

# 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:  
PUBLISHED BY BAILEY & NOYES.

**CHAPTER 131.****JURISDICTION OF OFFENCES, AND GENERAL PROVISIONS RELATING THERETO.****JURISDICTION OF CRIMES.**

- SEC. 1. Original and appellate jurisdiction of the supreme judicial court in criminal cases.
2. Offences committed near the boundary of two counties, and death in one county from an injury in another.
  3. Death within the state from an injury inflicted on the high seas or without the state.
  4. Acquittal of part of an indictment and conviction of the residue.
  5. Where an accessory before or after the fact may be tried.

**ACCESSORIES.**

- SEC. 6. Accessory before the fact punished the same as principal, and convicted with or without him.
7. Who are accessories after the fact.

**ATTEMPTS TO COMMIT OFFENCES.**

- SEC. 8. Attempt with an overt act to commit an offence, how punishable.

**DEFINITIONS AND ALLEGATIONS.**

- SEC. 9. Definition of "felony."
10. Of "owner" of property, as used in indictments.
  11. General allegation of intent to defraud sufficient.
  12. Complaints and indictments not to be quashed for omission of the words "feloniously," "force and arms," "against the peace," and "contrary to the form of the statute."

**RECOVERY AND APPROPRIATION OF FINES.**

- SEC. 13. Fines and forfeitures to be recovered by indictment and accrue to the state unless otherwise provided.

**LIMITATION OF PROSECUTIONS.**

- SEC. 14. Prosecutions limited to six years, deducting absence from the state.

**JURISDICTION OF CRIMES.**

SEC. 1. The supreme judicial court shall have original jurisdiction, exclusive or concurrent, of all criminal offences, except those of which the jurisdiction is conferred by law on municipal and police courts and trial justices, and appellate jurisdiction of these.

Jurisdiction of the S. J. Court. &c.  
R. S. c. 131, § 1.

SEC. 2. When an offence is committed on the boundary between two counties or within one hundred rods thereof; or a mortal wound or other violence or injury is inflicted, or poison administered, in one county whereby death ensues in another, the offence may be alleged in the complaint or indictment as committed, and may be tried in either.

Offences committed near the boundary of two counties, &c.  
R. S. c. 131, § 2.

**CHAP. 131.** **SEC. 3.** If a mortal wound or other violence or injury is inflicted, or poison administered, on the high seas or without this state where-  
Death within the state from an injury inflicted without the state.  
R. S. c. 131, § 3. by death ensues within this state, such offence may be tried in the county where the death ensues; and if such act is done within and death ensues without this state, such offence may be tried in the county where the act was done, as if death had there ensued.

Acquittal of part of an indictment and conviction of the residue.  
R. S. c. 131, § 4. **SEC. 4.** When a person, indicted for any offence, is acquitted of a part by the verdict of the jury, and found guilty of the residue thereof, such verdict may be received and recorded by the court; and he may be considered as convicted of the offence, if any, which is substantially charged by such residue, and be punished accordingly though such offence would not otherwise be within the jurisdiction of said court.

Where an accessory before or after the fact may be tried.  
R. S. c. 131, § 5. **SEC. 5.** Every accessory, before or after the fact, may be tried in the county having jurisdiction of the principal offence, though the accessory offence was committed on the high seas or without the state; and if the principal offence was committed in one county and the accessory offence in another, the latter may be tried in either.

## ACCESSORIES.

Accessory before the fact punished the same as principal, and convicted with or without him.  
R. S. c. 131, § 6.  
39 Me. 84. **SEC. 6.** Whoever aids in the commission of any felony, or is accessory thereto before the fact, by counseling, hiring, or otherwise procuring the same, shall be punished in the manner prescribed for the punishment of the principal felon; and such accessory, when a felony is committed within or without the state by his procurement in the state, may be indicted and convicted as an accessory with the principal, or after his conviction, or of a substantive felony, whether the principal is convicted or amenable to justice or not, and punished as aforesaid. Whoever is accessory after the fact to a felony may be indicted, tried, and sentenced, whether his principal has or has not been convicted.

Who are accessories after the fact.  
R. S. c. 131, § 7. **SEC. 7.** Every person, not standing in the relation of husband or wife, parent or child, to the principal offender, who harbors, conceals, maintains, or assists any principal felon or accessory before the fact, knowing him to be such, with intent that he may escape detection, arrest, trial, or punishment, shall be deemed an accessory after the fact, and shall be punished by imprisonment not more than seven years, and by fine not exceeding one thousand dollars; but in no case shall such punishment exceed the punishment to which the principal felon on conviction would be liable.

## ATTEMPTS TO COMMIT OFFENCES.

Attempt with an overt act to commit an offence, how punishable.  
R. S. c. 131, § 8. **SEC. 8.** Whoever attempts to commit any criminal offence, and does any thing towards it, but fails, is interrupted, or prevented in its execution, where no punishment is expressly provided for such attempt, shall be punished, when the offence thus attempted is punish-

able with death, or imprisonment in the state prison for life, by imprisonment not less than one, nor more than ten years; but in all other cases, by the same kind, but not exceeding one half of the punishment that might have been inflicted, if the offence attempted had been committed.

CHAP. 131.

DEFINITIONS AND ALLEGATIONS.

SEC. 9. The term "felony," when used in any chapter in this title, shall be construed to include every offence punishable with death, or by imprisonment in the state prison. (a)

Definition of "felony." R. S. c. 131, § 9.

SEC. 10. In an offence in any way relating to real or personal estate, it shall be deemed sufficient and not a variance, if proved at the trial that, when the offence was committed, the actual or constructive possession, or the general or special property in whole or in part of such estate, was in the person or community alleged in the indictment to be the owner thereof.

Of "owner" of property as used in indictments. R. S. c. 131, § 10.

SEC. 11. When an intent to defraud is necessary to constitute any offence, it shall be sufficient to allege generally in the indictment an attempt to defraud; and if there appears on trial an intent to defraud the United States, any state, county, town, person, or corporation, it shall be sufficient.

General allegation of intent to defraud sufficient. R. S. c. 131, § 11.

SEC. 12. No indictment or complaint shall be quashed, nor judgment thereon arrested or affected by reason of the omission or misstatement of the title, occupation, estate, or degree of the accused; of the name of the city, town, or county, of his residence, or of the words "feloniously," "force and arms," "against the peace," or "contrary to the form of the statute;" if such omission or misstatement does not tend to his prejudice.

Complaints and indictments not to be quashed for omission, &c. R. S. c. 131, § 12, 15 Me. 122, 476.

RECOVERY AND APPROPRIATION OF FINES.

SEC. 13. All fines and forfeitures, imposed as a punishment for any offence, or for a violation or neglect of any statute duty, when no other mode is expressly provided, may be recovered by indictment; and when no other appropriation is expressly made by law, shall inure to the state.

Fines and forfeitures to be recovered by indictment, &c. R. S. c. 131, § 13.

LIMITATION OF PROSECUTIONS.

SEC. 14. When no other limitation is provided by law, no indictment for any offence, except treason, murder, arson, or manslaughter, shall be found after six years from the commission thereof; but any time, during which the offender is not usually and publicly resident in this state, shall not be a part of said six years.

Prosecution limited to six years, deducting absence from the state. R. S. c. 131, § 14.

(a) 29 Me. 34; 32 Me. 369; 33 Me. 48; 43 Me. 218.