

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:
PUBLISHED BY BAILEY & NOYES.

CHAPTER 129.

LIBELS.

- SEC. 1. Definition of a libel and of a publication.
2. Punishment for making or publishing a libel.
 3. What persons shall be responsible for libels printed or published in their offices, newspapers, &c., unless on negative proof.
 4. How far the truth of a publication is a justification.
 5. Jury judges of the law and the facts.

SEC. 1. A libel is the malicious defamation of a living person, made public by any printing, writing, sign, picture, representation or effigy, tending to provoke him to wrath, expose him to public hatred, contempt or ridicule, or to deprive him of the benefits of public confidence and social intercourse; or of a deceased person, thus made public, designed to blacken and vilify his memory, and tending to scandalize or provoke his relatives or friends; but nothing shall be deemed a libel unless there is a publication thereof; and the delivery, selling, reading or otherwise communicating a libel directly or indirectly to any person, or to the party libeled, shall be deemed a publication.

Definition of a libel and of a publication.
R. S. c. 129, § 1.
20 Me. 9.
22 Me. 268.
30 Me. 466.
32 Me. 530.
54 Me. 339.
55 Me. 42*

SEC. 2. Whoever makes, composes, dictates, writes, or prints a libel; directs or procures it to be done; willfully publishes or circulates it, or knowingly and willfully aids in doing either, shall be punished by imprisonment less than one year, and by fine not exceeding one thousand dollars.

Punishment for a libel.
R. S. c. 129, § 2.

SEC. 3. Whoever manages or controls the business of a printing office, bookstore, or shop, as principal or agent, or is, in whole or in part, proprietor, editor, printer, or publisher of a newspaper, pamphlet, book, or other publication, shall be responsible for any libel printed or published therein, unless he can prove on trial that it was printed and published without his knowledge, consent, or suspicion, and that, by reasonable care and diligence, he could not have prevented it.

What persons shall be responsible for libels printed or published, &c.
R. S. c. 129, § 3.

SEC. 4. In prosecutions for any publication relative to the official conduct of men in public capacities, or the qualifications of candidates for popular suffrages; or where the matter published is proper for public information, the truth thereof may be given in evidence, and if proved, shall be a complete justification; and in prosecutions for all other libels, the truth thereof, thus proved, shall be a complete justification, unless it appears that such publication originated in corrupt and malicious motives; and if any alleged libel is not justified in

How far the truth of a publication is a justification.
R. S. c. 129, § 4.

CHAP. 130. either of said modes, it shall be deemed malicious, unless the contrary is clearly proved.

Jury judges of law and fact. R. S. c. 129, § 5. 18 Me. 346. SEC. 5. In all indictments for libel, the jury after receiving the direction of the court, may determine at their discretion, the law and the fact.

CHAPTER 130.

PROCEEDINGS FOR THE PREVENTION OF CRIMES.

- SEC. 1. Justices of the supreme judicial court and magistrates may require sureties of the peace and good behavior.
2. On complaint that an offence is threatened, magistrates may issue warrants, if they think fit, to bring the accused before them.
3. He may then be ordered to find sureties to keep the peace for not more than one year, and pay the costs, but not be bound over to court unless a specific offence is charged.
4. If he complies, to be discharged; if not, to be committed, and magistrates return papers to the next court.
5. Proceedings, if the complaint is not sustained. Costs, if malicious or frivolous.
6. Appeal to the next supreme judicial court and proceedings thereon.
7. Consequences, if the appellant fails to prosecute.
8. How recognizance may be taken after commitment.
9. When magistrate may require sureties, without a formal complaint.
10. Persons going armed, without reasonable cause.
11. All recognizances to be returned to supreme judicial court, and the court may remit the penalty.
12. Sureties on recognizances may surrender their principals, as in case of bail in civil actions.

Justices of the S. J. Court and magistrates may require sureties of the peace and good behavior. R. S. c. 130, § 1. SEC. 1. The judges of the supreme judicial court, and of municipal and police courts, in vacation or in court, and trial justices in their counties, shall have power to cause all laws for the preservation of the public peace to be kept; and in the execution thereof may require persons to give security to keep the peace and be of good behavior, as hereinafter provided.

On complaint that offence is threatened, &c. R. S. c. 130, § 2. SEC. 2. Any such magistrate, on complaint that any person threatens to commit an offence against the person or property of another, shall examine, on oath, the complainant and any other witnesses produced, reduce the complaint to writing, and cause the complainant to sign it; and, if on examination of the facts he thinks there is just cause to fear the commission of such offence, he shall issue a warrant reciting the substance of the complaint, and commanding the officer, to whom it is directed, forthwith to arrest the