

# 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.

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BY AUTHORITY OF THE LEGISLATURE.



PORTLAND:  
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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

accused and bring him before such magistrate or court, subject to the provisions of section seven of chapter one hundred and thirty-two. CHAP. 130.

SEC. 3. When the accused is brought before the magistrate and his defence is heard, he may be ordered to recognize, with sufficient sureties, in the sum required by the magistrate, to keep the peace towards all persons, and especially towards the person requiring the security, for a term not exceeding one year, and to pay the costs of prosecution; but shall not be bound over to any court, unless he is also charged with some other specific offence requiring it.

He may then be ordered to find sureties to keep the peace, &c.  
R. S. c. 130, § 3.  
10 Me. 325.

SEC. 4. If the accused complies with such order, he shall be discharged; but if he does not, he shall be committed to the county jail for the time for which he was required to find sureties, or till he complies with such order; and the magistrate shall state in the mittimus the cause of commitment, and the time and sum for which security was required, and return a copy of the warrant to the next supreme judicial court in said county, and such court shall have cognizance of the case, as if the accused had appealed thereto.

If he complies, to be discharged, &c.  
R. S. c. 130, § 4.

SEC. 5. If the magistrate, on examination of the facts, is not satisfied that there is just cause to fear the commission of any offence, he shall immediately discharge the accused; and if he judges the complaint unfounded, frivolous, or malicious, he may order the complainant to pay the costs of prosecution, who shall thereupon be answerable to the magistrate, officer, and witnesses for their fees as for his own debt.

Proceedings, if complaint is not sustained, &c.  
R. S. c. 130, § 5.

SEC. 6. Any person aggrieved by the order of such magistrate requiring him thus to recognize, on giving the security required, may appeal to the next supreme judicial court in the same county; and the magistrate shall thereupon require such witnesses, as he thinks proper, to recognize to appear at the appellate court; and such court may affirm or reverse the order of the magistrate, require the accused to recognize anew with sufficient sureties, and make such order as to costs as they deem reasonable.

Appeal to the next S. J. Court, and proceedings thereon  
R. S. c. 130, § 6.

SEC. 7. If the appellant fails to prosecute his appeal, his recognition shall be in force for any breach of its conditions without an affirmation of said order, and stand as security for any costs which he is ordered by the court to pay.

Consequences, if the appellant fails to prosecute.  
R. S. c. 130, § 7.

SEC. 8. Any person committed for not recognizing as aforesaid may be discharged by any judge or trial justice, on giving the security required.

Recognition may be taken after commitment.  
R. S. c. 130, § 8.

SEC. 9. Whoever in the presence of any of the magistrates aforesaid, or any court of record, makes an affray; threatens to kill or beat another, or commit any violence against his person or property; or contends with hot and angry words to the disturbance of the peace, may be ordered, without process or other proof, to recognize to keep the peace and be of good behavior for a term not exceeding three

When magistrate may require sureties without a formal complaint.  
R. S. c. 130, § 9.

CHAP. 130. months, and otherwise dealt with as is provided in the preceding sections.

Persons going armed, without reasonable cause.  
R. S. c. 130, § 10.

SEC. 10. Whoever goes armed with any dirk, pistol, or other offensive and dangerous weapon, without just cause to fear an assault on himself, family, or property, on complaint of any person having cause to fear an injury or breach of the peace, may be required to find sureties to keep the peace for a term not exceeding one year, and, in case of refusal, may be committed as provided in the preceding sections.

All recognizances to be returned to S. J. Court, and the court may remit the penalty.  
R. S. c. 130, § 11.

SEC. 11. All recognizances taken under this chapter shall be returned to the supreme judicial court on or before the first day of the next term, and there filed by the clerk as of record; and, in any suit thereon, if the forfeiture is found or confessed, the court may remit so much of the penalty, and on such terms, as they think proper.

Sureties on recognizances may surrender their principals, &c.  
R. S. c. 130, § 12.

SEC. 12. Any surety in such recognizance may surrender the principal the same as bail in civil cases, and shall thereupon be discharged from all liability for any subsequent breach of the recognizance; and the principal may recognize anew with sufficient sureties for the residue of the term before a trial justice, and then be discharged.