

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.

BY THE AUTHORITY OF THE LEGISLATURE.



PORTLAND:
PUBLISHED BY LORING, SHORT & HARMON
AND
WILLIAM M. MARKS, PRINTER.
1884.

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CHAP. 129.

CHAPTER 129.

LIBELS.

- SEC. 1. Definition of a libel, and of a publication.
 2. Punishment for making, or publishing a libel.
 3. Who are responsible for libels printed or published, unless on negative proof.
 4. How far the truth of a publication is a justification.
 5. Jury are judges of the law and of the facts.

Definition of
a libel and of
a publication.
R.S., c. 129, § 1.
32 Me., 533.
72 Me., 21.

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 libelled, is a publication.

Punishment
for libel.
R.S., c. 129, § 2.
66 Me., 327.

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

Who are
responsible
for libels
printed or
published.
R.S., c. 129, § 3.

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, is responsible for any libel printed or published therein, unless he proves 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.

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

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

Jury to
judge law
and fact.
R.S., c. 129, § 5.
See Constitu-
tion, art. 1,
§ 4.
18 Me., 348.

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.