

MAINE STATE LEGISLATURE

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THE
REVISED STATUTES

OF THE
STATE OF MAINE,

PASSED JANUARY 25, 1871;

TO WHICH ARE PREFIXED
THE CONSTITUTIONS

OF THE
UNITED STATES AND OF THE STATE OF MAINE:

WITH AN APPENDIX.

BY AUTHORITY OF THE LEGISLATURE.



PORTLAND:
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CHAP. 122.**CHAPTER 122.****OFFENCES AGAINST PUBLIC JUSTICE.****PERJURY.**

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PERJURY.

CHAP. 122.

SEC. 1. Whoever, when required to tell the truth on oath or affirmation lawfully administered, willfully and corruptly swears or affirms falsely to any material matter, in a proceeding before any court, tribunal or officer created by law, or in relation to which an oath or affirmation is authorized by law, is guilty of perjury; and whoever procures another to commit perjury shall be deemed guilty of subornation of perjury; and punished in either case, if the perjury was committed in a trial of a capital crime, by imprisonment for life or any term of years not less than ten, and if committed in any other case, by imprisonment not less than two, nor more than ten years.

Definition and punishment of perjury, and subornation of perjury.
R. S. c. 122, § 1.
26 Me. 33, 69.
35 Me. 315.
39 Me. 337.
49 Me. 412.
50 Me. 217.

SEC. 2. Whoever willfully and corruptly endeavors to incite or procure another to commit perjury, though it is not committed, shall be punished by imprisonment not less than one, nor more than five years.

The like attempt when perjury is not committed.
R. S. c. 122, § 2.

SEC. 3. When any witness or party, legally sworn and examined, or making affidavit in any proceeding in a court of record, testifies in such a manner as to raise a reasonable presumption that he is guilty of perjury therein, the court may immediately order him committed to prison, or take his recognizance with sureties for his appearance to answer to a charge of perjury; and bind over any witnesses present to appear at the proper court to prove such charge, order the detention as long as necessary of any papers or documents produced and deemed necessary in the prosecution of such charge, and cause notice of these proceedings to be given to the state's attorney for the same county.

Proceedings by any court, &c.
R. S. c. 122, § 3.

SEC. 4. Indictments against persons for committing perjury before any court or tribunal drawn substantially as hereinafter provided, shall be deemed sufficient in law, viz:

STATE OF MAINE.

—, ss. At the — court begun and holden at —, in and for said county of —, on the — Tuesday of —, in the year of our Lord one thousand eight hundred and —.

Form of indictment for perjury.
1865, c. 324,
§ 1.

The jurors for said state, upon their oath present, that A. B. of —, in the county of —, (addition,) at —, in the county of —, on the — day of —, in the year of our Lord one thousand eight hundred and —, appeared as a witness in a proceeding in which C. D. and E. F. were parties, then and there being heard before a tribunal of competent jurisdiction, and committed the crime of perjury, by testifying as follows: (here set out the matter sworn to and alleged to be false,) which said testimony was material to the issue then and there pending in said proceeding, against the peace of

CHAP. 122. said state and contrary to the form of the statute in such case made and provided.

— —, Foreman.

— —, County Attorney.

SEC. 5. All indictments against persons for committing perjury in swearing or affirming to any material matter in any complaint or other writing in relation to which an oath or affirmation is authorized by law, shall be deemed sufficient in law, when drawn substantially as follows :

STATE OF MAINE.

Form of indictment for perjury in falsely swearing to a material fact in a complaint or other writing. R. S. c. 324, § 2.

— —, ss. At the — court begun and holden at —, in and for said county of —, on the — day of —, in the year of our Lord one thousand eight hundred and —.

The jurors for said state, upon their oath present, that A. B. of —, in the county of —, (addition,) at —, in the county of —, on the — day of —, in the year of our Lord one thousand eight hundred and —, before G. H., esquire, then and there having competent authority to administer oaths, committed the crime of perjury, by falsely swearing (or affirming) to material matter in a writing signed by the said A. B., and dated the — day of —, A. D. 18—, against the peace of said state and contrary to the form of the statute in such case made and provided.

— —, Foreman.

— —, County Attorney.

BRIBERY AND CORRUPTION IN OFFICERS OF THE LAW AND OTHERS.

Bribery and acceptance of bribes by public officers. R. S. c. 122, § 4.

SEC. 6. Whoever gives, offers, or promises, to an executive, legislative, or judicial officer, before or after he is qualified or takes his seat, any valuable consideration or gratuity whatever, or to do any act beneficial to such officer, with intent to influence his action, vote, opinion, or judgment, in any matter pending, or that may come legally before him in his official capacity, shall be punished by imprisonment not more than five years, or by fine not exceeding three thousand dollars; and whoever accepts such bribe or beneficial thing, in the manner and for the purpose aforesaid, shall forfeit his office, be forever disqualified to hold any public office, trust, or appointment under this state, and be punished by imprisonment not more than ten years, or by fine not exceeding five thousand dollars.

Corrupt solicitation of influences to procure places of trust, &c. R. S. c. 122, § 5.

SEC. 7. Whoever directly or indirectly gives, offers, or promises any valuable consideration or gratuity to any person not included in section six, with intent to induce him to procure for him by his interest, influence, or any other means, any place of trust in this state; and whoever, not included as aforesaid, accepts the same in the manner and for the purpose aforesaid, shall be forever disqualified to hold

any place of trust in this state, and punished by fine not exceeding CHAP. 122.
three hundred dollars, and imprisonment less than one year.

SEC. 8. Whoever corruptly gives, offers, or promises, any valuable consideration or gratuity to any person summoned, appointed, chosen, or sworn, as a juror, arbitrator, umpire or referee, auditor, master in chancery, or appraiser of real or personal estate, with intent to influence his opinion or decision in any matter pending, or that may come legally before him for decision or action; and whoever corruptly or knowingly receives the same, in the manner and for the purpose aforesaid, shall be punished by imprisonment not more than five years, or by fine not exceeding one thousand dollars.

Bribery of jurors, referees, masters in chancery, appraisers or auditors, and acceptance thereof by them.
R. S. c. 122, § 6.

SEC. 9. Whoever, offending in the manner described in the three preceding sections, gives information, under oath, against the other party so offending, and duly prosecutes him, shall be exempt from the disqualifications and punishments therein provided.

The party informing exempted from punishment.
R. S. c. 122, § 7.

SEC. 10. Whoever attempts improperly to influence any juror, or one drawn, appointed, or sworn as such, or any arbitrator, or referee, in relation to any matter pending, or that may come legally before him for action or decision; and whoever, drawn, summoned, or sworn, as a juror, promises or agrees to give a verdict for or against any person in any case, or receives any paper, information, or evidence relating to any matter, for the trial of which he is sworn, without the authority of the court or officer before whom such matter is pending, and without immediately disclosing it to such court or officer, shall be punished by a fine not exceeding two hundred dollars, and imprisonment not more than three months.

Attempts to corrupt jurors or referees, &c.
R. S. c. 122, § 8.

SEC. 11. If any sheriff, deputy sheriff, coroner, or constable, receives from any person any money, or other valuable thing, as an inducement for omitting or delaying to sell any property on execution, to arrest any defendant and carry him before a magistrate or to prison, or to perform any other official duty, he shall be punished by a fine not exceeding three hundred dollars, and imprisonment not more than three months.

Sheriffs and other officers receiving bribes for neglect of official duty.
R. S. c. 122, § 9.

SEC. 12. If any person loans, advances, or promises to loan or advance any money; gives or promises to give day of payment on any demand left with him for collection; gives or promises any valuable consideration; becomes liable in any manner for the payment of any thing; becomes surety for another for such payment, or requests, advises, or procures another person to become responsible or surety as aforesaid, with intent thereby to procure any account, note, or other demand for the profit arising from its collection by a suit at law, he shall be punished by a fine not exceeding five hundred, nor less than twenty dollars; or such penalty may be recovered by an action of debt, one-half to the use of the person suing therefor in his own name, and the other to the state.

Corrupt agreements by attorneys and others, &c.
R. S. c. 122, § 10.
1853, c. 2.

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ESCAPES BY THE MISCONDUCT OF OFFICERS AND OTHERS.

Officers refusing or omitting to execute processes, &c.
R. S. c. 122,
§ 11.

SEC. 13. If any officer, authorized to serve process, willfully and corruptly refuses to execute any lawful process to him directed, requiring him to arrest or confine any person charged with or convicted of any offence; or thus omits or delays to execute it, whereby the offender escapes, he shall be punished by imprisonment less than one year, and by fine not exceeding five hundred dollars.

Voluntarily suffering criminals to escape in capital cases, &c.
R. S. c. 122,
§ 12.

SEC. 14. If any jailer or other officer voluntarily suffers any prisoner in his custody to escape, he shall be punished, if such prisoner was convicted of a capital felony, by a fine not exceeding one thousand dollars, and by imprisonment for life; if charged with such felony, by imprisonment not less than five, nor more than fifteen years; if charged or convicted of any other offence, by the same penalties and punishments that such prisoner would have suffered or been liable to suffer if he had not escaped.

Negligent escapes, and refusal to receive prisoners.
R. S. c. 122,
§ 13.

SEC. 15. If any jailer or other officer, through negligence, suffers any prisoner in his custody for a criminal offence to escape, or willfully refuses to receive into his custody any prisoner committed to him on any lawful process, he shall be punished by imprisonment in the county jail not more than two years, and by fine not exceeding five hundred dollars.

Forcibly rescuing, furnishing means or otherwise aiding an escape.
R. S. c. 122,
§ 14.
1869, c. 27.

SEC. 16. Whoever forcibly rescues any prisoner lawfully detained for any criminal offence; conveys into any jail or other place of confinement any disguise, arms, instruments, or other things adapted and intended to aid, or in any way aids him to escape, though such escape is not effected or attempted; or whoever secretes, or with a design to aid the prisoner in his escape, or with such design, in any way assists such prisoner that has escaped, or is at large, shall be punished, if such prisoner was in custody for any felony, by imprisonment not less than one, nor more than seven years; and if for any other offence, by imprisonment less than one year, and by fine not exceeding five hundred dollars.

COMPOUNDING FELONIES.

Compounding felonies, how punishable.
R. S. c. 122,
§ 15.

SEC. 17. Whoever, having knowledge of the commission of any offence, takes any valuable consideration, gratuity, or promise therefor, with an agreement or understanding, express or implied, to compound, conceal, not prosecute, or not give evidence of such offence, shall be punished, if such offence is punishable with death, or imprisonment for life, or an unlimited term of years, by imprisonment not more than five years, or by fine not exceeding five hundred dollars; but if the offence is punishable by imprisonment in the state prison for a limited term of years, he shall be punished by imprisonment less than one year, and by fine not exceeding five hundred dollars.

REFUSING TO AID OFFICERS AND OBEY MAGISTRATES.

CHAP. 122.

SEC. 18. Whoever, when required in the name of the state, by any sheriff, deputy sheriff, coroner, or constable, neglects or refuses to aid him in the execution of his office in any criminal case, in the preservation of the peace, in arresting and securing any person for a breach of the peace, or engaged in the escape or rescue of persons arrested on civil process, shall be punished by imprisonment not more than thirty days, or by fine not exceeding fifty dollars.

Refusing to aid officers.
R. S. c. 122, § 16.

SEC. 19. If any person neglects or refuses to obey any justice of the peace, when, in view of a breach of the peace, or other offence proper for his cognizance, he requires such person to arrest and bring the offender before him, he shall be punished as in section sixteen; and if the justice made known or declared his office to such person, he shall not plead ignorance thereof.

Refusing to obey justices of the peace, &c.
R. S. c. 122, § 17.

FALSELY ASSUMING TO BE A JUSTICE OR OFFICER.

SEC. 20. Whoever falsely assumes to be a justice of the peace, sheriff, deputy sheriff, coroner, or constable, and to act as such, or to require any one to aid him in any matter pertaining to the duty of such office, shall be punished by imprisonment less than one year, or by fine not exceeding four hundred dollars.

Falsely assuming to be a justice of the peace or other officer.
R. S. c. 122, § 18.
6 Me. 281.

DISGUIISING TO OBSTRUCT THE EXECUTION OF THE LAWS.

SEC. 21. Whoever disguises himself in any manner with intent to obstruct the due execution of the laws, or to intimidate any officer, surveyor, or other person, in the legal discharge of his duty, though such intent is not effected, shall be punished by imprisonment less than one year, and by fine not exceeding five hundred dollars.

Punishment for disguising to obstruct the execution of the laws.
R. S. c. 122, § 19.

EXTORTION.

SEC. 22. If any person, for performing any service or official duty, for which the pay is fixed by law, willfully and corruptly demands and receives, or takes security for any greater sum than is legal; or if any witness falsely and corruptly certifies, that, as such, he traveled more miles or attended more days than he actually did, he shall be punished by a fine not exceeding thirty dollars for each offence, to be recovered, to the use of the state, by indictment found within one year after the offence is committed, or by action of debt, commenced within the same time, to the use of the person first suing therefor in his own name.

Penalty for extorting illegal fees, &c.
R. S. c. 122, § 20.
11 Me. 143.