

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

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.

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

Augusta:

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

.....
1841.

TITLE TWELFTH.

Of crimes and offences, proceedings in criminal cases, punishments and prisons, and incidental provisions.

- CHAPTER 153. Of offences against the sovereignty of the state.
154. Of offences against the lives and persons of individuals.
155. Of offences against habitations, and other buildings, including arson, burglary and similar crimes.
156. Of larceny, and the receiving of stolen goods.
157. Of forgery and counterfeiting.
158. Of offences against public justice.
159. Of offences against the public peace.
160. Of offences against chastity, morality and decency.
161. Of cheating by false pretences, gross frauds, and conspiracy.
162. Of malicious mischief, and trespasses on property.
163. Of offences against the public health, safety and policy.
164. Of nuisances.
165. Of libel.
166. Crimes and offences within the jurisdiction of different courts.
167. General provisions relating to crimes and punishments.
168. Of sentence and execution thereof in criminal cases.
169. Of proceedings for prevention of crimes.
170. Of the power and proceedings of justices of the peace in criminal cases.
171. Of commencement of proceedings in criminal cases.
172. Of proceedings in court in criminal cases.
173. As to the disposal of insane persons, when prosecuted for crimes or offences.
174. Of fugitives from justice, and conditional pardons.
175. Of the liberation of poor convicts.
176. Of coroners' inquests.
177. Of the state prison.
178. Of houses of correction.

CHAPTER 153.

OF OFFENCES AGAINST THE SOVEREIGNTY OF THE STATE.

- | | |
|--|---|
| <p>SECT. 1. Treason.</p> <p>2. Two witnesses necessary for conviction, unless on confession.</p> <p>3. Misprision of treason.</p> <p>4. Necessary proof.</p> | <p>SECT. 5. Limitation, as to time of prosecution.</p> <p>6. Usurpation of jurisdiction, by foreign power, within limits defined by the treaty of 1783.</p> |
|--|---|

SECTION 1. Whoever shall be guilty of treason, by levying war against the state, adhering to its enemies, giving them aid and comfort, shall be punished with death.

SECT. 2. No person shall be indicted and convicted of treason, unless on the testimony of two witnesses to the same overt act, or by confession in open court.

SECT. 3. If any person shall have knowledge of any treason committed, or to be committed, and shall conceal the same, and shall not, as soon as may be, give information thereof upon oath to the governor of the state, a judge of a court of record, or to a

Treason.
Const. art. 1,
§ 12.

Two witnesses
necessary for
conviction, un-
less on confes-
sion.
Const. art. 1,
§ 12.

Misprision of
treason.
1821, 1, § 2, 3.

CHAP. 153. justice of the peace, to the end, that the offender therein may be apprehended, and be amenable to justice, he shall be deemed guilty of misprision of treason; and shall be punished by imprisonment in the state prison, not more than five years, or by fine, not exceeding one thousand dollars, and by imprisonment in the county jail, not more than one year.

Necessary
proof.
1821, 1, § 5.

SECT. 4. No person shall be indicted and convicted of misprision of treason, unless the treason concealed and not informed of, as mentioned in the preceding section, shall be proved by the testimony of two witnesses to the same overt act, or by one witness to one overt act, and by another witness to another overt act of the same species of treason, or by voluntary confession in open court.

Limitation, as
to time of prosecution.
1821, 1, § 7.

SECT. 5. No person shall be indicted and convicted of treason or misprision of treason, unless the indictment therefor shall be found within three years next after the commission of the treason.

Usurpation of
jurisdiction by
foreign power,
within limits
defined by the
treaty of 1783.
1829, 446.

SECT. 6. If any person, not a citizen of the United States, or any person, under the authority or color or pretence of authority from any foreign prince, state or government, shall enter upon any lands, cut any timber, serve any civil or criminal process, or exercise any act of jurisdiction, authority or ownership, or shall pretend or attempt or claim any right, or threaten to do any of the said acts within the limits of this state, as described in and by the treaty of seventeen hundred and eighty three, between the United States and Great Britain, such person, and every person who shall aid or encourage the same, shall be deemed guilty of a high misdemeanor, and shall be punished, on conviction in the supreme judicial court or district court in any county in the state, by fine and imprisonment at the discretion of the court, according to the aggravation of the offence.

CHAPTER 154.

OF OFFENCES AGAINST THE LIVES AND PERSONS OF INDIVIDUALS.

- | | |
|---|--|
| <p>SECT. 1. Murder defined.</p> <p>2. Murder in the first degree.</p> <p>3. Murder in the second degree.</p> <p>4. Jury to find the degree on trial; but the court, on confession.</p> <p>5. Manslaughter.</p> <p>6. Jurisdiction in case of death in the state, from a wound in a duel, without the state.</p> <p>7. Seconds in any such fatal duel, deemed accessory to murder before the fact.</p> <p>8. Plea of former conviction or acquittal without the state.</p> <p>9. Party to a duel, whether as principal, second, surgeon or otherwise. Challenges.</p> | <p>SECT. 10. Accepting a challenge. Aiding or encouraging such challenge or acceptance.</p> <p>11. Going out of the state for the purpose of a challenge, or duel. Conviction in another state may be pleaded in bar.</p> <p>12. Posting, and contemptuous provocations to a duel.</p> <p>13. Maiming, and malicious disfiguring.</p> <p>14. Robbery.</p> <p>15. Punishment, if with a dangerous weapon.</p> <p>16. Punishment in other cases.</p> <p>17. Rape.</p> <p>18. Forcible abduction, and compulsion to marry, &c.</p> |
|---|--|