

# 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.

fourths of the value of such injury, to be recovered in an action on the case, if he uses all reasonable diligence to prevent such injuries, and to procure the conviction of the offenders; and the town paying such sum may recover it in an action on the case against the persons doing the injury.

CHAP. 123.

R. S., c. 159,  
§ 12, 13.

## INSURRECTION.

SEC. 9. When an insurrection exists in this state to obstruct the course of justice, or the due execution of the laws, the governor is empowered to detach and call into actual service such part of the militia, as in his opinion is adequate to suppress the same.

Governor may  
call out militia  
to suppress  
insurrection.  
1841, c. 1, § 27.

## CHAPTER 124.

## OFFENCES AGAINST CHASTITY, MORALITY AND DECENCY.

## ADULTERY, INCEST, POLYGAMY, GROSS LEWDNESS AND FORNICATION.

- SEC. 1. Adultery.  
2. Incest.  
3. Crime against nature.  
4. Polygamy, its punishment, and where tried.  
5. Lascivious cohabitation and open and gross lewdness.  
6. Fornication.

## CONCEALMENT OF BIRTHS AND PROCURING ABORTIONS.

7. Concealment by the mother of the birth of illegitimate issue, and how indicted with charge of murder.  
8. Punishment for procuring or attempting to procure abortion.

## HOUSES OF ILL-FAME.

9. Keeping houses of ill-fame.  
10. Enticing females to houses of ill-fame.  
11. Warrants to search for females supposed to be so enticed.  
12. Lease of tenant convicted of keeping house of ill-fame void at option of landlord.

## OBSCENE BOOKS AND PICTURES.

13. Punishment for making or circulating obscene books and pictures.  
14. Warrants to search for the same.

## BLASPHEMY AND PROFANITY.

15. Blasphemy.  
16. Profanity.

## DISTURBANCE OF RELIGIOUS MEETINGS, AND OBSERVANCE OF THE SABBATH.

17. Rude behavior in house of worship, disturbance of religious meetings, selling articles within a mile thereof, and refusing to leave or conform to the established rules of such meetings.  
18. Special police to preserve the peace at camp meetings, how appointed, powers of. Presiding officer or committee of arrangements may appoint a person to keep boarders and sell refreshments.  
19. All such offenders shall be arrested and detained by magistrates and officers until a warrant can be procured, and all persons present shall assist in so doing.

CHAP. 124.

- SEC. 20. Business, traveling and recreation, prohibited on the Sabbath.
21. Innholders and victualers not to allow persons to abide or play any games and amusements about their premises on Sunday, or the evening preceding or following. Penalty for so doing.
22. All public amusements, except sacred concerts of music, on Saturday and Sunday evenings prohibited.
23. Persons conscientiously observing the seventh day excepted.
24. Tythingmen to prosecute for these offences.

## PROTECTION OF DEAD BODIES AND GRAVES.

25. Punishment for an officer taking the body of a deceased person.
26. Unauthorized disinterment or improper exposure or abandonment of dead bodies, not including bodies lawfully in the hands of surgeons and physicians.
27. Injury to monuments and places of burial.

## CRUELTY TO ANIMALS.

28. Punishment for cruelty to animals.

## DRUNKENNESS.

29. Punishment for first and second offence.

## ADULTERY, INCEST, POLYGAMY, GROSS LEWDNESS AND FORNICATION.

## Adultery.

29 Maine, 329.  
35 Maine, 205.  
38 Maine, 261.  
R. S., c. 160,  
§ 1, 2.

SEC. 1. Whoever commits adultery shall be punished by imprisonment not less than one, nor more than five years; and when only one of the parties is married, and when they have been legally divorced from the bonds of matrimony, and afterwards cohabit, each shall be deemed guilty of adultery.

## Incest.

R. S., c. 160,  
§ 3.

SEC. 2. When persons within the degrees of consanguinity or affinity, in which marriages are declared incestuous and void, intermarry or commit fornication or adultery with each other, they shall be punished by imprisonment not less than one, nor more than ten years.

## Crime against nature.

R. S., c. 160,  
§ 4.

SEC. 3. Whoever commits the crime against nature, with mankind or with a beast, shall be punished by imprisonment not less than one, nor more than ten years.

## Polygamy, its punishment, and where tried.

6 Greenl. 148.  
R. S., c. 160,  
§ 5, 6, 7, 8.

SEC. 4. If any person, except one legally divorced on his or her own petition, or one whose husband or wife has been continually absent for seven years and not known to him or her to be living within that time, having a husband or wife living, marries another married or single person; or if any unmarried person knowingly marries the husband or wife of another, when such husband or wife is thereby guilty of polygamy, he shall be deemed guilty of polygamy and punished by imprisonment not more than five years, or by fine not exceeding five hundred dollars; and the indictment for such offence may be found and tried in the county where the offender resides, or where he is apprehended.

## Lascivious cohabitation and lewdness.

7 Greenl. 57.  
R. S., c. 160,  
§ 9.

SEC. 5. If any man and woman, one or both being at the time married to another person, lewdly and lasciviously cohabit; or, married or unmarried, are guilty of open, gross lewdness and lascivious behavior, they shall each be punished by imprisonment not more than five years, or by fine not exceeding three hundred dollars.

SEC. 6. If an unmarried man commits fornication with an unmarried woman, they shall each be punished by imprisonment not more than sixty days, and by fine not exceeding one hundred dollars.

CHAP. 124.

Fornication.  
R. S., c. 160,  
§ 10.

#### CONCEALMENT OF BIRTHS AND PROCURING ABORTIONS.

SEC. 7. If any woman is willingly delivered in secret of the issue of her body, which would be a bastard if born alive, and conceals the death thereof, so that it is not known whether it was born dead, or alive and was murdered, she shall be punished by imprisonment not more than three years, or by fine not exceeding one hundred dollars; and she may be charged with such offence, and also with murder of such child, in the same indictment, and convicted and punished for either, according to the verdict of the jury.

Concealment  
by the mother  
of the birth of  
illegitimate  
issue, how  
indicted, &c.  
R. S., c. 160,  
§ 11, 12.

SEC. 8. Whoever administers to any woman pregnant with child, whether such child is quick or not, any medicine, drug, or other substance, or uses any instrument or other means, unless the same were done as necessary for the preservation of the mother's life, shall be punished, if done with intent to destroy such child and thereby it was destroyed before birth, by imprisonment not more than five years, or by fine not exceeding one thousand dollars; if done with intent to procure the miscarriage of such woman, by imprisonment less than one year, and by fine not exceeding one thousand dollars.

Punishment  
for procuring  
or attempting  
to procure  
abortion.  
32 Maine, 369.  
33 Maine, 48.  
R. S., c. 160,  
§ 13, 14.

#### HOUSES OF ILL-FAME.

SEC. 9. Whoever keeps a house of ill-fame, resorted to for the purpose of prostitution or lewdness, shall be punished by imprisonment less than one year, and by fine not exceeding five hundred dollars; and if after conviction he is again guilty and convicted, he shall be punished by imprisonment not less than one, nor more than three years. A person, convicted of keeping such a house, before a municipal or police court or justice of the peace, may be sentenced to the house of correction or county jail not exceeding one month. And such person shall not be allowed to keep boarders or lodgers without a license from the overseers of the poor of the town, who shall prosecute for such offence all, whom they have good reason to suspect to be guilty.

Keeping hous-  
es of ill-fame.  
R. S., c. 160,  
§ 15.  
R. S., c. 32,  
§ 28.

SEC. 10. Whoever inveigles or entices any female, before reputed virtuous, to a house of ill-fame, or knowingly conceals or aids in concealing any such female so enticed, for the purpose of prostitution or lewdness, shall be punished by imprisonment not less than one nor more than ten years.

Enticing fe-  
males to hous-  
es of ill-fame.  
R. S., c. 160,  
§ 17.

SEC. 11. When any overseer of the poor, police officer, constable, parent, master, or guardian, has reason to believe that any female has been inveigled or enticed to a house of ill-fame as aforesaid, he may complain on oath to a magistrate authorized to issue warrants, and he may issue his search warrant as in other cases, to enter such house by day or night, search for

Warrants to  
search for  
females sup-  
posed to be so  
enticed.  
R. S., c. 160,  
§ 18.

## CHAP. 124.

such female, and bring her, and the person in whose keeping she is found, before him, and he may order her to be delivered to the complainant or discharged, as law and justice require.

Lease of tenant of house of ill-fame void at option of landlord.  
R. S., c. 160, § 16.

SEC. 12. When the tenant of a dwellinghouse is convicted of keeping it as a house of ill-fame, the lease or contract by which he occupies it, may, at the option of the landlord, be deemed void, and he shall have the same remedy to recover possession as against a tenant holding over after his term expires.

## OBSCENE BOOKS AND PICTURES.

Punishment for making or circulating obscene books and pictures.  
R. S., c. 160, § 19.

SEC. 13. Whoever imports, prints, publishes, sells, exhibits, or distributes any book, pamphlet, ballad or printed paper, containing obscene language, prints, pictures, or descriptions, manifestly tending to corrupt the morals of youth; or procures, receives, or has any of them in his possession with intent to sell, exhibit, or circulate them, shall be punished by imprisonment less than one year, or by fine not exceeding five hundred dollars.

Warrants to search for the same.  
R. S., c. 160, § 20.

SEC. 14. A warrant to search for such articles may be issued by any justice of the peace like other search warrants, and when any of them are found by the officer serving it, they shall be brought before the justice, and kept by him or the officer, to be used as evidence in any case that may arise concerning them or any person connected therewith; and on conviction of any such offender, said articles shall be destroyed by order of the court trying the case.

## BLASPHEMY AND PROFANITY.

Blasphemy.  
R. S., c. 160, § 21.

SEC. 15. Whoever blasphemes the holy name of God by denying, cursing, or contumeliously reproaching God, his creation, government, final judgment of the world, Jesus Christ, the Holy Ghost, or the Holy Scriptures as contained in the canonical books of the Old or New Testament, or by exposing them to contempt and ridicule, shall be punished by imprisonment not more than two years, or by fine not exceeding two hundred dollars.

Profanity.  
R. S., c. 160, § 22.

SEC. 16. Whoever, being of years of discretion, profanely curses or swears, on complaint made within twenty days thereafter, shall be punished by fine not exceeding two dollars; and if, after conviction, he is again guilty, by fine not exceeding five dollars.

## DISTURBANCE OF RELIGIOUS MEETINGS AND OBSERVANCE OF THE SABBATH.

Rude behavior in house of worship, &c.  
R. S., c. 160, § 23, 25.  
1848, c. 53, § 1, 2.  
1852, c. 271, § 1.

SEC. 17. Whoever, on the Lord's day or any other time, behaves rudely or indecently within the walls of any house of public worship; willfully interrupts or disturbs any assembly of persons for religious worship within the place of such assembly or out of it; sells or exposes to sale within one mile thereof and during the time of their meeting, any intoxicating liquors, refreshments, or merchandise, except in his usual course and place of business; exhibits any shows or plays; engages or aids in any horse race,

gaming, or other sports, to the disturbance of such assembly; or, coming within their neighborhood, refuses, on request, either immediately and peaceably to retire beyond their hearing, or to conform to the established regulations of the meeting, shall be punished by imprisonment not more than thirty days, and by fine not exceeding ten dollars.

SEC. 18. On application of the presiding elder, preachers in charge, or tent masters of a camp meeting in any town, the municipal officers thereof shall appoint, in writing signed by a majority of them, one or more police officers to preserve the peace during such meeting; who may arrest any person violating any provision of the preceding section; detain him till a warrant can be issued; and execute such warrant when directed to them; and the presiding officer or committee of arrangements, of any such religious assembly or meeting, may appoint some suitable person to keep boarders and sell refreshments at such meetings, who shall conform therein to such regulations as the officers appointing them prescribe.

Special police to preserve the peace at camp meetings, how appointed.  
1857, c. 35.

Presiding officer or committee may appoint a person to keep boarders, &c.  
1852, c. 271, § 2.

SEC. 19. Every justice of the peace, sheriff, deputy sheriff, constable, grand juror, and tythingman, present at any such religious assembly disturbed as aforesaid, shall arrest or cause to be arrested every such offender, and detain him until the close of such assembly, or until he can be taken before a magistrate; and all persons present at such assembly, on request, shall assist said officers in the execution of their duty, under the same penalties for neglect or refusal that are provided for neglecting or refusing to aid officers in other cases.

Offenders shall be arrested by officers, &c.  
R. S., c. 160, § 24.

SEC. 20. Whoever, on the Lord's day, which is the time between midnight preceding and sunset of the same day, keeps open his shop, workhouse, or warehouse; travels, or does any work, labor, or business on that day, except works of necessity or charity; uses any sport, game, or recreation; or is present at any dancing, public diversion, show, or entertainment, encouraging the same, shall be punished by a fine not exceeding ten dollars.

Business, traveling and recreation prohibited on the sabbath.  
R. S., c. 160, § 26, 28.

SEC. 21. If any innholder or victualer, on the Lord's day, or on the evening preceding or following it, suffers any persons, except travelers, strangers, or lodgers, to abide in his house, yard, or field, drinking or spending their time idly, at play or doing any secular business, except works of charity or necessity, shall be punished by fine not exceeding four dollars for each person thus suffered to abide; and if after conviction he is again guilty, by fine not exceeding ten dollars for each offence; and upon a third conviction, he shall also be incapable of holding any license; and every person so abiding shall be punished by fine not exceeding four dollars for each offence.

Innholders and victualers not to allow gaming, &c.  
R. S., c. 160, § 27, 29.

SEC. 22. Whoever, on the evening preceding or following the Lord's day, is present at any dancing or other public diversion, except concerts of sacred music, or then uses any sport, game, or recreation, shall be punished by fine not exceeding three dollars.

Public amusements, except concerts, &c.  
R. S., c. 160, § 29.

## CHAP. 124.

Persons conscientiously observing the seventh day excepted.

R. S., c. 160, § 30.

Tythingmen to prosecute for offences.

R. S., c. 160, § 31.

SEC. 23. No person, conscientiously believing that the seventh day of the week ought to be observed as the sabbath, and actually refraining from secular business and labor on that day, shall be liable to said penalties for doing such business or labor on the first day of the week, if he does not disturb other persons.

SEC. 24. Tythingmen shall prosecute for all offences described in sections seventeen, twenty, twenty-one, and twenty-two, at any time within six months after the commission thereof, in any competent court.

## PROTECTION OF DEAD BODIES AND GRAVES.

Punishment for taking body of deceased person.

R. S., c. 160, § 33.

Disinterment or exposure or abandonment of dead bodies, &c.

R. S., c. 160, § 32.

1844, c. 120, § 1, 2.

1846, c. 204.

SEC. 25. If any officer takes the body of any deceased person by writ or execution, he shall be punished by fine not exceeding five hundred dollars, and by imprisonment not more than six months.

SEC. 26. Whoever, without the permission of the board of health, municipal officers, or overseers of the poor of any town, therein willfully digs up or removes any human body or its remains from its place of burial, or aids in so doing; knowingly receives, conceals, or disposes of the same, or unnecessarily and indecently exposes, throws away, or abandons any human body or its remains in any public place, river, stream, or elsewhere, shall be punished by imprisonment not less than one, nor more than five years, or by fine not exceeding three thousand dollars; but any physician, surgeon, or medical student, may have in his possession or use human bodies or parts thereof lawfully obtained, for anatomical or physiological investigation and instruction.

Injury to monuments and places of burial.

R. S., c. 160, § 34.

SEC. 27. Whoever willfully destroys or injures any tomb, gravestone, monument, or other thing placed or designed as a memorial of the dead, or any fence, railing, or other thing placed about or inclosing the burial place of the dead; or willfully injures, removes, or destroys, any tree, shrub, or plant, within such inclosure, shall be punished by imprisonment less than one year, or by fine not exceeding five hundred dollars.

## CRUELTY TO ANIMALS.

Cruelty to animals.

R. S., c. 160, § 35.

SEC. 28. Whoever cruelly beats or tortures any horse, ox, or other animal, belonging to himself or another, shall be punished by imprisonment less than one year, or by fine not exceeding two hundred dollars.

## DRUNKENNESS.

Punishment for intoxication.

R. S., c. 160, § 36.

SEC. 29. Any intoxicated person found in the streets, or found in any other place disturbing the peace of the public, or of his own or any other family, shall be punished by a fine of five dollars; but if, after conviction, he is again guilty, he shall be punished by a fine of ten dollars, or by imprisonment not more than three months; and such offences may be prosecuted before a justice of the peace at any time within three months after they are committed.