

MAINE STATE LEGISLATURE

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L A W S

OF THE

STATE OF MAINE;

TO WHICH ARE PREFIXED

THE

CONSTITUTION OF THE U. STATES

AND OF SAID STATE,

IN TWO VOLUMES,

WITH AN APPENDIX.

.....
VOL. I.
.....

Published according to a resolve of the State, passed
March 8, 1821.

BRUNSWICK.

Printed by J. Griffin, for the State.

.....
1821.

No suit where the wife is a party, in such case, to abate by his return.

discharged, the same remedy shall lie against such husband, as if the contract had been made by her before the marriage; and no suit pending, where his wife shall be a party, pursuant to the said powers, shall abate by his return into this State.

Court to give notice, &c. before granting such powers to wife,

as in cases of libel for divorce.

SEC. 11. *Be it further enacted*, That when application shall be made by any wife for any or all of the powers aforesaid the Justices of the said Court, shall previous to their granting any of the powers aforesaid, cause such public notice of the said application to be given as by law they are directed in case of any libel filed by any married woman for a divorce.

[Approved March 15, 1821.]

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CHAPTER LVIII.

An Act extending the powers of the Justices of the Supreme Judicial Court, in certain cases.

Persons acquitted on trial in Sup. Jud. Court, on ground of Insanity, &c. may be committed to prison until restored to reason, &c.

SEC. 1. *BE it enacted by the Senate and House of Representatives, in Legislature assembled*, That whenever any person who may have been arrested and in custody, or in prison, to answer for any crime or crimes, offence or offences, before the Supreme Judicial Court, shall be acquitted thereof by the Jury of trials; or shall not be indicted by the Grand Jury, by reason of the insanity or mental derangement of such person, and the discharge, or going at large of such person shall be deemed by the same Court to be dangerous to the safety of the citizens, or to the peace of the State, the said Court be, and hereby is authorized and empowered to commit such person to prison, there to be detained till he or she be restored to his or her right mind, or otherwise delivered by due course of law. And every person so committed shall be kept at his or her own expense, if he or she have estate sufficient for that purpose; otherwise at the charge of the person or town, upon whom his or her maintenance would have been legally chargeable, if he or she had not been committed as aforesaid.

At whose expense.

if no indictment is found by Grand Jury,

SEC. 2. *Be it further enacted*, That whenever the Grand Jury, upon any inquiry which they may hereafter make as

to the commission of any crime or offence by any person, shall omit to find a bill for the cause aforesaid, it shall be the duty of such Jury to certify the same to the said Court. And whenever the Jury of trials, upon the general issue of not guilty, shall acquit any person for the cause aforesaid, it shall be the duty of such Jury, in giving in their verdict of not guilty, to state that it was for such cause.

SEC. 3. *Be it further enacted,* That any one of the Justices of the Supreme Judicial Court, or any two Justices of the Peace, *quorum unus*, within their county, may discharge from confinement any such person, when it shall be made to appear to his or their satisfaction, that the going at large of such person will not be dangerous to the safety of the citizens and to the peace of the State.

SEC. 4. *Be it further enacted,* That upon the application of any friend or friends of such lunatic person, the Supreme Judicial Court, or any one of the Justices thereof, or any two Justices of the Peace, *quorum unus*, of the county in which such person may have been in prison, as aforesaid, be and are hereby authorized and empowered to commit to the custody and safe keeping of such friend or friends, such lunatic person: *Provided however,* That such applicant or applicants shall first give bonds, with sufficient surety or sureties, to the Judge of Probate for the county in which such lunatic is confined, conditioned for the safe keeping of such lunatic person, and for the payment of all damages which any person may sustain, by reason of the acts and doings of such lunatic; which bond shall be approved by the Court, Justice or Justices aforesaid, and may be put in suit for the benefit of persons interested, in like manner as is by law provided in case of probate bonds: *Provided,* That nothing in this Act contained, shall deprive any person of the benefit of the writ of habeas corpus.

[Approved March 17, 1821.]

nor conviction by Traverse Jury for such cause, they shall so certify to the Court.

A Judge of the S. J. Court, or two Justices *quorum unus* may discharge a person so convicted, when it may be done safely.

S. J. Court, or any one of the Judges, or two Justices *quorum unus*, on application of friends of a lunatic may commit him to the custody of such friend—on bond being given, &c.