

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.



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CHAPTER 131.

JURISDICTION OF OFFENCES, AND GENERAL PROVISIONS RELATING
THERE TO.

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JURISDICTION OF CRIMES.

SEC. 1. In the counties of Cumberland and Kennebec, the superior court, and in other counties the supreme judicial court has original jurisdiction; exclusive or concurrent, of all offences except those of which the original exclusive jurisdiction is conferred by law on municipal and police courts and trial justices, and appellate jurisdiction of these.

Jurisdiction of the supreme and superior courts. R.S., c. 131, § 1. 72 Me., 468. 73 Me., 281.

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 is 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. R.S., c. 131, § 2.

SEC. 3. If a mortal wound or other violence or injury is inflicted, or poison administered, on the high seas or without the state, whereby death ensues within the state, such offence may be tried in the county where the death ensues; and if such act is done within and death ensues without the state, the offence may be tried in the county where the act was done, as if death had there ensued.

Death within the state, from an injury inflicted without the state. R.S., c. 131, § 3.

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Acquittal of part of an indictment, and conviction of the residue.
R.S., c. 131, § 4.

Where an accessory, before or after the fact, may be tried.
R.S., c. 131, § 5.

Accessory before the fact, shall be punished the same as the principal, and may be convicted, with or without him.
R.S., c. 131, § 6.
29 Me., 86.
68 Me., 546.

Who are accessories, after the fact.
R.S., c. 131, § 7.

Attempt with an overt act to commit an offence, how punishable.
R.S., c. 131, § 8.
See 1883, c. 205, § 1.
70 Me., 198.

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

Of "owner" of property, as used in an

SEC. 4. When a person, indicted for an offence, is acquitted of a part by 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, although such offence would not otherwise be within the jurisdiction of said court.

SEC. 5. Every accessory, before or after the fact, may be tried in the county having jurisdiction of the principal offence, although 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.

SEC. 6. Whoever aids in the commission of a felony, or is accessory thereto before the fact, by counselling, 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 he may be indicted for and convicted of a substantive felony, whether the principal is convicted or is amenable to justice or not, and shall be 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.

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, is an accessory after the fact, and shall be punished by imprisonment for 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.

SEC. 8. Whoever attempts to commit an offence, and does anything towards it, but fails, or is interrupted, or is prevented in its execution, where no punishment is expressly provided for such attempt, shall, if the offence thus attempted is punishable with death or imprisonment in the state prison for life, be imprisoned for not less than one, nor more than ten years; and in all other cases, he shall receive the same kind of punishment that might have been inflicted, if the offence attempted had been committed, but not exceeding one half thereof.

DEFINITIONS AND ALLEGATIONS.

SEC. 9. The term "felony," includes every offence punishable by imprisonment in the state prison. (a)

SEC. 10. In an offence in any way relating to real or personal estate, it is sufficient and not a variance, if it is proved at the trial that, when

(a) 29 Me., 86; 32 Me., 373; 33 Me., 57; 48 Me., 236; 69 Me., 182.

the offence was committed, the actual or constructive possession of, or the general or special property in the whole of such estate or in any part thereof, was in the person or community alleged in the indictment to be the owner thereof. No variance between any matter in writing or in print, produced in evidence on the trial of a criminal cause, and the recital or setting forth thereof in the complaint, indictment or other criminal process whereon trial is had, is material, *provided*, that the identity of the instrument is evident, and the purport thereof is sufficiently described to prevent prejudice to the defendant; and any criminal process may be amended, in matters of form, at any time before final judgment.

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

SEC. 12. No indictment or complaint shall be quashed, or adjudged bad, nor shall the proceedings or judgment thereon be arrested, reversed, 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, plantation, 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; nor by reason of any defect, want of form, or irregularity in the venires for grand or traverse jurors, or in the issuing or return of the same, or in the drawing or summoning of grand or traverse jurors, unless it appears to the court that the respondent has been or may be injured thereby.

RECOVERY AND APPROPRIATION OF FINES.

SEC. 13. All fines and forfeitures, imposed as punishment for offences, or for violations or neglects of statute duties, may, when no other mode is expressly provided, be recovered by indictment; and when no other appropriation is expressly made, they inure to the State.

LIMITATION OF PROSECUTIONS.

SEC. 14. When no other limitation is provided, 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 the state, shall not be a part of said six years.

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indictment.
1877, c. 189.
—unimportant variance between written or printed matter in evidence, is not material.
—proviso.

—process may be amended in form.

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

Complaints and indictments shall not be quashed for technicalities.
R. S., c. 131, § 12.
15 Me., 124, 477.
69 Me., 182.

—nor for unimportant defect in venires.
1877, c. 156.
67 Me., 336.

Fines and forfeitures may be recovered by indictment.
R. S., c. 131, § 13.
59 Me., 191.

Prosecutions are limited to six years, deducting absences.
R. S., c. 131, § 14.
See c. 27, § 59.