

# MAINE STATE LEGISLATURE

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THE  
REVISED STATUTES

OF THE

STATE OF MAINE,

PASSED APRIL 17, 1857;

TO WHICH ARE PREFIXED

THE CONSTITUTIONS

OF THE

UNITED STATES AND OF THE STATE OF MAINE:

WITH AN

APPENDIX.

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PUBLISHED BY AUTHORITY OF THE LEGISLATURE.

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BANGOR:  
WHEELER & LYNDE.

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1857.

nesses to the same overt act, or confession in open court. Its punishment is death. CHAP. 117.

SEC. 2. Misprision of treason consists in a knowledge that treason has been, or is to be committed, and in the concealment of it, or omission to give information thereof to the governor, a judge of a court of record, or a justice of the peace. No person can be convicted of it without the testimony of two witnesses, but one of them may be to one, and another to a different overt act of the same species of treason; or by confession in open court. It shall be punished by imprisonment not exceeding five years, or by fine not exceeding one thousand dollars.

SEC. 3. No person can be convicted of treason or misprision of treason unless the indictment therefor is found within three years after the commission thereof.

SEC. 4. If a person, claiming authority from any foreign government or magistrate, enters upon any lands, cuts any timber, serves any process, or exercises any jurisdiction, authority, or ownership, claims any right, or threatens to do any of said acts within the limits of this state, as described by the treaties of seventeen hundred and eighty-three and eighteen hundred and forty-two, between the United States and Great Britain, he and every person aiding and encouraging the same shall be punished by imprisonment and fine, at the discretion of the court, according to the aggravation of the offence.

R. S., c. 153,  
§ 1, 2.

Misprision of  
treason, its  
definition, &c.

R. S., c. 153,  
§ 3, 4.

Limitation of  
prosecutions  
to three years.

R. S., c. 153,  
§ 5.

Usurpation of  
jurisdiction by  
a foreign  
power.

R. S., c. 153,  
§ 6.

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## CHAPTER 118.

### OFFENCES AGAINST THE LIVES AND PERSONS OF INDIVIDUALS.

- SEC. 1. Murder defined.
2. Murder of the first degree defined and punished.
3. Murder of the second degree defined and punished.
4. Degree of murder how ascertained.
5. Manslaughter defined and punished.
6. Willful disturbance or obstruction of a railroad, by which human life is destroyed, murder of second degree, if not, how punished.
7. Misconduct or gross neglect respecting steam in steamboats occasioning loss of life or danger of it.
8. Murder of the first degree by duelling defined.
9. Murder of the first degree by a second to such duel.
10. Conviction or acquittal in another state a bar to an indictment under eighth, ninth, and thirteenth sections.
11. Fighting, challenging, or aiding a duel.
12. Accepting a challenge or aiding it.
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14. Posting for not fighting a duel, or sending or accepting a challenge.
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16. Robbery defined and punished.
17. Rape defined and punished.
18. Abduction defined and punished.
19. Forcible confinement, kidnapping, selling as a slave.

CHAP. 118.

- SEC. 20. Abandonment of children.
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- 22. Enlistment of minors into army of United States.
- 23. Extortion or compulsion by threats.
- 24. Assault with intent to commit a rape.
- 25. Assault with intent to murder, kill, maim, rob, steal, or to commit arson or burglary.
- 26. Assault with intent to commit other felonies.
- 27. Attempts to murder or kill without assault.
- 28. Assaults, and assaults and batteries.
- 29. Slaves voluntarily brought into the state, free. Punishment for restraining such.

Murder defined.  
R. S., c. 154,  
§ 1.

Murder of the first degree defined and punished.  
R. S., c. 154,  
§ 2.

Murder of the second degree defined and punished.  
R. S., c. 154,  
§ 3.

Degree of murder, how ascertained.  
R. S., c. 154,  
§ 4.

Manslaughter defined and punished.  
R. S., c. 154,  
§ 5.

Willful disturbance or obstruction of a railroad by which human life is destroyed, &c.  
1846, c. 197,  
§ 1, 2, 3.

Misconduct and gross neglect respecting steam in steamboats, &c.  
1848, c. 70, § 1.

SEC. 1. Murder is the unlawful killing of a human being with malice aforethought, either express or implied.

SEC. 2. When murder is committed with express malice aforethought, or in perpetrating or attempting to perpetrate a crime punishable by death, imprisonment for life, or for an unlimited term of years, it shall be deemed murder of the first degree and punished with death.

SEC. 3. When murder is committed otherwise than is set forth in the preceding section, it shall be deemed murder of the second degree, and punished by imprisonment for life.

SEC. 4. The jury, finding a person guilty of murder, shall find whether he is guilty of murder in the first or second degree. When a person is found guilty of murder by confession in open court, the court, from testimony, shall determine the degree of murder, and sentence accordingly.

SEC. 5. Whoever unlawfully kills a human being in the heat of passion, on sudden provocation, without express or implied malice aforethought, or commits manslaughter as defined by the common law, shall be punished by imprisonment not more than ten years, or by fine not exceeding one thousand dollars.

SEC. 6. Whoever willfully and maliciously displaces a switch or rail, disturbs, injures, or destroys, any part of a track or bridge of any railroad, or places any obstruction thereon, with intent that any person or property passing on the same should be thereby injured, and human life is thereby destroyed, shall be deemed guilty of murder of the second degree, and punished accordingly. If human life is thereby endangered and not destroyed, or property is injured, he shall be punished by solitary imprisonment not less than thirty days, and afterwards to hard labor not more than twenty, nor less than five years.

SEC. 7. Any person, having charge of a steamboat used for conveyance of passengers, or of the boiler or other apparatus for generating steam therein, who, through ignorance, gross neglect, or for the purpose of racing, creates or allows to be created such a quantity of steam as to break such boiler, apparatus, or machinery connected therewith, and thereby human life is destroyed, shall be punished by imprisonment not more than four, nor less than two years; and if human life is endangered and not destroyed, by imprisonment less than one year, and by fine not exceeding two hundred and fifty dollars.

SEC. 8. Any person residing in this state, who within it engages to fight a duel, and fights such duel without the state, and thereby inflicts a mortal wound on any person, of which he dies in this state, shall be deemed guilty of murder of the first degree, and punished accordingly; and he may be indicted and tried in the county where the death happens.

SEC. 9. A person, who, by an engagement made within the state, is the second to either party in such duel and present when a mortal wound is inflicted, of which the person dies within the state, shall be deemed an accessory before the fact to murder of the first degree, and he may be indicted, tried, and punished, as the principal may be.

SEC. 10. A person indicted under either of the two preceding sections, or under the thirteenth section of this chapter, may plead a former conviction or acquittal of the same offence, in another state, which, being admitted or established, shall entitle him to an acquittal in this state.

SEC. 11. Whoever fights a duel with deadly weapons, or is present thereat as aid, second, surgeon, or as advising, encouraging, or promoting it, though no homicide ensues; or sends, or delivers, a verbal or written message intended to be a challenge, though no duel ensues, shall be punished by imprisonment not more than twenty years, or by fine not exceeding one thousand dollars; and be incapable of holding any office or place of honor, trust, or profit, for twenty years after conviction.

SEC. 12. Whoever accepts such a challenge, or engages to act as second, or surgeon, to one accepting, or knowingly delivers such acceptance, or advises, encourages, or promotes it, though no duel ensues, shall be punished by imprisonment less than one year, and by fine not exceeding one thousand dollars; and be incapable, as in the preceding section, for five years after conviction.

SEC. 13. If any resident of this state leaves it for the purpose of eluding the operation of the two preceding sections, with intent to do and does acts out of the state which would be a violation of their provisions if done within the state, he shall be subject to the same punishment as if the offence had been committed in the state; and he may be indicted and tried in the county where he resides.

SEC. 14. If a person posts another, or uses, in writing or in print, any reproachful or contemptuous language concerning him for not fighting a duel, or for not sending or accepting a challenge, he shall be punished by imprisonment less than one year, and by fine not exceeding one hundred dollars.

SEC. 15. If a person, with malicious intent to maim or disfigure, cuts or maims the tongue, puts out or destroys an eye, cuts or tears off an ear, cuts, slits, or mutilates the nose or lip, cuts off or disables a limb or other member, of another person, he shall be punished by imprisonment not less than one, nor more than twenty years.

SEC. 16. Whoever, by force and violence, or by putting in fear, feloniously steals and takes from the person of another,

## CHAP. 118.

Murder of the first degree by dueling, defined and punished.

R. S., c. 154, § 6.

The same by a second to such duel.

R. S., c. 154, § 7.

Conviction or acquittal in another state a bar to indictment, &c.

R. S., c. 154, § 8, 11.

Dueling punished.

R. S., c. 154, § 9.

Accepting a challenge or aiding, punished.

R. S., c. 154, § 10.

Leaving the state to elude provisions of the two preceding sections, and doing such acts, punished.

R. S., c. 154, § 11.

Posting for not fighting a duel, &c.

R. S., c. 154, § 12.

Maim defined and punished.

R. S., c. 154, § 13.

Robbery defined and punished.

**CHAP. 118.** property that is the subject of larceny, shall be deemed guilty of robbery, and if, at the time, he is armed with a dangerous weapon, with intent, if resisted, to kill or maim such person; or if, being so armed, he wounds or strikes him; or if he has any confederate present, so armed, to aid or abet him, he shall be punished by imprisonment for life; otherwise for any term of years or for life.

Rape defined and punished.  
R. S., c. 154,  
§ 15, 16.

**SEC. 17.** Whoever ravishes, and carnally knows, any female of ten or more years of age by force and against her will, or unlawfully and carnally knows and abuses a female child under ten years of age, shall be punished by imprisonment for life.

Abduction defined and punished.  
R. S., c. 154,  
§ 18, 19.

**SEC. 18.** Whoever takes a woman unlawfully and against her will, and by force, menace, or duress, compels her to marry him, or any other person, or to be defiled, shall be punished by imprisonment for life or any term of years. And whoever so takes a woman, with intent by such means to compel her to do so, shall be punished by imprisonment not less than one, nor more than ten years.

Forcible confinement, kidnapping, selling as a slave, and trial.  
R. S., c. 154,  
§ 20, 21.

**SEC. 19.** Whoever unlawfully confines or imprisons another, or forcibly transports or carries him out of the state, or from place to place within it, or so seizes, conveys, inveigles, or kidnaps any person with intent to cause him to be so dealt with; or sells as a slave, or transfers, for any term of time, the service of any person of color, who has been so seized, inveigled, or kidnapped, shall be punished by imprisonment not more than five years, or by a fine not exceeding one thousand dollars. These offences may be indicted and tried in the county where such person was carried or brought, or in the county where the offence was committed; and on trial the consent of such person shall not be a defence, unless it appears that it was not obtained by fraud, threats, or duress.

Abandonment of children.  
R. S., c. 154,  
§ 22.

**SEC. 20.** If a father or mother of a child under the age of six years, or a person to whom such child is confided, exposes it in any place, with intent wholly to abandon it, he shall be punished by imprisonment not more than five years, or by fine not exceeding five hundred dollars.

Masters of vessels carrying apprentices and minors out of the state.  
11 Maine, 103.  
R. S., c. 154,  
§ 23.

**SEC. 21.** If a master of a vessel carries out of the state an apprentice, indented servant, or person under twenty-one years of age, without the consent of his parent, master, or guardian, he shall be punished by a fine not exceeding two hundred dollars; and be liable in an action on the case, to such parent, master, or guardian, for all damages thereby sustained.

Enlistment of minors into the army of U. S.  
R. S., c. 154,  
§ 24, 25.

**SEC. 22.** Whoever in this state enlists or causes to be enlisted into the army of the United States, a person, knowing him to be a minor, without the written consent of his parent, master, or guardian, and he is removed out of the state within six months after his enlistment; or persuades him to leave the state with intent thus to enlist him, shall be punished by imprisonment less than one year, or by fine not exceeding five hundred dollars.

Extortion or compulsion by threats.  
24 Maine, 71.

**SEC. 23.** Whoever, verbally or by written or printed communication, maliciously threatens to accuse another of a crime or offence, or to do any injury to his person or property, with

intent thereby to extort money or procure any advantage from him, or to compel him to do any act against his will, shall be punished by imprisonment not exceeding two years, or by fine not exceeding five hundred dollars.

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R. S., c. 154, § 26.

SEC. 24. Whoever assaults a female of ten years of age or more, with intent to commit a rape, shall be punished by imprisonment not exceeding ten years, or by fine not exceeding five hundred dollars. If such assault is made on a female under ten years, such imprisonment shall not be less than one, nor more than twenty years.

Assault on a female, &c.

R. S., c. 154, § 27, 28.

SEC. 25. Whoever assaults another with intent to murder, kill, maim, rob, steal, or to commit arson or burglary, if armed with a dangerous weapon, shall be punished by imprisonment not less than one, nor more than twenty years; when not so armed, by imprisonment not more than ten years, or by fine not exceeding one thousand dollars.

Assaults with intent to murder, &c.

37 Maine, 468. R. S., c. 154, § 29, 30.

SEC. 26. Whoever commits an assault not before described, with intent to commit a felony, shall be punished by imprisonment not more than five years, or by fine not exceeding five hundred dollars.

Assaults with intent to commit other felonies.

R. S., c. 154, § 31.

SEC. 27. Whoever, without an assault, unlawfully attempts by any means or in any form to murder or kill a human being, shall be punished by imprisonment not less than one, nor more than twenty years.

Attempts to murder or kill without assault.

R. S., c. 154, § 32.

SEC. 28. Whoever unlawfully attempts to strike, hit, touch, or do any violence to another however small, in a wanton, willful, angry, or insulting manner, having an intention and existing ability to do some violence to such person, shall be deemed guilty of an assault; and if such attempt is carried into effect, he shall be deemed guilty of an assault and battery, and for either, shall be punished by imprisonment less than one year, or by fine not exceeding two hundred dollars, when no other punishment is prescribed.

Assaults and assaults and batteries.

R. S., c. 154, § 33, 34.

SEC. 29. Any slave, voluntarily brought into this state by his master or by his knowledge or consent, is thereby free; and if restrained of his liberty, he may be discharged on writ of habeas corpus; and if any person attempts to restrain him of his liberty, or to exercise the authority of master over him, he shall be punished by a fine not exceeding one thousand dollars, or by imprisonment less than one year.

Slaves voluntarily brought into state, free. Punishment for restraining such.

1857, c. 53.