

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.

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.

CHAP. 138. term of years expressed in the pardon; and to carry the same into effect, may issue his warrant directed to all proper officers, who shall serve and obey it, as if such had been the original sentence.

Notice to be given to county attorney on all petitions for pardon, &c. R. S. c. 138, § 2. 1868, c. 150.

SEC. 2. On all petitions to the governor for pardons or commutation of sentence, written notice thereof shall be given to the county attorney for the county where the case was tried, and two weeks' notice in any newspaper published in said county; and the governor and council may require the judge and prosecuting officer who tried the case, to furnish them a concise statement of it as proved at the trial, and any other facts bearing on the propriety of granting the pardon.

When sentence may be commuted to imprisonment in jail. 1859, c. 68. 1866, c. 33.

SEC. 3. When any person is sentenced to confinement in the state prison, the governor, with the advice of the council, may, if he deem it consistent with the public interest and the welfare of the convict, commute said sentence to imprisonment in any county jail, there to be supported at the charge of the state, at an expense not exceeding the price paid for the support of other prisoners in said jail.

FUGITIVES FROM JUSTICE IN THIS STATE.

Governor to appoint an agent to receive fugitives in other states. R. S. c. 138, § 3.

SEC. 4. 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 any 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 offer rewards for apprehending persons convicted. R. S. c. 138, § 4.

SEC. 5. He may offer and pay a suitable reward, not exceeding one thousand dollars, to any person, who, by reason of such offer, arrests, brings back, and secures any prisoner escaping from prison in this state, convicted or charged with any capital crime or other high offence; or any person who has committed such offence and is not arrested therefor, when he cannot be arrested and secured in the ordinary course of proceedings; and with advice of council, may draw his warrant on the treasurer for the payment thereof.

FUGITIVES FROM JUSTICE IN OTHER STATES.

May issue his warrant to surrender fugitives found in this state. R. S. c. 138, § 5.

SEC. 6. When such demand as is mentioned in section four is made on the governor of this state, and he is satisfied, on examination of the grounds thereof, that it is according to law and ought to be granted, he shall issue his warrant, under the seal of the state, authorizing the agent making the demand, at his own expense, to take and transport such fugitive to the line of the state at the time designated in the warrant, and shall therein require the civil officer of the state to afford all needful aid in its execution.

When the court may issue warrants

SEC. 7. When any such fugitive from justice in another state is found in this state, any court or magistrate authorized to issue war-

rants in criminal cases, on complaint under oath, setting forth the offence and other facts necessary to bring the case within the provisions of law, may grant a warrant and have the accused arrested for examination as in other cases.

CHAP. 138.
for the arrest
of fugitives,
&c.
R. S. c. 133, § 6.

SEC. 8. On such examination, if the court or magistrate believes that the complaint is true, and that the accused can lawfully be demanded of the governor, the case shall be adjourned long enough to obtain an executive warrant; and if the offence is bailable, the accused may recognize with sufficient sureties to appear at the adjournment; and if he does not so recognize, or the offence is not bailable, he shall be committed; and if any such recognizance is forfeited, the same proceedings shall be had as in case of other recognizances.

The case to be
examined, &c.
R. S. c. 133, § 7.

SEC. 9. If the accused appears at the adjournment, he shall be discharged, unless some person is authorized to receive him by an executive warrant, or another adjournment is ordered for sufficient cause, and in that case the same proceedings shall be had as at the first adjournment; but nothing in this, and the two preceding sections, shall prevent the arrest of any accused by an executive warrant, and such arrest shall discharge any such existing recognizance.

He shall be
discharged at
the adjourned
day, &c.
R. S. c. 133, § 8.

SEC. 10. The complainant shall be answerable in all such cases for the actual costs and charges, and the support in prison of the accused when committed, to be paid as a creditor pays for his debtor committed on execution; and if his support in prison is not so paid, the jailer may discharge the accused as if he were committed on execution for debt.

The complain-
ant shall be
answerable for
costs.
R. S. c. 133, § 9.