

MAINE STATE LEGISLATURE

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L A W S

OF THE

STATE OF MAINE;

TO WHICH ARE PREFIXED

THE

CONSTITUTION OF THE U. STATES

AND OF SAID STATE,

IN TWO VOLUMES,

WITH AN APPENDIX.

.....
VOL. I.
.....

Published according to a resolve of the State, passed
March 8, 1821.

BRUNSWICK.

Printed by J. Griffin, for the State.

.....
1821.

ERRATA:

**The following leaf is
inserted because one or more pages
in this chapter have errors
noticed and corrected here.**

VOLUME THE FIRST.

<i>Page.</i>	
40	L. 12 of the page for 'preceding' read 'presiding'
54	Sec. 4 L. 14 of Sec. for 'time' read 'term'
55	7 2 for 'a' read 'or'
55	7 9 before the word 'said' insert 'the'
56	9 3 for 'the' read 'her'
57	1 6 for 'to' read 'in'
58	1 5 for 'and' after the word 'house' read 'or'
61	in the title of the act, ch. vi. insert 'the' before the word 'crimes'
62	Sec. 2 L. 9 of S. before the word 'offender' insert 'such'
69	16 8 for 'Treasurer' read 'Treasury'
73	1 15 after the word 'for' insert 'the'
77	13 6 for 'to' read 'of'
78	first line of the page, dele the word 'by'
80	L. 2 of the p. after the word 'willingly' insert 'aid or'
80	17 for 'counterfeited' read 'counterfeit'
82	1 after the word 'in' insert 'all'
82	Sec. 7 L. 4 of Sec. after the word 'devised' dele 'or' and insert ' , '
83	Sec. 7 L. last of S. for 'aggravations' read 'aggravation'
84	10 6 for 'and' read 'or'
90	1st L. of p. for 'Commissioner' read 'Commissioners'
90	L. 20 before the word 'Commissioner' insert 'said'
97	6 for 'assumst' read 'assumpsit'
97	14 for 'cover' read 'covin'
98	at the end of the act for 'January' read 'February'
99	L. 17 of p. after the word 'year' dele ' ; ' & insert ' , and'
100	15 at the end of the line insert 'the'
105	at the end of the Act for '1820' read '1821'
108	L. 14 of page, for 'nuisances' read 'nuisance'
108	20 after the word 'each' insert 'one'
111	25 after the word 'fail' insert 'of'
113	11 for 'on' read 'or'
144	last for 'performance' read 'performing'
145	Sec. 2 L. 9 of Sec. after the word 'of' insert 'the'
147	7 6 before the word 'release' for 'to' read ' a '
150	Sec. 6 L. 2 of Sec. for 'in' read 'is'
151	in the title, before the word 'Lands' insert 'reserved'
153	1st line of the p. for 'whenever' read 'wherever'
155	last before the word 'Court' for 'a' read 'any'
156	Sec. 4 L. 26 of Sec. for 'notification' read 'notifications'
159	9 8 for 'purpose' read 'purposes'
167	14 5 for 'votes' read 'vote'
193	4 10 dele 'such'
199	17 1 for 'when' read 'where'
202	22 6 after the word 'near, dele 'to'
202	23 10 for 'be' read 'he'
203	24 16 for 'of' read 'in'
203	25 16 for 'meeting' read 'meetings'
205	L. 18 of p. before the word 'estate' insert 'other'
210	2 before the word 'tenement' insert 'other'
215	4 before the word 'guardians' insert 'guardian or'
226	Sec. 73 L. 6 of Sec. dele 'a'
229	3 last for 'agreeably' read 'agreeable'
230	7 19 for 'agreeably' read 'agreeable'
231	8 6 for 'resided' read 'reside'
242	2 5 for 'sentence' read 'sentences'
245	7 3 after the word 'herein' insert 'before'
247	L. 7 of the act, ch. 56, after the word 'otherwise' insert 'interested'
247	11 for 'statement' read 'statements'
247	Sec. 1 L. 2 of Sec. for 'whenever' read 'wherever'
248	3 1 for 'whenever' read 'wherever'
248	3 14 for 'Justice' read 'Justices'

<i>Page.</i>	
252	L. 3 of p. for 'where' read 'wherein'
257	5 after the word 'have' insert 'his or'
265	Sec. 39 L. 3 of Sec. for 'when' read 'where'
271	L. 1 and 3 of p. for 'affect' read 'effect'
271	Sec. 6 L. 2 of Sec. before the word 'execution' insert 'the'
278	19 4 for 'on' read 'in'
280	L. 2 of p. for 'have' read 'had'
281	22 for 'of' read 'on'
283	13 for 'lies' read 'lays'
283	last before the word 'defendant' insert 'the'
284	Sec. 32 L. 2 of Sec. for 'a' read 'any'
288	5 18 for 'whenever' read 'wherever'
291	9 4 for 'as' read 'or'
292	L. 4 of p. for 'examinations' read 'examination'
293	Sec. 13 L. 5 of Sec. after the word 'article' insert 'or articles'
297	7 5 for 'and' read 'or'
301	L. 8 of p. for 'he' read 'be'
309	24 between the words 'the' and 'day' should be a ' , '
310	20 for 'debt' read 'debtor'
311	2 for 'with' read 'and of'
312	7 for 'summon' read 'summons'
312	9 between the words 'our' and 'Court' should be a ' , '
318	31 for 'writs' read 'writ a'
328	Sec. 8 L. 4 of Sec. for 'grieved' read 'aggrieved'
353	L. 14 of p. at the end of the line insert 'the'
361	Sec. 1 L. 18 of Sec. for 'cause' read 'case'
370	3 10 for 'to' read 'of'
371	2 7 dele 'to'
373	L. 15 of p. before the word 'require' insert 'to'
376	Sec. 1 L. 10 of Sec. dele 'the' before the word 'payment'
378	at the end of the act, for '17' read '20'
378	in the title, for 'selection' read 'selecting'
379	Sec. 4 L. 5 of Sec. before the word 'divide' insert 'shall'
394	1 9 for 'part' read 'parts'
395	1 8 for 'acceptances' read 'acceptance'
404	1 34 before the word 'authorized' insert 'hereby'
407	7 4 dele 'the'
414	last word of the 1st act on the page, for 'therein' read 'thereon'
423	Sec. 3 L. 15 of Sec. after the word 'assignments' insert 'thereof, and also of the assignments'
424	Sec. 6 L. 13 of S. after the word 'papers' insert 'as'
425	L. 7 of p. before the word 'action' insert 'an'
428	22 for 'twelve' read 'twenty'
431	8 for 'fifteen' read 'fifty'
432	first line of the page should be put after the third
432	L. 5 of the p. dele 'entering'
432	between the 28th and 29th lines of the p. insert 'Every blank writ of attachment, with a summons thereon, fifteen cents'
432	L. 37 of p. for 'judgment' read 'jurymen'
435	9 for 'appear' read 'appears'
435	10 for 'make' read 'makes'
435	18 for 'taking' read 'taxing'
444	Sec. 1 L. 6 of Sec. before the word 'records' insert 'the'
445	1 9 for 'within' read 'of'
445	1 19 after the word 'escape' insert 'sickness'
455	11 1 after the word 'of' insert 'the'

convicted in the Supreme Judicial Court, shall be punished by solitary imprisonment, for such term not exceeding six months, and by confinement afterwards to hard labour for such term not exceeding three years: or by a fine, not exceeding five hundred dollars, and imprisonment in the common gaol, not exceeding three years, as the Justices of the said Court, before whom the conviction may be, shall sentence and order, according to the aggravation of the offence.

[Approved February 28, 1821.]

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CHAPTER VII.

An Act providing for the punishment of the crimes of Robbery and other larcenies, and for the prevention thereof.

SEC. 1. *BE it enacted by the Senate and House of Representatives, in Legislature assembled,* That the Supreme Judicial Court shall have exclusively the jurisdiction of all larcenies where the money, goods or other article or articles stolen, shall be alleged to exceed in amount or value, the sum of one hundred dollars, the said Supreme Judicial Court and the Circuit Courts of Common Pleas, within their respective Counties, shall have concurrent jurisdiction of all larcenies, where the money, goods or other article or articles stolen, shall not be alleged to exceed in amount or value, the sum of one hundred dollars; and every Justice of the Peace, within his proper County, shall have concurrent jurisdiction with the said Courts, of all larcenies, where the money, goods or other article or articles stolen, shall not be alleged to exceed in amount or value, the sum of five dollars. And any person duly convicted before a Justice of the Peace of any larceny, either as principal or as accessory before or after the fact, shall be punished by such fine, not exceeding five dollars, and imprisonment in the common gaol for such term, not exceeding twenty days, either or both, as the said justice, before whom the conviction may be, shall sentence and order, according to the aggravation of the offence.

Supreme Jud. Court to have exclusive jurisdiction of larcenies above 100 dollars.

S. J. Court & C. C. Com. Pleas, concurrent jurisdiction of larcenies, not exceeding 100 dollars. Justs. of Peace to have concurrent jurisdiction of larcenies not exceeding five dollars. Mode of punishment before Jus. of Peace.

SEC. 2. *Be it further enacted,* That any person who shall feloniously steal, take and carry away of the property of another; any money, goods, or chattels, or any bond, prom-

Punishment of simple larceny.

issory note, bill of exchange, or other bill, order or certificate, or any book of accounts for or respecting any money or goods, due or becoming due and payable, or to be delivered, or any deed or writing containing a conveyance of lands or other real estate, or any other valuable contract remaining in force, or any receipt, release or defeasance, or any writ, process, or public record, shall be deemed guilty of the crime of larceny; and every such offender, and any person present, aiding and abetting in any such larceny, or accessory thereto before the fact, by counselling, hiring or otherwise procuring the same to be done, who, before any Court having jurisdiction thereof, shall be duly convicted of either of the felonies and offences aforesaid, shall be punished, when the money, goods, or other article or articles stolen, shall not exceed in amount or value the sum of one hundred dollars, by solitary imprisonment for a term not exceeding six months, and by confinement afterwards to hard labour for a term not exceeding one year, or by a fine not exceeding one hundred dollars and imprisonment in the common gaol for a term not exceeding one year. And when the money, goods or other article or articles stolen, shall exceed in amount or value, the sum of one hundred dollars, then by solitary imprisonment for a term not exceeding one year, and by confinement afterwards to hard labour for a term not exceeding three years, to be ordered by the Court before whom the conviction may be, according to the degree and aggravation of the offence.

Punishment on a second conviction as principal or accessory.

SEC. 3. *Be it further enacted,* That if any person having been before convicted of the crime of larceny, or as accessory thereto before the fact, shall afterwards commit or shall be alike accessory to another larceny, and shall be duly convicted thereof, before the Supreme Judicial Court; or if any person before the Supreme Judicial Court at one and the same term thereof, shall be duly convicted as principal or as accessory before the fact, in three distinct larcenies, every such offender shall be punished as a common and notorious thief, by solitary imprisonment for a term not exceeding one year, and by confinement afterwards to hard labour for a term not less than three years and not exceeding fifteen years, to be ordered as aforesaid.

SEC. 4. *Be it further enacted*, That if any person in the night time, shall break and enter any shop, warehouse or office, not adjoining to, or occupied with, a dwelling house, or any ship or vessel, lying within the body of a County, and shall there commit a larceny, every such offender, and every person present, aiding, and abetting in the commission of such felony, or accessory thereto before the fact, by counselling, hiring or procuring the same to be committed, and being thereof duly convicted before the Supreme Judicial Court, shall be punished by solitary imprisonment for such term not exceeding one year, and confinement afterwards to hard labour for such term, not exceeding fifteen years, as the Justices of the said Court, before whom the conviction may be, shall sentence and order, according to the aggravation of the offence.

Punishment for breaking and entering shop, warehouse or office in night time.

SEC. 5. *Be it further enacted*, That if any person in the night time, shall enter, without breaking, or in the day time, shall break and enter any dwelling house, or out houses thereto adjoining, and occupied therewith, or any office, shop, warehouse, ship or vessel, as aforesaid, the owner or other person being therein and put in fear, every such offender, and any person present, aiding and abetting in the commission of such felony, or accessory thereto before the fact, by counselling, hiring or otherwise procuring the same to be done, upon due conviction thereof in the Supreme Judicial Court, shall be punished by solitary imprisonment for a term not exceeding one year, and by confinement afterwards to hard labour for a term not exceeding ten years, to be ordered as aforesaid.

Punishment for entering a dwelling house &c. in night, without breaking, or in day time breaking and entering.

SEC. 6. *Be it further enacted*, That if any person shall in the day time commit any larceny in any dwelling house, office, shop, warehouse, ship or vessel, as aforesaid, or in the night time shall break and enter any church; meeting-house, court-house, town-house, college or academy, or other building erected for public uses, or any mill, malt-house, store, barn or stable, and shall commit any larceny therein, or shall be aiding and abetting in the commission of such felony, or shall be accessory thereto before the fact, by counselling hiring or otherwise procuring the same to be done, every such offender, upon conviction of either of the felonies

Punishment for committing larceny in dwelling-house, shop, office, &c. in day time, or breaking and entering in night a church or other public building, or store, barn, &c.

aforesaid, in the Supreme Judicial Court, shall be punished by solitary imprisonment for a term not exceeding six months, and by confinement afterwards to hard labour, for a term not exceeding five years, to be ordered as aforesaid.

Punishment for robbery, when the offender is not armed with a dangerous weapon, nor intends to kill, &c.

SEC. 7. *Be it further enacted,* That any person, who shall by force and violence, or by other assault and putting in fear, feloniously steal, rob and take from the person of another, any money or goods, bank note, bill of exchange or other negotiable bill, note or order, due or in force, or any other property which may be the subject of larceny, shall be adjudged guilty of the crime of robbery; and every such offender, and any person present, aiding and abetting in the commission of such felony, or accessory thereto before the fact, by counselling, hiring or procuring the same to be done, who in the Supreme Judicial Court, shall be duly convicted of either of the felonies and offences aforesaid, shall be punished by solitary imprisonment for such term, not exceeding two years, and by confinement afterwards, to hard labour for life.

Punishment of robbery, when armed with dangerous weapon, and intending to kill, &c.

SEC. 8. *Be it further enacted,* That if any person shall commit an assault upon another; and shall rob, steal and take from his person, any money, goods or chattels, or any property which may be the subject of larceny, such robber being, at the time of committing such assault, armed with a dangerous weapon, with intent to kill or maim the person so assaulted and robbed; or if any such robber, being armed as aforesaid, shall actually strike or wound the person, so assaulted and robbed; every person so offending, and every person present, aiding and abetting in the commission of such felony, or who shall be accessory thereto before the fact, by counselling, hiring or procuring the same to be done and committed, and who shall be duly convicted thereof, shall suffer the punishment of death.

Death.

Punishment of assault with intent to rob—offender being armed with a dangerous weapon.

SEC. 9. *Be it further enacted,* That if any person being armed with a dangerous weapon, and with intent to commit robbery, shall assault another, every such offender, and every person present, aiding and abetting, or who shall be accessory before the fact, to the commission of the offence aforesaid, by counselling hiring or procuring the same to be done and committed, and who shall be thereof duly convicted,

shall be punished by solitary imprisonment for such term, not exceeding one year, and by confinement afterwards to hard labour for such term, not exceeding twenty years, as the Court, before whom the conviction may be, shall sentence and order.

SEC. 10. *Be it further enacted,* That if any person shall commit any other larceny from the person of another, either openly and violently, or privily and fraudulently, every such offender, and any person present, aiding and abetting in the commission of such felony, or accessory thereto before the fact, by counselling, hiring or otherwise procuring the same to be done, who shall be duly convicted in the Supreme Judicial Court, shall be punished by solitary imprisonment for a term not exceeding one year, and by confinement afterwards to hard labour for a term not exceeding five years, to be ordered by the Justices of the said Court, before whom the conviction may be, according to the aggravation of the offence.

Punishment of any other larceny from person.

SEC. 11. *Be it further enacted,* That if any person with a dangerous weapon, or other actual violence, and with intent to steal, in manner as aforesaid, shall assault another, every such offender, and any person present, aiding and assisting therein, or who shall have counselled or procured the same to be done, shall be deemed a felonious assaulter; and upon due conviction thereof in the Supreme Judicial Court, shall be punished by solitary imprisonment for a term not exceeding one year, and by confinement afterwards to hard labour for a term, not exceeding ten years, to be ordered as aforesaid.

Punishment of assault with violence, or dangerous weapon with intent to steal.

SEC. 12. *Be it further enacted,* That if any person shall knowingly harbour, conceal or maintain any principal felon or accessory before the fact, in any robbery or larceny, committed in any manner as aforesaid, or shall receive or shall aid in concealing any money, goods or other article stolen as aforesaid, knowing the same to have been so stolen, in any such manner as aforesaid, every such offender upon due conviction of either of the offences as aforesaid, shall be deemed an accessory after the fact to the same robbery or larceny, and shall be punished by solitary imprisonment for such term not exceeding six months and by

Punishment of accessories to robbery or larceny after the fact.

confinement afterwards to hard labour for such term not exceeding three years, or by a fine not exceeding five hundred dollars, and by imprisonment in the common gaol, for such term not exceeding three years; or either of them, as the Justices of Court, before whom the conviction may be, shall and may sentence and order, according to the nature and aggravation of the offence.

Accessory to such felony may be prosecuted for misdemeanor, though principal is not convicted or prosecuted.

SEC. 13. *Be it further enacted,* That any person charged with the receipt or concealment of money, goods or other article stolen in any manner as aforesaid, knowing the same to have been stolen, may be prosecuted therefor as for a misdemeanor, although the principal felon chargeable, or charged with the larceny, shall not have been prosecuted or convicted; and upon due conviction thereof before any Court having jurisdiction of the principal offence, shall be punished in the same degree and manner, as an accessory after the fact might be, being alike convicted; but after prosecution for such misdemeanor, the person charged shall not be liable to be prosecuted as an accessory after the fact in the same larceny.

Punishment on a second conviction as receiver of stolen goods, or on conviction of three distinct offences of same kind, at same term.

SEC. 14. *Be it further enacted,* That if any person, having been before convicted as a receiver of money, goods or other articles stolen in any manner as aforesaid, shall afterwards knowingly receive or aid in the concealment of any other money, goods or other articles stolen, and shall be duly convicted thereof before the Supreme Judicial Court; or if any person shall be alike duly convicted before the Supreme Judicial Court, in the same term thereof, as a receiver of any money, goods or other articles aforesaid, stolen in any manner as aforesaid, in three distinct acts of receiving or concealing as aforesaid, every such offender shall be deemed a common receiver of stolen goods, and shall be punished by solitary imprisonment for such term, not exceeding one year, and by confinement afterwards to hard labour for such term, not less than three years, and not exceeding ten years, as the Justices of the said Court, before whom the conviction may be shall sentence and order, according to the nature and aggravation of the offence.

SEC. 15. *Be it further enacted,* That when any person, convicted for the first offence as a receiver of stolen goods,

or as accessory, after the fact, in any simple larceny and not adjudged to be a common receiver of stolen goods, shall make satisfaction to the party injured by such larceny to the full amount of the money, goods or articles stolen and not restored, the Justices of the Court before whom the conviction may be, shall exempt such receiver and accessory from the penalty of confinement of hard labour.

Case, in which Court may exempt convict from punishment by hard labour.

SEC. 16. *Be it further enacted,* That in every case of a conviction of larceny as aforesaid, the Justices of the Court before whom the conviction may be, shall have authority, at the prayer of the prosecutor therein, and at their discretion, to order for him or her a meet recompense, not exceeding his or her actual expenses, with a reasonable allowance for time and trouble in such prosecution, to be paid by the County Treasurer; and all payments which shall be made by any County Treasurer, pursuant to any order which may be granted as aforesaid, shall be the proper charge of this State, and shall be allowed in the manner which is or shall be provided for the reimbursement to the several Counties of other costs arising in criminal prosecutions.

Court may allow compensation to prosecutor for time and trouble;

—same to be charged to the State.

SEC. 17. *Be it further enacted,* That it shall be the duty of any Sheriff or other officer who shall be charged with, or lawfully employed in, apprehending and arresting any person accused of the crime of larceny or robbery, or as accessory therein, in any manner as aforesaid, to seize and secure the money, goods or other articles aforesaid, alleged to be stolen or to have been obtained by such larceny or robbery, and which shall be found in the possession of such accused person, or which shall be waved by him or her in flying from justice. And of the money, goods or other articles aforesaid, which shall be so found and secured, a true inventory or schedule shall be made in, or annexed to the return of such Sheriff or other officer, upon the warrant or process which shall have been issued for the arrest of any person accused as aforesaid; and such Sheriff or other officer shall be accountable for the money, goods or other articles thereby seized and secured. And whenever the conviction of any person accused as aforesaid, shall be had upon the prosecution, and by the care and dilligence of the owner of any money, goods or articles, found and seized as aforesaid, such

Sheriff when he arrests a person accused—to seize goods, money, &c. and make inventory of them to be annexed to his return.

Sheriff accountable for such goods, &c.

on conviction to be delivered to owner. owner shall and may have restitution thereof immediately after such conviction, by an order in open Court, or by a writ of restitution as the case may require.

SEC. 18. *Be it further enacted*, That whenever, upon any conviction as aforesaid, such convict shall be sentenced to confinement to hard labour, such owner prosecuting as aforesaid, shall be allowed against each and every convict, the full amount or value of the money, goods or other articles stolen or obtained by such larceny, and not restored or satisfied for, to be charged against such convict at his or her place of confinement under such sentence, and to be paid from his or her net earnings, as the same shall accrue, and so far as they may extend. And when such convict shall be sentenced to fine or imprisonment in the common gaol, he or she shall be required by the sentence to pay to such owner prosecuting as aforesaid, the full amount or value of the money, goods or other article or articles stolen and not restored or satisfied for; and if any such convict shall be unable to make restitution, or pay the amount or value as aforesaid, the Justices of the Court before whom the conviction may be, may further sentence and order him or her to make satisfaction to such owner by service, who shall thereupon be empowered to take such convict in service, or to dispose of him or her to any person for such term of time, not exceeding three years, as shall be ordered by the said Justices: *Provided however*, That no such convict shall be held in gaol for such satisfaction of the amount or value, as aforesaid, for a longer term than thirty days, unless such owner shall give security to the keeper of the gaol, to satisfy the charge of keeping such prisoner from and after that time, according to the rate allowed for keeping prisoners in the same gaol; and if such owner shall refuse or neglect so to do, and shall not take or dispose of such prisoner, the keeper shall no longer keep such prisoner for that purpose, but may set him or her at liberty, after the expiration of the term of imprisonment, if any, ordered by the sentence, and after the payment of the costs of Court, and his own charges of imprisonment; and if he or she be unable to pay the same, upon application by the keeper of the gaol to any two Jus-

Convicts, sentenced to hard labour to be charged with value of goods stolen and not restored,

to be paid from his earnings, &c.

Court may empower owner of goods to dispose of convict in service—in case.

Proviso.

tices of the quorum, within the same County, they are hereby empowered to determine the sum to be paid, and to order such prisoner to make satisfaction by service, for such reasonable time, not exceeding two years, as they may assign, for which time the keeper may thereupon dispose of such prisoner in service to any citizen of the United States: And if he or she cannot be so disposed of, after being confined three months, for costs, or fine and costs only, the Justices of the Circuit Court of Common Pleas, within and for the same County, may, at their discretion, order such prisoner to be discharged upon such security as they may judge proper.

SEC. 19. *Be it further enacted*, That when any person, charged with the crime of larceny, or as an accessory therein, or as a receiver of money, goods or other articles stolen as aforesaid, shall and may be let to bail, the recognisance for the appearance of such person, shall be taken, with sufficient surety, or sureties, in such sum as may be reasonably required for that purpose; with a further additional sum which shall be double the amount or value of the money, goods or articles charged to have been stolen or obtained by such larceny; and when such recognisance shall be forfeited by default, the Justices of the Court before whom judgment may be rendered thereon, shall order the amount or value of the money, goods, or other articles stolen or obtained as aforesaid, to be paid out of the sum which shall be collected on such recognisance, to the owner of such money, goods or other articles, provided he shall have been the prosecutor.

Persons charged with larceny, &c. to recognise in a sum double the value of the goods—besides the sum required to secure their appearance:

[Approved March 19, 1821.]

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CHAPTER VIII.

An Act against Blasphemy, and profane Cursing and Swearing.

SEC. 1. *BE it enacted by the Senate and House of Representatives, in Legislature assembled*, That if any person shall wilfully blaspheme the holy name of God, by denying, cursing, or contumeliously reproaching God, his creation, government, or final judging of the world, or by cursing, or re-

Crime of blasphemy described.