

MAINE STATE LEGISLATURE

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FOURTH REVISION.

THE
REVISED STATUTES

OF THE

STATE OF MAINE,

PASSED AUGUST 29, 1883, AND TAKING EFFECT JANUARY 1, 1884.

BY THE AUTHORITY OF THE LEGISLATURE.



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CHAP. 138.

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 the county attorney on all petitions for pardon, and notice by publication, and the governor and council may require the minutes of the trial.
3. When a state prison sentence may be commuted to jail imprisonment.

CONDITIONAL PARDONS.

- SEC. 4. Governor and council may grant conditional pardons.
5. On suspicion of violation of conditions, convict shall be arrested and his case examined. Officer arresting, shall notify governor and council.
6. If the conditions are found to have been violated, the convict shall be remanded to prison; otherwise, he shall be discharged.
7. Officer to whom the warrant for pardon or commutation is issued, shall make return.

FUGITIVES FROM JUSTICE IN THIS STATE.

- SEC. 8. Governor may appoint an agent to demand fugitives in other states.
9. When the governor may offer a reward not exceeding one thousand dollars for arresting and detaining capital or other high offenders.

FUGITIVES FROM JUSTICE IN OTHER STATES.

- SEC. 10. Governor may issue his warrant to surrender fugitives found in this state.
11. When courts or magistrates may issue warrants for the arrest of fugitives from justice found in this state.
12. The case, if made out, may be continued to obtain an executive warrant, and the accused, bailed or committed. Results of forfeiture of such bail.
13. Accused to be discharged at adjourned day unless warrant is obtained, or case is continued; proceedings, shall not prevent arrest in ordinary mode.
14. Complainant is answerable for the costs of such proceedings.

PARDONS.

SEC. 1. When a person sentenced to suffer the punishment of death, applies to the governor for a pardon, he may, with the advice and consent of council, grant a pardon on condition that the convict shall be imprisoned or confined to hard labor for life, or for any term of years expressed in the pardon; and to carry the same into effect, he may issue his warrant directed to all proper officers, who shall serve and obey it, as if such had been the original sentence.

SEC. 2. On all petitions to the governor for pardon, 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 some 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 thereof as proved at the trial, and any other facts bearing on the propriety of granting a pardon or commutation.

SEC. 3. When a person is sentenced to confinement in the state prison, the governor, with the advice and consent of council, may, if he deems it consistent with the public interest and the welfare of the convict, commute said sentence to imprisonment in any county jail, there to

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

Notice shall be given to the county attorney on all petitions for pardon.
R.S., c. 138, § 2.

When state prison sentence may be commuted to imprisonment in jail.

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.

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R.S., c. 138, § 3.

CONDITIONAL PARDONS.

SEC. 4. In any case in which the governor is authorized by the constitution to grant a pardon, he may, by and with the advice and consent of council, and upon petition of the person convicted, grant it upon such conditions, with such restrictions and under such limitations as he deems proper, and he may issue his warrant to all proper officers to carry such pardon into effect; which warrant shall be obeyed and executed instead of the sentence originally awarded.

Governor may grant conditional pardons. 1883, c. 193, § 1. See Constitution, art. v, part 1, § 11.

SEC. 5. When a convict has been pardoned on conditions to be observed and performed by him, and the warden of the state prison, or keeper of the jail, where the convict was confined, has reason to believe that he has violated the same, such officer shall forthwith cause him to be arrested and detained until the case can be examined by the governor and council; and the officer making the arrest shall forthwith give them notice thereof, in writing.

If believed that conditions have been violated, convict shall be arrested. 1883, c. 193, § 2. — officer arresting, shall notify executive.

SEC. 6. The governor and council shall, upon receiving such notice, examine the case of such convict, and if it appears by his own admission, or by evidence, that he has violated the conditions of his pardon, the governor, with the advice and consent of council, shall order him to be remanded and confined for the unexpired term of the sentence. In computing the period of his confinement, the time between the pardon and the subsequent arrest shall not be reckoned as part of the term of his sentence. If it appears to the governor and council that he has not broken the conditions of his pardon, he shall be discharged.

If governor and council find that conditions have been violated, convict shall be remanded to prison. 1883, c. 193, § 3.

SEC. 7. When a convict is pardoned, or his punishment is commuted, the officer to whom the warrant for that purpose is issued shall, as soon as may be after executing the same, make return thereof, under his hand, with his doings thereon, to the office of the secretary of state; and he shall also file in the clerk's office of the court in which the offender was convicted, an attested copy of the warrant and return, a brief abstract whereof the clerk shall subjoin to the record of the conviction and sentence.

—otherwise, he shall be discharged.

Officer, to whom warrant for pardon or commutation is issued, shall make return. 1883, c. 193, § 4.

FUGITIVES FROM JUSTICE IN THIS STATE.

SEC. 8. 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 from the treasury by order of the governor and council.

Governor may appoint an agent to demand fugitives in other states. R.S., c. 138, § 4. See U.S. Constitution, art. iv, § 2, ¶ 2.

SEC. 9. Whenever a prisoner convicted of, or charged with, a capital crime or other high offence, escapes from prison in this state; or there is reasonable cause to believe that a person who is charged with such offence and has not been apprehended therefor, cannot be arrested and secured in the ordinary course of proceedings, the governor may, upon application in writing, of the attorney general or county attorney for the

Reward for the arrest and return of escaped prisoners and fugitives from justice. 1876, c. 80.

CHAP. 138. county in which such offence was committed, and upon such terms and conditions as he deems expedient and proper, offer a suitable reward, not exceeding one thousand dollars, for the arrest, return and delivery into custody of such escaped prisoner or fugitive from justice; and upon satisfactory proof that the terms and conditions of such offer have been complied with, he may, with the advice and consent of council, draw his warrant upon the treasurer for the payment thereof.

—when to be paid.

FUGITIVES FROM JUSTICE IN OTHER STATES.

Governor may issue his warrant to surrender fugitives found in this state.
R.S., c. 138, § 6.

SEC. 10. When such demand as is mentioned in section eight 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 officers of the State to afford all needful aid in its execution.

When the court or magistrate may issue a warrant for the arrest of a fugitive.
R.S., c. 138, § 7.

SEC. 11. When such fugitive from justice in another state is found in this state, any court or magistrate authorized to issue warrants in criminal cases, may, on complaint under oath, setting forth the offence and other facts necessary to bring the case within the provisions of law, grant a warrant and have the accused arrested for examination as in other cases.

How such case shall be examined.
R.S., c. 138, § 8.

SEC. 12. 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.

When such prisoner shall be discharged at the adjourned day.
R.S., c. 138, § 9.

SEC. 13. 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, or the two preceding sections, shall prevent the arrest of any accused by an executive warrant, and such arrest discharges any such existing recognizance.

The complainant is answerable for costs.
R. S., c. 138, § 10.
See c. 113, § 72.

SEC. 14. The complainant is 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.