

MAINE STATE LEGISLATURE

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THE
REVISED STATUTES

OF THE
STATE OF MAINE,

PASSED OCTOBER 22, 1840;

TO WHICH ARE PREFIXED

THE CONSTITUTIONS

OF THE

United States and of the State of Maine,

AND TO WHICH ARE SUBJOINED THE OTHER

PUBLIC LAWS OF 1840 AND 1841,

WITH AN

APPENDIX.

PRINTED AND PUBLISHED IN COMPLIANCE WITH A RESOLVE OF OCTOBER 22, 1840.

Augusta:

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1841.

or county treasurer, and any portion of such penalty shall accrue to any person, by reason of the offence of which the appellant was convicted, the court may award to him such sum as he may be entitled to, out of it.

CHAP. 172.

SECT. 40. Any person, convicted of an offence in the district court, may allege exceptions to any opinion, direction or judgment of the said court, and thereupon such proceedings shall be had in said court, and also in the supreme judicial court, as are prescribed in the nineteenth section, of the ninety seventh chapter, establishing the said district court.

Proceedings, on exceptions, in the district courts.

SECT. 41. In criminal trials in the supreme judicial court, any person, convicted of any offence tried before any one justice of said court, may, in the manner mentioned in the preceding section, allege exceptions to any opinion, direction or judgment of such justice, to be allowed and signed by him; or any questions of law, which may be so reserved on exceptions, as above stated, may be reserved on a report signed by such justice, who may require such defendant to recognize with sufficient sureties to appear at the next term of said court, and abide the judgment which the full court shall render in the cause; or commit him, on his neglecting so to recognize.

Disposal of law questions, in criminal trials.

CHAPTER 173.

AS TO THE DISPOSAL OF INSANE PERSONS, WHEN PROSECUTED FOR CRIMES OR OFFENCES.

SECT. 1. Duty of court, when either jury finds the party accused, to be insane.

2. At whose expense such person to be supported in confinement.

3. How he may be liberated, when safe.

SECT. 4. May be given up to his friends, they giving bonds to the judge of probate.

5. Or to the overseers of the poor, if chargeable, a suitable place being provided.

6. Towns in such case answerable for damages, if the person go at large.

SECTION 1. When any person, indicted for any crime, shall be acquitted by the jury of trials, by reason of insanity or mental derangement, they shall state that fact to the court, when they return their verdict; and, when the grand jury shall, for the same reason, omit to find an indictment against any person, who has been arrested by legal process to answer for any crime or offence, they shall certify to the court the above mentioned reason for such omission; and the court shall have power to commit such person to prison, or the insane hospital, there to remain until restored to his right mind, or otherwise delivered by due course of law.

Duty of the court, when either jury finds the party accused to be insane. 1821, 58, § 1, 2.

SECT. 2. And the person, so committed, shall be kept in prison, or the insane hospital, at his own expense, if he have sufficient property for the purpose; otherwise, of the person or town that would have been chargeable for his maintenance, if he had not

At whose expense, such person to be supported in confinement. 1821, 58, § 1.

CHAP. 173. been committed; and, if he have no settlement in any town in this state, then at the expense of the state.

How to be liberated, when safe.
1821, 58, § 3.

SECT. 3. Any justice of the supreme judicial court, or of the district court, or any two justices of the peace and quorum, within and for the county where such person is kept as aforesaid, may discharge such person from confinement, on satisfactory proof, that his going at large will not be dangerous to the safety of the citizens, and peace of the state.

May be given up to his friends, they giving bonds to the judge of probate.
1821, 58, § 4.

SECT. 4. Upon application of any friend of such insane person, to any justice of either of said courts, or to two justices of the peace and quorum within and for the county in which such insane person is confined, he or they may commit such insane person to the custody and safe keeping of such friend, such applicant first giving bond, with sufficient sureties, to the judge of probate for said county, conditioned for his safe keeping and for the payment of all damages, which any person may sustain by reason of the acts of such insane person; such bond to be approved by the justices of the court, or said two justices.

Or to the overseers of the poor, if chargeable, a suitable place being provided.
1835, 143, § 1.

SECT. 5. Any justice of either of said courts, or any two justices of the peace and quorum within such county, may, on application in writing of the overseers of the poor of the town chargeable with the maintenance of such insane person, order him to be delivered to such overseers, if it shall appear that such town has provided a safe and convenient place for keeping him.

Towns, in such case, answerable for damages, if the person go at large.
1835, 143, § 2.

SECT. 6. The town, whose overseers shall have taken the custody of such insane person, shall be responsible for his safe keeping until his lawful liberation, and for all damages which any person may receive by reason of the acts of such insane person, if suffered to go at large, without written permission as aforesaid.

CHAPTER 174.

OF FUGITIVES FROM JUSTICE AND CONDITIONAL PARDONS.

SECT. 1. Governor to appoint an agent to demand and receive fugitives in other states.

2. May issue his warrant, to surrender fugitives found in this state.

SECT. 3. May offer rewards, for apprehending persons convicted, or charged with crimes.

4. Of conditional pardons to persons under sentence of death.

Governor to appoint an agent to demand and receive fugitives from justice.
1838, 330, § 1.

SECTION 1. In any case, authorized by the constitution and laws of the United States, the governor may appoint an agent to demand and receive of the executive authority of any other state, any fugitive from justice, charged with treason, felony or any other crime in this state; and the accounts of such agent shall be audited and paid by order of the governor and council, from the treasury.

May issue his warrant, to surrender fugitives found in this state.
1838, 330, § 2.

SECT. 2. Whenever such demand shall be made upon the executive authority of this state, and the governor shall be satisfied, on examination of the grounds of the demand, that the same is made according to law, and ought to be complied with, he shall