

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.

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1821.

CHAPTER XCIII.

An Act describing the Duty and Power of Coroners.

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in Legislature assembled, That every Coroner within the county for which he is appointed, shall serve all writs and precepts, when the Sheriff or either of his deputies shall be a party to the same; and shall, if present in Court, return Jurors *de talibus circumstantibus*, in all causes where the Sheriff of the county shall be interested or related to either party. And when the office of Sheriff in any county may be vacant by death, resignation; removal or otherwise, the several Coroners of such county be, and they hereby are respectively authorized and empowered to execute and return all writs and precepts, which are by law appointed to be executed and returned by the Sheriff, until another Sheriff for such county shall be appointed and legally qualified; and such Coroners shall have notice thereof, which it shall be the duty of every person who may hereafter be appointed Sheriff of any county, and legally qualified to execute said office, to give, as soon as may be, to the respective Coroners of the same county: and they shall take inquests of violent deaths committed, and casual deaths happening within their respective counties, and shall, before they enter upon the duties of their office, be sworn to the faithful discharge thereof, and give security before they proceed to act, in the manner prescribed in "An Act passed on the twenty fourth day of June in the year of our Lord, eighteen hundred and twenty, entitled "An Act providing that bonds shall be given by Sheriffs and Coroners to the Treasurer of this State, and giving remedies thereon;" and the same proceedings in all respects shall be had respecting Coroners' bonds and sureties; and Coroners shall be liable to the same forfeitures for like causes, to be recovered in like manner; and subject to removal from office in the same way, and to be proceeded against in the same manner in all respects, as are provided in the Act aforesaid with regard to Sheriffs.

Power and duty of Coroners in service of legal process;

and in taking inquests of violent or casual deaths, &c.

To give security in the same manner as sheriffs.

Same proceedings to be had on their bonds, as Sheriffs.

Subject to removal as Sheriffs.

SEC. 2. *Be it further enacted,* That each Coroner shall, as soon as he shall be certified of the dead body of any per-

Mode of proceeding to

take an in-
quest.

son supposed to have come to his death by violence or casualty, found or lying within his county, make out his warrant directed to the Constable of the town where the dead body is found or lying, or to the Constables of one or more of the three or four next adjacent towns, requiring them forthwith to summon a Jury of good and lawful men of the same town or towns, sufficient to make up nine in all, to appear before him at the time and place in such warrant mentioned and expressed; which warrant shall be in form following:

(SEAL.) — ss. To either of the Constables of B—
in the said county of S—, Greeting.

Form of war-
rant.

These are in the name of the State of Maine, to require you immediately to summon and warn — good and lawful men of the said town of B— to appear before me, one of the Coroners of the said County of S— at the dwelling house of —, or at a place called — within the said town of B— at the hour of — then and there to inquire upon the view of the body of — there lying dead, how and in what manner he came to his death. Fail not herein at your peril. Given under my hand and seal, at B— the — day of — in the year of our Lord, —.

W. G.

Constables' duty.

And every Constable to whom such warrant shall be directed and delivered, shall forthwith execute the same, and shall repair to the place where the dead body is, at the time mentioned, and make return of the warrant with his doings thereon, unto the Coroner that granted the same. And every Constable failing unnecessarily of executing such warrant, or of returning the same as aforesaid, shall forfeit the sum of ten dollars, and every person summoned as a Juror as aforesaid, that shall fail of appearance without having reasonable excuse therefor, shall forfeit seven dollars; which forfeitures shall be recovered by action of debt before any Court that can take cognizance of the same, and shall be applied to the use of the county. And the Coroner shall swear six or more of the Jurors that shall appear, and shall give the foreman by him appointed, his oath upon view of the body, in form following:

Penalty for neglect of Constable.

Penalty for non-attendance of Juror.

Coroner to swear Jurors:

and form of oath.

You solemnly swear that you will diligently inquire and true presentment make on behalf of this State, how and in

what manner A. B. who lies here dead, came to his death, and you shall deliver up to me, one of the Coroners of this county, a true inquest thereof, according to such evidence as shall be laid before you, and according to your knowledge. So help you God.

And then shall swear the other Jurors in form following :

Such oath as your foreman hath taken, you and each of you shall well and truly observe and keep. So help you God.

And the Jurors being sworn, the Coroner shall give them a charge upon their oaths, to declare of the death of the person, whether he died of felony, or of mischance, or accident ; and if of felony, who were principals, and who were accessaries ; with what instrument he was struck or wounded, and so of all prevailing circumstances, which may come by presumption ; and if by mischance or accident, whether by the act of man, and whether by hurt, fall, stroke, drowning or otherwise ; to inquire of the persons who were present, the finders of the body, his relations and neighbours, whether he was killed in the same place where he was found, and if elsewhere, by whom, and how he was brought from thence ; and of all circumstances relating to the said death. And if he died of his own felony, then to inquire of the manner, means or instrument, and of all circumstances concerning it. And the Jury being charged shall stand together and proclamation shall be made for any person that can give evidence, to draw near, and that they shall be heard.

Coroners' charge to Jury.

And every Coroner is further empowered to send out his warrant for witnesses, commanding them to come before him, to be examined, and to declare their knowledge concerning the matter in question ; and he shall administer an oath to them in form following :

Coroner to summon witnesses and swear them, and take evidence in writing.

You solemnly swear, that the evidence which you shall give to this inquest, concerning the death of A. B. here lying dead, shall be the truth, the whole truth, and nothing but the truth. So help you God.

Form of oath.

The evidence of such witnesses shall be in writing subscribed by them : and if they relate to the trial of any person concerned in the death, then shall the Coroner bind such witnesses by recognisance in a reasonable sum for their

May recognise witnesses, in case, &c.

personal appearance at the next Supreme Judicial Court, to be holden within or for the same county, there to give evidence accordingly; and commit to the common gaol of the county such witness or witnesses as shall refuse to recognise as aforesaid; and shall return to the same Court the inquisition, written evidence and recognisance by him taken. And the Jury having viewed the body, heard the evidence, and made all the inquiry within their power, they shall draw up and deliver unto the Coroner their verdict upon the death under consideration, in writing under their hands and seals, in form following:

Jury to deliver verdict to Coroner.

Form of verdict, in divers cases.

—— ss. An inquisition taken at B—— within the said county of S—— the —— day of —— in the year of our Lord —— before W. G. gentleman, one of the Coroners of the said county of S—— upon the view of the body of A. B. there lying dead, by the oaths of —— yeomen, good and lawful men, who being charged and sworn to inquire for the State, when, how and by what means the said A. B. came to his death, upon their oaths do say —— [Then insert, how, when and by what means, with what instrument he was killed; and if it appears that he hath been murdered by a person known, then the inquisition shall be concluded in this form:] to wit, —— And so the Jurors aforesaid upon their oaths aforesaid, do say, that the aforesaid A. B. in manner and form aforesaid, then and there of his malice aforethought, did kill and murder against the peace and dignity of the State, and the laws of the same, —— [If it appears to be self-murder, then shall the inquisition be concluded thus:] And so the Jurors aforesaid, thus upon their oaths aforesaid do say, that the said A. B. in manner and form aforesaid then and there voluntarily and feloniously as a felon of himself, did kill and murder himself against the peace. [And if it appears that the death was by misfortune] And so the Jurors aforesaid, upon their oaths say, that the said A. B. in manner aforesaid, came to his death by misfortune. [If innocently by the hands of any person] The Jurors upon their oaths aforesaid do say, that the aforesaid D. R. the aforesaid A. B. by misfortune, and against and contrary to the will of him the said D. R. in manner and form aforesaid, did kill and slay. In witness,

whereof the said Coroner and Jurors to this inquisition have set their hands and seals, the day and year abovesaid. And upon an inquisition found before any Coroner of the death of any person, by the felony or misfortune of another, he shall speedily inform one or more of the Justices of the same county thereof, to the intent that the person killing, or being any way instrumental to the death, may be apprehended, examined and secured in order for trial.

Coroner in certain cases to notify Justice of the Peace.

SEC. 3. *Be it further enacted*, That every Coroner within the county for which he is appointed, shall, after the return of an inquisition of the Jury, upon the view of a dead body of any stranger, bury said body in a decent manner; and the expenses thereof, together with all the expenses of said inquisition and the Coroner's fees, shall be paid to said Coroner out of the Treasury of this State, an account of said expenses being first examined and allowed by the Legislature, in the same manner that accounts for State paupers are allowed: *Provided*, The Coroners who shall return the inquisition, shall certify under oath, that the person found dead, was a stranger not belonging to this State, according to the best of his knowledge and belief; otherwise the expenses of taking up and burial, shall be paid to such Coroner, by the town where such dead body was found, and repaid to them by the town to which said stranger belonged, if an inhabitant of this State; and the expenses of said inquisition shall be paid to the Coroner, by the county in which the inquisition shall be taken.

Coroners to bury deceased, and expenses how paid.

SEC. 4. *Be it further enacted*, That Coroners be, and they hereby are authorized and empowered to make service and return of all writs and processes to them duly directed, in which towns or plantations of which they are inhabitants, are parties or interested, any law, usage or custom to the contrary notwithstanding.

Coroners may serve writs, &c. in cases where their own towns are parties or interested.

[Approved March 19, 1821.]