

MAINE STATE LEGISLATURE

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N I N E T Y - F I R S T L E G I S L A T U R E

Legislative Document

No. 26

H. P. 21

House of Representatives, January 19, 1943.

Referred to Committee on Judiciary. Sent up for concurrence.

HARVEY R. PEASE, Clerk.

Presented by Mr. Maxwell of Bangor.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FORTY-THREE

AN ACT Relating to Writs of Error in Criminal Cases.

Be it enacted by the People of the State of Maine, as follows:

R. S. c. 116, § 12, amended. Section 12 of chapter 116 of the revised statutes is hereby repealed and the following enacted in place thereof:

'Sec. 12. Effect; custody of plaintiff; release on bail. Writs of error shall issue of course upon all other judgments in criminal cases, and applications for the same shall be made to the supreme judicial court or to the superior court in the county where the restraint exists, if in session; if not in session, to a justice of either of said courts. Such court or such justice thereof in vacation may stay or delay execution of sentence or judgment, with an express order to stay all proceedings thereon; and in that case the court, or such justice thereof in vacation, may make such order as the case requires for the custody of the plaintiff in error, or for letting him to bail; and when issued by the court, it shall be returnable thereto; but when issued by a justice thereof in vacation, it may be returnable before a justice of said court, and be heard and determined by him, or returnable to said court; or upon a writ of habeas corpus, if entitled thereto, he may procure his enlargement by giving bail.'