

# MAINE STATE LEGISLATURE

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FOURTH REVISION.

THE  
REVISED STATUTES

OF THE

STATE OF MAINE,

PASSED AUGUST 29, 1883, AND TAKING EFFECT JANUARY 1, 1884.

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BY THE AUTHORITY OF THE LEGISLATURE.



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CHAP. 117.

## TITLE ELEVEN.

Crimes and Offences, Proceedings in Criminal Cases.  
Punishments and Incidental Provisions.

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- CHAP. 117. Offences against the sovereignty of the state.
118. Offences against the lives and persons of individuals.
  119. Offences against habitations and other buildings.
  120. Larceny, and receiving stolen goods.
  121. Forgery and counterfeiting, and fraudulent stocks.
  122. Offences against public justice.
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  129. Libels.
  130. Proceedings, for the prevention of crimes.
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  132. Appointment of municipal and police judges, and proceedings of magistrates in criminal cases.
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  134. Proceedings in court in criminal cases.
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  139. Coroners' inquests.
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## CHAPTER 117.

## OFFENCES AGAINST THE SOVEREIGNTY OF THE STATE.

- SEC. 1. Treason, its definition, proof and punishment.
2. Misprision of treason, its definition, proof and punishment.
  3. Limitation of prosecutions therefor to three years.
  4. Usurpation of jurisdiction by a foreign power. Overt acts.
  5. Removal of, injury to, or refusal to deliver up the great seal, how punished.
  6. Use of the great seal except at the office of secretary of state, punished.
  7. Removal, secretion, mutilation of, or refusal to return public books and papers, forbidden and punished.
  8. Retiring public officers shall deliver public money or other property to successors: Punishment for refusal.
  9. Person, falsely assuming to act as a state officer, how to be punished.

Treason,  
defined; how  
to be proved.

SEC. 1. Treason consists in levying war against the State, adhering to its enemies, and giving them aid and comfort. No person can be con-

victed of it without the testimony of two witnesses to the same overt act, or confession in open court. Its punishment is imprisonment for life. CHAP. 117.  
R.S., c. 117, § 1.  
1883, c. 247, § 2.

SEC. 2. Misprision of treason consists in a knowledge that treason has been, or is to be committed, and in the concealment of it, or in omission to give information thereof to the governor, a judge of a court of record, or a justice of the peace. No person can be convicted of it without the testimony of two witnesses, but one of them may testify to one, and another to a different overt act of the same species of treason; or by confession in open court. Its punishment is imprisonment not exceeding five years, or fine not exceeding one thousand dollars. Misprision of treason, its definition, and punishment.  
R.S., c. 117, § 2.

SEC. 3. No person can be convicted of treason or misprision of treason, unless the indictment therefor is found within three years after the commission thereof. Prosecution to be within three years.  
R.S., c. 117, § 3.

SEC. 4. If a person, claiming authority from any foreign government or magistrate, enters upon any lands, cuts any timber, serves any process, exercises any jurisdiction, authority, or ownership, claims any right, or threatens to do any of said acts within the limits of this state, as described by the treaties of seventeen hundred and eighty-three and eighteen hundred and forty-two, between the United States and Great Britain, he and every person aiding and encouraging the same shall be punished by imprisonment and fine, at the discretion of the court. Usurpation of jurisdiction by a foreign power.  
R.S., c. 117, § 4.  
—overt acts within the state, how to be punished.

SEC. 5. Whoever knowingly and wilfully removes the seal of the State of Maine from the office or custody of the secretary of state at Augusta, or knowingly and wilfully secretes, defaces, injures, or destroys it, or wilfully aids or assists in so doing, or, having the same in his possession, or under his control, wilfully neglects or refuses to deliver it to the secretary of state upon demand therefor, shall be punished by imprisonment for not less than one nor more than five years, and by fine not exceeding five thousand dollars. State seal, removal of, injury to, and neglect or refusal to deliver up, prohibited.  
1880, c. 168, § 1.  
—punishment.

SEC. 6. Whoever knowingly and wilfully uses the seal of the State of Maine, or takes any impression therefrom, for any purpose, in any other place than the office of the secretary of state at Augusta, or knowingly and wilfully issues, or receives and acts under any commission, record, document, parchment, instrument or paper, bearing the impression of said seal, unless the same has been sealed in said office of said secretary of state at Augusta, shall be punished by imprisonment for not more than three years and by fine not exceeding three thousand dollars. Use of great seal in any place but the office of secretary of state, prohibited.  
1880, c. 168, § 2.  
—punishment.

SEC. 7. Whoever knowingly and wilfully removes from the state house at Augusta, or from the custody of the secretary of state, or of the governor and council, or other officer or person in whose lawful custody the same are deposited and kept in said state house, any book of accounts, voucher, record, return, returned copies of lists of votes given for any public officer, certified copy of any record, or other document or instrument, belonging to, or kept in any of the offices in said state house, except the books and documents kept and deposited in the state library, or knowingly and wilfully secretes, alters, mutilates, defaces, or destroys any such book of accounts, voucher, record, return, returned copies of lists of votes given for any public officer, certified copy of any record, Books and papers, removal of from state offices, secretion, mutilation, or refusal to return, prohibited.  
1880, c. 168, § 3.

CHAP. 117. or other document or instrument, or knowingly and wilfully aids or assists in so doing, or having any such book of accounts, voucher, record, return, returned copies of lists of votes given for any public officer, certified copy of any record, or other such document or instrument in his possession, or under his control, wilfully neglects or refuses to return the same to said state house, or to deliver the same to the person in lawful charge of the office or room in said state house, where the same were kept or deposited, shall be punished by imprisonment, for not less than one nor more than three years and by fine not exceeding five thousand dollars.

—punishment.

Persons who have held public office, shall on written demand, deliver moneys and other public property to their successors. 1880, c. 173.

SEC. 8. When any person, having held any public office in this state, and having in his possession or under his control, any moneys, books of account, records, accounts, vouchers, documents or other property, or effects pertaining or belonging to said office, or to the State, or to any county or municipality in the state, and whose term of office has expired, and whose successor in said office has been elected or appointed and qualified, after a written demand for the same, wilfully refuses to deliver such moneys, books of account, records, accounts, vouchers, documents or other property or effects aforesaid to such successor in said office, he shall be punished by imprisonment not exceeding five years, and by fine not exceeding five thousand dollars.

—punishment for refusal.

Person, falsely assuming to act as a state officer, how to be punished. 1880, c. 170.

SEC. 9. Whoever knowingly and falsely assumes to be a state officer of the State of Maine, and to act as such, or knowingly and falsely assumes to discharge any of the duties of such officer, or knowingly and wilfully invites or receives any communication, document, record or letter properly belonging to such state officer, or relating to the office or official business of said officer, or, in any way, knowingly and wilfully obstructs or delays such officer in the discharge of any of his official duties, shall be punished by imprisonment for not less than one, nor more than five years, and by fine not exceeding five thousand dollars.

—punishment.

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## CHAPTER 118.

### OFFENCES AGAINST THE LIVES AND PERSONS OF INDIVIDUALS.

- SEC. 1. Murder, defined.  
 2. Murder of the first degree, defined and punished.  
 3. Murder of the second degree, defined and punished.  
 4. Degree of murder, how to be ascertained.  
 5. Manslaughter, defined and punished.  
 6. Wilful disturbance or obstruction of a railroad, by which human life is destroyed, is murder of the first degree; if life is endangered, but not destroyed, or property is injured, how to be punished.  
 7. Misconduct, or gross neglect respecting steam in steamboats, occasioning loss of life or danger thereof.  
 8. Murder of the first degree by duelling, defined and punished.  
 9. Murder of the first degree, by a second to such duel.