

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

FIFTH REVISION.

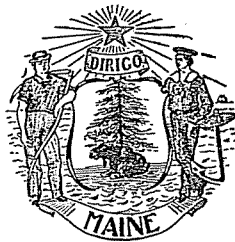
THE
REVISED STATUTES

OF THE

STATE OF MAINE,

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

BY THE AUTHORITY OF THE LEGISLATURE.



AUGUSTA :
KENNEBEC JOURNAL PRINT,
1904.

CHAPTER 130.

LIBELS.

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 libeled, is a publication.

Definition of a libel and of a publication.
R. S., c. 129, § 1.
32 Me., 533.
72 Me., 21.
89 Me., 293.

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.

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

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.

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

SEC. 4. Whoever wilfully and maliciously states, delivers or transmits by any means whatever to the manager, editor, publisher or reporter of any newspaper, magazine, publication, periodical or serial, for publication therein, any false or libelous statement concerning any person or corporation, and thereby secures the actual publication of the same, shall, upon conviction thereof, be punished by fine not exceeding five hundred dollars, or by imprisonment not exceeding one year, or by both fine and imprisonment.

Punishment for securing the publication of any false or libelous statement.
1901, c. 257.

SEC. 5. 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.

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

SEC. 6. In all indictments for libel, the jury after receiving the direction of the court, may determine at their discretion, the law and the fact. (a)

Jury to judge law and fact.
R. S., c. 129, § 5.

SEC. 7. No person, firm or corporation, shall publicly advertise for sale in any manner whatever, or for any other purpose whatever, any list or lists of debts, dues, accounts, demands, notes or judgments, containing the names of any or all of the persons who owe the same. Any such public advertisement containing the name of but one person who owes as afore-

Publishing lists of debtors prohibited.
1899, c. 112, § 1.

(a) See Const., Art. I, § 4; 18 Me., 348; 89 Me., 293.

CHAP. 131.

—penalty.

Sec. 7 does not apply to executors, etc., or officials. 1899, c. 112, § 2.

said, shall be construed as a list within the meaning of this section. Any person, firm or corporation, violating the provisions of this section shall be liable in an action of debt to a penalty not exceeding one hundred, and not less than twenty-five dollars, to each and every person, severally and not jointly, whose name appears in any such list.

SEC. 8. The provisions of the preceding section shall not apply to executors, administrators, guardians, trustees, trustees in bankruptcy, assignees in insolvency, sheriffs, deputy sheriffs, constables, collectors of taxes, town treasurers or any other officials whose official duties require them to publish any such list or lists.

CHAPTER 131.

PROCEEDINGS FOR THE PREVENTION OF CRIMES.

Security to keep the peace may be required. R. S., c. 130, § 1.

SEC. 1. The justices of the supreme judicial and superior courts, and judges of municipal and police courts, in vacation or in court, and trial justices in their counties, have power to cause all laws for the preservation of the public peace to be kept; and in the execution thereof may require persons to give security to keep the peace and be of good behavior, as hereinafter provided.

On complaint that an offense is threatened, proceedings. R. S., c. 130, § 2.

SEC. 2. Any such magistrate, on complaint that any person threatens to commit an offense against the person or property of another, shall examine, on oath, the complainant and any other witnesses produced, reduce the complaint to writing, and cause the complainant to sign it; and, if on examination of the facts he thinks that there is just cause to fear the commission of such offense, he shall issue a warrant reciting the substance of the complaint, and commanding the officer, to whom it is directed, forthwith to arrest the accused and bring him before such magistrate or court, subject to section eight of chapter one hundred and thirty-three.

Accused may be ordered to find sureties to keep the peace, and to pay costs. R. S., c. 130, § 3. 10 Me., 332. 96 Me., 567.

SEC. 3. When the accused is brought before the magistrate and his defense is heard, he may be ordered to recognize, with sufficient sureties, in the sum required by the magistrate, to keep the peace toward all persons, and especially toward the person requiring the security, for a term not exceeding one year, and to pay the costs of prosecution; but he shall not be bound over to any court, unless he is also charged with some other specific offense requiring it.

If he complies, he shall be discharged; otherwise, he shall be committed. R. S., c. 130, § 4.

SEC. 4. If the accused complies with such order, he shall be discharged; if he does not, he shall be committed to jail for the time for which he was required to find sureties, or until he complies with such order; and the magistrate shall state in the mittimus the cause of commitment, and the time and sum for which security was required, and return a copy of the warrant to the next supreme judicial or superior court in said county, and such court shall have cognizance of the case, as if the accused had appealed thereto.

Proceedings, if complaint is not sustained. R. S., c. 130, § 5.

SEC. 5. If the magistrate, on examination of the facts, is not satisfied that there is just cause to fear the commission of any offense, he shall immediately discharge the accused; and if he judges the complaint to be unfounded, frivolous or malicious, he may order the complainant to pay the costs of prosecution, who shall thereupon be answerable to the magistrate, officer and witnesses for their fees as for his own debt.

—if frivolous, or malicious, proceedings.

SEC. 6. Any person aggrieved by the order of such magistrate requiring him thus to recognize, may on giving the security required, appeal to the next supreme judicial or superior court in the county; and the

Appeal to the next supreme or superior court, and