding Justice find him insane, be properly committed to the Insane Department of the State Prison and on a copy of the certificate of commitment, certified by the Warden of the State Prison, be transferred to the building for criminal insane at Augusta, so that if the only objection on the part of the Superintendent of the Insane Hospital is to the right of the Presiding Justice to commit him to the Insane Department of the State Prison, I do not think his objection is well founded.

I do not wish to be understood by this as passing on the legality of the mittimus under which he is committed to the State Prison. There are some things about it that appear to me questionable, but I do not know that it is necessary for me to pass upon that.

As to the questions you have submitted in your letter and form, I am inclined to think that the Clerk of Courts was correct in his interpretation of the statutes and if the mittimus was in proper form there is no objection to the Superintendent of the Hospital receiving him from you upon a properly certified copy of the certificate of commitment.

Scott W. Wilson
Attorney General