

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.

CHAPTER 165.

OF LIBEL.

SECT. 1. Definition of a libel.

2. Punishment.

3. What persons shall be responsible for libels printed or published in their offices, newspapers, &c. unless on negative proof.

4. In what cases the truth may be an absolute justification.

SECT. 5. In what cases not a justification, unless malice be proved.

6. In other cases, the publication presumed to be malicious.

7. What constitutes a publication.

8. Jury to determine the law and fact.

Definition of a libel.

SECTION 1. A libel shall be construed to be the malicious defamation of a person, made public by either any printing, writing, sign, picture, representation or effigy, tending to provoke him to wrath, or expose him to public hatred, contempt or ridicule, or to deprive him of the benefits of public confidence and social intercourse; or any malicious defamation, made public as aforesaid, designed to blacken and vilify the memory of one who is dead, and tending to scandalize or provoke his surviving relatives or friends.

Punishment.
3 Pick. 304, 379.

SECT. 2. Every person who makes, composes, dictates, writes or prints a libel, or who directs or procures the same to be done, or who wilfully publishes or circulates such libel, or in any way, knowingly and wilfully, aids or assists in making, publishing or circulating the same, shall be punished by imprisonment in the county jail, not more than one year, and by fine, not exceeding one thousand dollars.

What persons shall be responsible for libels printed or published in their offices, newspapers, &c. unless on negative proof.

SECT. 3. Every person, who manages or controls the business of any printing office, book store or shop, whether for himself or as agent for another, and every proprietor, editor, printer and publisher of any newspaper, pamphlet, book or other publication, shall be responsible for any libel printed or published in any such office, book store or shop, which he manages or controls, as aforesaid, or in any newspaper, pamphlet, book or other publication, of which he is, in whole or in part, proprietor, editor, printer or publisher; unless he can prove, on trial, that such libel was so printed and published without his knowledge, consent or suspicion, and that by his using reasonable care and diligence, it was not in his power to have prevented the printing and publication of the same, as aforesaid.

In what cases the truth may be an absolute justification.
Const. art. 1, § 4.
15 Pick. 321,
337.

SECT. 4. In prosecutions for any publication respecting the official conduct of men in public capacity, or the qualifications of those who are candidates for the suffrages of the people, or where the matter published is proper for public information, the truth thereof may be given in evidence; and, if established, it shall be held a complete justification.

In what cases, a justification, unless malice be proved.
1833, 73.

SECT. 5. In the trial of any criminal prosecution for writing or publishing a libel, other than as mentioned in the preceding section, the defendant may give in evidence the truth of the matter charged as libelous; and, the truth of such matter being established, the same shall be held a complete defence and justification, unless it shall be made to appear, that the publication thereof originated from corrupt and malicious motives.

In other cases, the publication

SECT. 6. If the publication of an alleged libel shall not be justi-

fied in any manner, as mentioned in the two preceding sections, the same shall be deemed to have been malicious, unless the contrary shall be fully and clearly proved.

SECT. 7. No printing, writing or other thing shall be held to be a libel, unless there shall have been a publication thereof; and the delivery or selling, or reading or otherwise communicating a libel, or causing the same to be delivered, sold, read or otherwise communicated to one or more persons, or to the party libeled, shall be deemed a publication thereof.

SECT. 8. In all indictments for libels, the jury, after having received the direction of the court, shall have a right to determine, at their discretion, the law and the fact.

CHAP. 165.

presumed to be malicious.
3 Pick. 304.

What constitutes a publication.

Jury to determine the law and fact.

CHAPTER 166.

CRIMES AND OFFENCES WITHIN THE JURISDICTION OF DIFFERENT COURTS.

- | | |
|--|---|
| <p>SECT. 1. Criminal jurisdiction of the supreme judicial court.</p> <p>2. Criminal jurisdiction of the district courts.</p> <p>3. Criminal jurisdiction of justices of the peace, and of municipal and police courts.</p> | <p>SECT. 4. Offences committed on or near the boundary between two counties.</p> <p>5. Death in one county from an injury in another.</p> <p>6. Death within the state from an injury inflicted without.</p> <p>7. Acquittal of part of an indictment, and conviction of the residue.</p> |
|--|---|

SECTION 1. The supreme judicial court shall have exclusive jurisdiction of all crimes punishable with death, or by imprisonment in the state prison for life, or for an unlimited term of years, and of the crimes of misprision of treason, manslaughter, and duelling as described in the sixth, seventh, ninth, tenth, and eleventh sections of the one hundred and fifty fourth chapter, felonious maims and assaults, the crime against nature, adultery, incest, polygamy, the offences of burning buildings, described in the fourth and fifth sections, of the one hundred and fifty fifth chapter, of the offences of forging and counterfeiting, described in the first, second, twelfth, thirteenth, fourteenth, fifteenth and twentieth sections of the one hundred and fifty seventh chapter, and of the offences against public justice, which are severally described in the first ten sections, of the one hundred and fifty eighth chapter.

SECT. 2. The district court shall have exclusive original jurisdiction of all crimes, offences and misdemeanors, with the exception of those mentioned in the preceding section, and of those of which justices of the peace, police and municipal courts, have, by law, original jurisdiction, exclusive, or concurrent with the district court; the said jurisdiction of the district court shall be final, except, that an appeal shall be allowed from the opinion, direction or judgment of said court in matter of law, upon exceptions being filed, as is provided in the ninety seventh chapter.

SECT. 3. Justices of the peace, police and municipal courts,

Criminal jurisdiction of the supreme judicial court.
1823, 233.
1836, 196, § 1.Criminal jurisdiction of the district courts.
1823, 233.
1836, 196, § 1.
1839, 373, § 1, 5.

Criminal juris-