

MAINE STATE LEGISLATURE

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THE
REVISED STATUTES

OF THE
STATE OF MAINE,

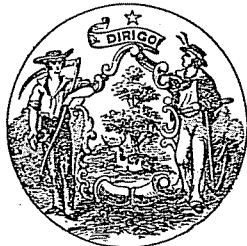
PASSED JANUARY 25, 1871;

TO WHICH ARE PREFIXED
THE CONSTITUTIONS

OF THE
UNITED STATES AND OF THE STATE OF MAINE:

WITH AN APPENDIX.

BY AUTHORITY OF THE LEGISLATURE.



PORTLAND:
PUBLISHED BY BAILEY & NOYES.

CHAP. 137.

CHAPTER 137.

DISPOSAL OF INSANE CRIMINALS.

- SEC. 1. When a person is committed to jail by a magistrate on a criminal charge, any justice of the court may order him to the insane hospital.
2. When a grand or trial jury omits to find against any accused by reason of insanity, court shall commit him to the hospital.
3. How and by whom he may be discharged therefrom. Bond to be given; when he may be recommitted.
4. How he shall be supported at the hospital.
5. When an inmate of the state prison becomes insane, how and by whom he may be sent to the hospital.

When a person is committed to jail on a criminal charge, &c.
R. S. c. 137, § 1.

SEC. 1. When any person is indicted for a criminal offence, or is committed to jail on a charge thereof by a trial justice or judge of a police or municipal court, any judge of the court before which he is to be tried, when a plea of insanity is made in court, or he is notified that it will be made, may, in vacation or term time, order such person into the care of the superintendent of the insane hospital, to be detained and observed by him till the further order of the court, that the truth or falsity of the plea may be ascertained.

When a jury omits to find against any accused by reason of insanity, &c.
R. S. c. 137, § 2.

SEC. 2. When the grand jury omits to find an indictment against any person arrested by legal process to answer for any offence, by reason of his insanity, they shall certify that fact to the court; and when a traverse jury, for the same reason, acquits any person indicted, they shall state that fact to the court when they return their verdict; and the court, by a precept stating the fact of insanity, may commit him to prison or to the insane hospital, till restored to his right mind or delivered according to law; but he shall only remain in prison till provision can be made for him at the hospital, and then removed thereto.

How person so committed may be discharged. Bond, &c.
When re-committed.
1860, c. 139.

SEC. 3. Any person so committed may be discharged by any judge of the supreme judicial court, in term time or vacation, on satisfactory proof that his discharge will not endanger the peace and safety of the community; or the judge may, on application, commit him to the custody of any friend, who gives bond to the judge of probate for the county of Kennebec, with sufficient sureties, approved by said judge of probate, conditioned for the safe keeping of such insane person, and the payment of all damages which any person may sustain by his acts. And when, on satisfactory proof, he is again found insane, and dangerous, any judge of the supreme judicial court may, by a precept stating the fact of his insanity, recommit him to the insane hospital.

[See chap. 24, of 1861, repealed.]

SEC. 4. The person so committed shall be there supported at his own expense, if he has sufficient means; otherwise, at the expense of the state.

CHAP. 138.

How supported at hospital.
R. S. c. 137,
§ 3.

SEC. 5. When an inmate of the state prison becomes insane, the warden shall notify the governor of the fact, and he, with advice of council, shall appoint a commission of two or more skillful physicians to investigate the case, and if such inmate is found insane by their examination, he shall be sent to the insane hospital until he becomes of sound mind; and if this takes place before the expiration of his sentence, he shall be returned to prison; but if after, he shall be discharged free. The expenses of the commission, removal, and support, shall be paid by the state.

When an inmate of the state prison becomes insane, proceedings.
R. S. c. 137,
§ 5.

CHAPTER 138.

PARDONS, AND FUGITIVES FROM JUSTICE.

PARDONS.

- SEC. 1. Conditional pardons may be granted to persons under sentence of death.
2. Written notice shall be given to county attorney on all petitions for pardon, and any other notice ordered by executive, and he may require the minutes of the trial.
3. Governor and council may commute to imprisonment in jail.

FUGITIVES FROM JUSTICE IN THIS STATE.

- SEC. 4. Governor to appoint an agent to demand and receive fugitives in other states.
5. May offer rewards for apprehending persons convicted, or charged with crimes.

FUGITIVES FROM JUSTICE IN OTHER STATES.

- SEC. 6. May issue his warrant to surrender fugitives found in this state.
7. When the court or magistrates may issue warrants for the arrest of fugitives from justice found in this state.
8. The case to be examined, and if made out, may be continued to obtain executive warrant, and accused, bailed or committed. Results of forfeiture of such bail.
9. He shall be discharged at the adjourned day unless executive warrant is obtained, or for cause case further continued, but these proceedings not to prevent arrests in the ordinary mode.
10. The complainant shall be answerable for costs of such proceedings.

PARDONS.

- SEC. 1. When any person sentenced to suffer the punishment of death, applies to the governor for a pardon, he may, by the advice and consent of the council, grant a pardon on condition that the convict shall be imprisoned or confined to hard labor for life, or any

Conditional pardons may be granted to persons under sentence of death.
R. S. c. 138, § 1.