

MAINE STATE LEGISLATURE

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FIFTH REVISION.

THE
REVISED STATUTES

OF THE

STATE OF MAINE,

PASSED SEPTEMBER 1, 1903, AND TAKING EFFECT JANUARY 1, 1904.

BY THE AUTHORITY OF THE LEGISLATURE.



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CHAP. 120.

rob, etc.
R. S., c. 118, § 25.

To commit
other felony.
R. S., c. 118, § 26.
69 Me., 182.

Attempt to
murder, with-
out assault.
R. S., c. 118, § 27.

Assault, and
assault and
battery.
R. S., c. 118, § 28.
69 Me., 575.
69 Me., 182.
73 Me., 281.

weapon, shall be punished by imprisonment for not less than one, nor more than twenty years; when not so armed, by imprisonment for not more than ten years, or by fine not exceeding one thousand dollars. (a)

SEC. 26. Whoever commits an assault not before described, with intent to commit a felony, shall be punished by imprisonment for not more than five years, or by fine not exceeding one thousand dollars.

SEC. 27. Whoever, without an assault, unlawfully attempts by any means or in any form to murder or kill a human being, shall be punished by imprisonment for not less than one, nor more than twenty years.

SEC. 28. Whoever unlawfully attempts to strike, hit, touch, or do any violence to another however small, in a wanton, wilful, angry or insulting manner, having an intention and existing ability to do some violence to such person, is guilty of an assault; and if such attempt is carried into effect, he is guilty of an assault and battery, and for either offense, he shall be punished by imprisonment not exceeding five years, or by fine not exceeding one thousand dollars, when no other punishment is prescribed.

CHAPTER 120.

OFFENSES AGAINST HABITATIONS AND OTHER BUILDINGS.

Arson of a
dwelling-
house.
R. S., c. 119, § 1.
55 Me., 367.
63 Me., 135.
66 Me., 307.
71 Me., 355.

SEC. 1. Whoever wilfully and maliciously sets fire to the dwelling-house of another, or to any building adjoining thereto, or to any building owned by himself or another, with intent to burn such dwelling-house, and it is thereby burned, in the night time, shall be punished by imprisonment for life. If he proves, and the jury find, that there was no person lawfully in such dwelling-house at the time, or if the offense was committed in the day time, he shall be punished by imprisonment for any term of years.

Arson of a
dwelling-
house, owned
by himself.
R. S., c. 119, § 2.
See c. 127, § 18.

SEC. 2. Whoever wilfully and maliciously sets fire to a dwelling-house owned wholly or partly by himself, or to any other building owned by himself or another, with intent to burn such dwelling-house, another person being lawfully therein, and it is thereby burned, shall be punished by imprisonment for life.

Burning of
public and
private
buildings.
R. S., c. 119, § 3.
12 Me., 215.
45 Me., 329.
58 Me., 243.

SEC. 3. Whoever wilfully and maliciously sets fire to any meeting-house, court-house, jail, town house, college, academy or other building erected for public use, or to any store, shop, office, barn or stable of another within the curtilage of a dwelling-house, so that such dwelling-house is thereby endangered, and such public or other building is thereby burned in the night time, shall be punished by imprisonment for any term of years; but if such offense was committed in the day time, or without the curtilage of, and without endangering a dwelling-house, by imprisonment for not less than one, nor more than ten years.

Burning of
other build-
ings, vessels,
bridges, etc.
R. S., c. 119, § 4.
45 Me., 329.

SEC. 4. Whoever wilfully and maliciously burns any building of another not mentioned in the preceding section, or any vessel, bridge, lock, dam or flume, of another, shall be punished by imprisonment for not less than one, nor more than ten years.

Burning of
produce,
trees, etc.
R. S., c. 119, § 5.

SEC. 5. Whoever wilfully and maliciously burns any corn, grain, hay, vegetables or other produce, or any soil, trees, underwood or other prop-

(a) 37 Me., 469; 39 Me., 66; 42 Me., 385; 84 Me., 250; 87 Me., 76; 88 Me., 197; 90 Me., 273.

erty of another, shall be punished by imprisonment for not less than one, nor more than three years.

SEC. 6. The preceding sections are applicable to a married woman, committing either of such offenses without the consent of her husband, although the property set on fire and burned belonged wholly or in part to him.

Wife is liable, although property burned is her husband's.
R. S., c. 119, § 6.

SEC. 7. Whoever breaks and enters in the night time, with intent to commit a felony, or, having entered with such intent, breaks, in the night time, a dwelling-house, any person being then lawfully therein, is guilty of burglary; and whether he is, before or after entering, armed with a dangerous weapon, or whether he assaults any person lawfully therein, or has any confederate present aiding or abetting, or not, in either case, he shall be punished by imprisonment for any term of years; and all burglars' tools or implements prepared or designed for committing burglary, shall be dealt with as provided in section twelve of chapter one hundred and twenty-six.

Burglary, defined and punished.
R. S., c. 119, § 7.

—burglars' tools, how dealt with.

SEC. 8. Whoever, with intent to commit a felony, breaks and enters in the day time, or enters without breaking in the night time, any dwelling-house, or breaks and enters any office, bank, shop, store, warehouse, vessel, railroad car of any kind, or building in which valuable things are kept, any person being lawfully therein and put in fear, shall be punished by imprisonment for not less than one, nor more than ten years, but if no person was lawfully therein and put in fear, by imprisonment for not more than five years, or by fine not exceeding five hundred dollars.

Breaking and entering with intent to commit a felony.
R. S., c. 119, § 8.
25 Me., 502.
32 Me., 584.
36 Me., 227.
92 Me., 72.

SEC. 9. Any permanent building or edifice, usually occupied by any person by lodging therein at night, is a dwelling-house, although such occupant is absent for a time, leaving furniture or goods therein, with an intention to return; but no building shall be deemed a dwelling-house or part of it, unless connected with, or occupied as part of the dwelling-house.

Dwelling-house, defined.
R. S., c. 119, § 9.

CHAPTER 121.

LARCENY, AND RECEIVING STOLEN GOODS.

SEC. 1. Whoever steals, takes and carries away, of the property of another, money, goods or chattels, or any writ, process, public record, bond, bank bill or note, promissory note, bill of exchange, order, certificate, book of accounts, conveyance of real estate, valuable contract, receipt, release, defeasance or instrument in writing whereby any demand, right or obligation, is created, increased, diminished or extinguished, is guilty of larceny; and shall be punished, when the value of the property exceeds one hundred dollars, by imprisonment for not less than one, nor more than five years; otherwise, by imprisonment for not more than two years or by fine not exceeding one hundred dollars.

Larceny, defined and punished.
R. S., c. 120, § 1.
See c. 43, § 2.
17 Me., 195.
19 Me., 228, 400.
21 Me., 18.
62 Me., 285.
66 Me., 441.
72 Me., 463.
86 Me., 432.

SEC. 2. Whoever, without breaking, commits larceny in the night time, in a dwelling-house or building adjoining and occupied therewith, or breaks and enters any office, bank, shop, store, warehouse, barn, stable, vessel, railroad car of any kind, court-house, jail, meeting-house, college, academy or other building for public use or in which valuable things are kept, and commits larceny therein, shall be punished by imprisonment for not less than one, nor more than fifteen years; and when the offense is

Larceny by night in a dwelling-house, or at any time breaking and entering certain other buildings, vessel or railroad car.
R. S., c. 120, § 2.