

# 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.**

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

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**Augusta:**

PUBLISHED BY WILLIAM R. SMITH & Co., PRINTERS TO THE STATE.

.....  
1841.

**CHAP. 175.** to; which note and schedule shall be by such sheriff delivered, within thirty days next following, to said treasurer, for the use of the county.

**LIEN ON REAL ESTATE.** **SECT. 2.** Said promissory note, and the sum due thereon, shall be, and continue to be a lien on any real estate of said convict, until payment of said sum.

**NOTES MAY BE SUED, AS IN OTHER CASES.** **SECT. 3.** If judgment should be rendered on said note, in an action brought thereon by said treasurer, the same proceedings may be had on the execution, as in other cases of contract.

**LIABILITY OF PRISONER, FOR FALSE STATEMENT, AS TO HIS PROPERTY.** **SECT. 4.** If such convict shall knowingly and wilfully make any false schedule on oath, relating to the amount or nature of his property, and be thereof convicted, he shall receive no benefit from his liberation, but may again be imprisoned till the performance of the original sentence.

**CHAPTER 176.**

**OF CORONERS' INQUESTS.**

- SECT. 1.** When inquests shall be taken.
2. Coroner's warrant to the constable to summon a jury.
  3. Duties of constable and jurors. Penalties for neglect.
  4. Juror's oath.
  5. Talesmen.
  6. Witnesses' oath.
  7. Subpœnas for witnesses. Their fees.

- SECT. 8.** Testimony to be in writing and signed. Power of coroner to recognize the witnesses.
9. Coroner's charge to the jury, and proclamation for persons to give evidence.
  10. Form of verdict.
  11. Coroner's warrant against the person, charged by the inquest, &c.
  12. Coroner to bury the body. Expenses of burial.

When inquests shall be taken. 1821, 93, § 1.

**SECTION 1.** Every coroner shall take inquests upon the view of dead bodies of such persons only as shall appear, or be supposed to have come to their death, by violence; and not when the death is believed to have been occasioned by casualty.

Coroner's warrant to the constable to summon a jury. 1821, 93, § 2.

**SECT. 2.** Every coroner, as soon as he is notified of the dead body of any person supposed to have come to his death by violence, and lying within his county, shall make out his warrant, in the form following, directed to the constable of the same town, or any constable of one of the adjoining towns in the same county, requiring him forthwith to summon a jury of six good and lawful men of the same town, or towns, to appear before him at the time and place mentioned in said warrant:

"(L. s.) To either of the constables in the town of \_\_\_\_\_, in the county of \_\_\_\_\_; Greeting.

In the name of the State of Maine, you are hereby required, immediately to summon six good and lawful men of said town of \_\_\_\_\_, to appear before me, one of the coroners of the county of \_\_\_\_\_, at the dwelling house of \_\_\_\_\_," (or "at the place called \_\_\_\_\_,") "within said town of \_\_\_\_\_, at the hour of \_\_\_\_\_, then and there to inquire upon and view the body of \_\_\_\_\_,

there lying dead, how and in what manner, he came to his death. CHAP. 176.  
Fail not herein, at your peril.

Given under my hand and seal, at \_\_\_\_\_, the \_\_\_\_\_ day of \_\_\_\_\_, in the year eighteen hundred and \_\_\_\_\_. S. F."

SECT. 3. The constable, to whom such warrant shall be directed and delivered, shall forthwith execute the same, and repair to the place where the dead body is, at the time appointed, and make return of the warrant with his doings to the coroner who granted it, or he shall forfeit the sum of ten dollars; and every person, summoned as a juror, who, without reasonable excuse, shall neglect to attend at the time and place appointed, shall forfeit the sum of seven dollars; to be recovered in an action of debt, in the name of the coroner, or the county, and for the use of the county.

Duties of constable and jurors. Penalties for neglect. 1821, 93, § 2.

SECT. 4. The coroner shall administer to the jurors, who shall appear, in view of the body, the following oath: "You solemnly swear, that you will diligently inquire, and true presentment make, on behalf of this state, how, when and in what manner, the person whose body here lies dead, came to his death, and you shall return to me a true inquest thereof, according to your knowledge and such evidence as shall be laid before you: So help you God."

Juror's oath. 1821, 93, § 2.

SECT. 5. If the six jurors summoned should not all appear as commanded, the coroner may require the constable, or any other person whom he shall appoint, to return jurors from the bystanders to complete the number.

Talesmen.

SECT. 6. An oath, of the following form, shall be administered by the coroner to the witnesses:

Witnesses' oath. 1821, 93, § 2.

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

SECT. 7. The coroner may issue subpoenas for witnesses to be served, as in other cases, and the officer serving them shall be entitled to the like fees; and the fees for the attendance of persons thus summoned shall be the same, as if they had been summoned on behalf of the state to attend a justice's court.

Subpoenas for witnesses. Their fees. 1821, 93, § 2.

SECT. 8. The evidence of all the witnesses shall be in writing, and signed by them; and, if such evidence relate to the trial of any person concerned in the death, then the coroner shall bind such witness[es] by recognizance, in a reasonable sum, for their personal appearance, at the next supreme judicial court, to be held in the same county, to give their testimony accordingly; and, on their refusal or neglect so to recognize, he shall commit them to prison, and shall return, to the same court, the inquisition, written evidence, and recognizance by him taken.

Testimony to be in writing, and signed. Power of coroner, to recognize the witnesses. 1821, 93, § 2.

SECT. 9. The jurors having been sworn, the coroner shall give them in charge, to declare of the death of the person, whether he died of felony, mischance or accident; if of felony, who were principals and accessories, the instrument employed, and of all important circumstances; if by mischance, how and in what manner; if by his own hand, the manner and all attending circumstances; and he shall make proclamation for all persons, who can give any evidence, to draw near and be sworn.

Coroner's charge to the jury, and proclamation for persons to give evidence. 1821, 93, § 2.

CHAP. 176. SECT. 10. The jury having examined the body, heard the evidence, and made all useful inquiries, they shall draw up and deliver, to the coroner, their verdict in writing, under their hand and seals, in substance as follows:

"An inquisition taken at \_\_\_\_\_, within the county of \_\_\_\_\_, the \_\_\_\_\_ day of \_\_\_\_\_, in the year \_\_\_\_\_, before S. F., one of the coroners of said county, upon view of the body of \_\_\_\_\_, there lying dead, by the oaths of \_\_\_\_\_, good and lawful men, who being charged and sworn to inquire for the state, when, how and by what means, the said \_\_\_\_\_ came to his death, upon their oaths say:" then insert, how, when and by what means, and with what instrument he was killed. "In testimony whereof, the said coroner, and the jurors of this inquest, have heretofore set their hands and seals, the day and year above said."

Coroner's warrant against the person charged by the inquest, &c. 1321, 93, § 2.

SECT. 11. If any person, charged by the inquest with having caused the death of the person whose body lies dead before them, shall not then be in custody, the coroner shall then have the same power as a justice of the peace, to issue a warrant for the apprehension of such accused person, which may be returned before any judge or justice of the peace, who shall proceed therein according to law.

Coroner to bury the body. Expenses of burial.

SECT. 12. Every coroner within his county, after the return of an inquisition of the jury, upon view of the dead body of a stranger, shall bury the body in a decent manner, and all the expenses attending the burial, and the expenses of the inquisition, shall be paid to the coroner out of the state treasury; provided, the coroner shall certify under oath, that the deceased was a stranger, not belonging to the state, according to his best knowledge and belief; otherwise, the expenses of burial, shall be paid to the coroner by the town where the body was found, and repaid to such town, by the town to which he belonged in the state; and the expense of the inquisition, by the county.

## CHAPTER 177.

### OF THE STATE PRISON.

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| <p>SECT. 1. Location of the prison; term of confinement, not less than one year.</p> <p>2. Of solitary imprisonment.</p> <p>3. Convicts, sentenced by courts of the United States, to be received.</p> <p>4. Officers of the prison.</p> <p>5. Inspectors and warden. Appointment. Oaths. Warden's bond.</p> <p>6. Subordinate officers. Appointment. Removal. Oaths. Bonds.</p> <p>7. Duty of the inspectors to visit the prison, and advise with the warden; to keep records of their doings, and transmit them to the governor.</p> | <p>SECT. 8. Inspectors to audit and settle the warden's accounts, and make annual reports for the use of the legislature. Items for their report.</p> <p>9. To adjudicate on alleged improper conduct of wardens, or other officers. Evidence.</p> <p>10. May order refractory convicts to be punished.</p> <p>11. To establish regulations of the prison, subject to the approval, &amp;c. of the governor and council. Regulations to be communicated to the legislature.</p> |
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