

MAINE STATE LEGISLATURE

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L A W S

OF THE

STATE OF MAINE;

TO WHICH ARE PREFIXED

THE

CONSTITUTION OF THE U. STATES

AND OF SAID STATE,

IN TWO VOLUMES,

WITH AN APPENDIX.

.....

VOL. I.

.....

Published according to a resolve of the State, passed
March 8, 1821.

BRUNSWICK.

Printed by J. Griffin, for the State.

.....
1821.

ERRATA:

**The following leaf is
inserted because one or more pages
in this chapter have errors
noticed and corrected here.**

VOLUME THE FIRST.

Page.
 40 L. 12 of the page for 'preceding' read 'presiding'
 54 Sec. 4 L. 14 of Sec. for 'time' read 'term'
 55 7 2 for 'a' read 'or'
 55 7 9 before the word 'said' insert 'the'
 56 9 3 for 'the' read 'her'
 57 1 6 for 'to' read 'in'
 58 1 5 for 'and' after the word 'house'
 read 'or'
 61 in the title of the act, ch. vi. insert 'the' before the
 word 'crimes'
 62 Sec. 2 L. 9 of S. before the word 'offender' insert 'such'
 69 16 8 for 'Treasurer' read 'Treasury'
 73 1 15 after the word 'for' insert 'the'
 77 13 6 for 'to' read 'of'
 78 first line of the page, dele the word 'by'
 80 L. 2 of the p. after the word 'willingly' insert 'aid or'
 80 17 for 'counterfeited' read 'counterfeit'
 82 1 after the word 'in' insert 'all'
 82 Sec. 7 L. 4 of Sec. after the word 'devised' dele 'or'
 and insert '
 83 Sec. 7 L. last of S. for 'aggravations' read 'aggravation'
 84 10 6 for 'and' read 'or'
 90 1st L. of p. for 'Commissioner' read 'Commissioners'
 90 L. 20 before the word 'Commissioner' insert 'said'
 97 6 for 'assumpsit' read 'assumpsit'
 97 14 for 'cover' read 'covein'
 98 at the end of the act for 'January' read 'February'
 99 L. 17 of p. after the word 'year' dele ' ; ' & insert ' , and '
 100 15 at the end of the line insert 'the'
 105 at the end of the Act for '1820' read '1821'
 108 L. 14 of page, for 'nuisances' read 'nuisance'
 108 20 after the word 'each' insert 'one'
 111 25 after the word 'fail' insert 'of'
 113 11 for 'on' read 'or'
 144 last for 'performance' read 'performing'
 145 Sec. 2 L. 9 of Sec. after the word 'of' insert 'the'
 147 7 6 before the word 'release' for 'to'
 read 'a'
 150 Sec. 6 L. 2 of Sec. for 'in' read 'is'
 151 in the title, before the word 'Lands' insert 'reserved'
 153 1st line of the p. for 'whenever' read 'wherever'
 155 last before the word 'Court' for 'a' read 'any'
 156 Sec. 4 L. 26 of Sec. for 'notification' read 'notifications'
 159 9 8 for 'purpose' read 'purposes'
 167 14 5 for 'votes' read 'vote'
 193 4 10 dele 'such'
 199 17 1 for 'when' read 'where'
 202 22 6 after the word 'near, dele 'to'
 202 23 10 for 'be' read 'he'
 203 24 16 for 'of' read 'in'
 203 25 16 for 'meeting' read 'meetings'
 205 L. 18 of p. before the word 'estate' insert 'other'
 210 2 before the word 'tenement' insert 'other'
 215 4 before the word 'guardians' insert 'guard-
 dian or'
 226 Sec. 73 L. 6 of Sec. dele 'a'
 229 3 last for 'agreeably' read 'agreeable'
 230 7 19 for 'agreeably' read 'agreeable'
 231 8 6 for 'resided' read 'reside'
 242 2 5 for 'sentence' read 'sentences'
 245 7 3 after the word 'herein' insert 'be-
 fore'
 247 L. 7 of the act, ch. 56, after the word 'otherwise' in-
 sert 'interested'
 247 11 for 'statement' read 'statements'
 247 Sec. 1 L. 2 of Sec. for 'whenever' read 'wherever'
 248 3 1 for 'whenever' read 'wherever'
 248 3 14 for 'Justice' read 'Justices'

Page.
 252 L. 3 of p. for 'where' read 'wherein'
 257 5 after the word 'have' insert 'his or'
 265 Sec. 39 L. 3 of Sec. for 'when' read 'where'
 271 L. 1 and 3 of p. for 'affect' read 'effect'
 271 Sec. 6 L. 2 of Sec. before the word 'execution'
 insert 'the'
 278 19 4 for 'on' read 'in'
 280 L. 2 of p. for 'have' read 'had'
 281 22 for 'of' read 'on'
 283 13 for 'lies' read 'lays'
 283 last before the word 'defendant' insert 'the'
 284 Sec. 32 L. 2 of Sec. for 'a' read 'any'
 288 5 18 for 'whenever' read 'wherever'
 291 9 4 for 'as' read 'or'
 292 L. 4 of p. for 'examinations' read 'examination'
 293 Sec. 13 L. 5 of Sec. after the word 'article' in-
 sert 'or articles'
 297 7 5 for 'and' read 'or'
 301 L. 8 of p. for 'he' read 'be'
 309 24 between the words 'the' and 'day' should
 be a '
 310 20 for 'debt' read 'debtor'
 311 2 for 'with' read 'and of'
 312 7 for 'summon' read 'summons'
 312 9 between the words 'our' and 'Court'
 should be a '
 318 31 for 'writ' read 'writ a'
 328 Sec. 8 L. 4 of Sec. for 'grieved' read 'aggrieved'
 353 L. 14 of p. at the end of the line insert 'the'
 361 Sec. 1 L. 18 of Sec. for 'cause' read 'case'
 370 3 10 for 'to' read 'of'
 371 2 7 dele 'to'
 373 L. 15 of p. before the word 'require' insert 'to'
 376 Sec. 1 L. 10 of Sec. dele 'the' before the word
 'payment'
 378 at the end of the act, for '17' read '20'
 378 in the title, for 'selection' read 'selecting'
 379 Sec. 4 L. 5 of Sec. before the word 'divide' in-
 sert 'shall'
 394 1 9 for 'part' read 'parts'
 395 1 8 for 'acceptances' read 'accep-
 tance'
 404 1 34 before the word 'authorized'
 insert 'hereby'
 407 7 4 dele 'the'
 414 last word of the 1st act on the page, for 'therein'
 read 'thereon'
 423 Sec. 3 L. 15 of Sec. after the word 'assignments'
 insert 'thereof, and also of the assignments'
 424 Sec. 6 L. 13 of S. after the word 'papers' insert 'as'
 425 L. 7 of p. before the word 'action' insert 'an'
 428 22 for 'twelve' read 'twenty'
 431 8 for 'fifteen' read 'fifty'
 432 first line of the page should be put after the third
 432 L. 5 of the p. dele 'entering'
 432 between the 28th and 29th lines of the p. insert
 'Every blank writ of attachment, with a sum-
 mons thereon, fifteen cents'
 432 L. 37 of p. for 'judgment' read 'jurymen'
 435 9 for 'appear' read 'appears'
 435 10 for 'make' read 'makes'
 435 18 for 'taking' read 'taxing'
 444 Sec. 1 L. 6 of Sec. before the word 'records' in-
 sert 'the'
 445 1 9 for 'within' read 'of'
 445 1 19 after the word 'escape' insert
 'sickness'
 455 11 1 after the word 'of' insert 'the'

CHAPTER II.

An Act providing for the punishment of the crimes of Murder, Manslaughter, felonious Maims and Assaults, and Duelling, and for the prevention thereof.

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in Legislature assembled, That if any person shall commit the crime of wilful murder, or shall be present, aiding and abetting, in the commission of such crime, or not being present, shall have been accessory thereto before the fact, by counselling, hiring, or otherwise procuring the same to be done, every such offender, who in the Supreme Judicial Court, shall be duly convicted of either of the felonies and offences aforesaid, shall suffer the punishment of death. And the Justices of the said Court, before whom the conviction shall be in cases of murder committed in a duel shall, and in other cases may, at their discretion, further sentence and order the body of such convict to be dissected and anatomized. And in case of further sentence, it shall be the duty of the sheriff to deliver the body of the convict, being dead, to a professor of anatomy and surgery in some public college or seminary, when it shall be required in his behalf, and otherwise to any surgeon or surgeons, who shall be attending at the place of execution, to receive the body, and will engage for the dissection and anatomizing thereof.

Punishment of murder or being accessory thereto before the fact.

Court may order body of convict to be dissected and anatomized:

Sheriff may deliver the dead body over for that purpose.

SEC. 2. *Be it further enacted,* That if any person, after a wilful murder done and committed as aforesaid, shall be accessory thereto, by knowingly receiving, harbouring, comforting, concealing, maintaining, or otherwise unlawfully assisting any principal offender, or accessory therein before the fact; every such accessory after the fact, who shall be thereof duly convicted in the Supreme Judicial Court, shall be punished by solitary imprisonment for such term, not exceeding six months, and by confinement afterwards to hard labour, for such term, not exceeding ten years, as the Justices of the said Court, before whom the conviction may be, shall sentence and order, according to the nature and aggravation of the offence.

Punishment of accessories to the crime after the fact.

Punishment of manslaughter.

SEC. 3. *Be it further enacted,* That if any person shall commit the crime of manslaughter, and shall be thereof duly convicted, every such offender shall be punished by solitary imprisonment, for such term not exceeding six months, and by confinement afterwards to hard labour, for such term not exceeding ten years, as the Court before whom the conviction may be, shall sentence and order; or by fine not exceeding one thousand dollars, and imprisonment in the common gaol, for a term not exceeding three years, at the discretion of the Court, before whom the conviction may be.

Punishment for maiming or being accessory thereto.

SEC. 4. *Be it further enacted,* That if any person, with set purpose and aforethought malice, or intention to maim or disfigure, shall unlawfully cut out or disable the tongue, put out an eye, cut off an ear, slit the nose, or cut off the nose or lip, or cut off or disable a limb, or member of any person, every such offender, and every person privy to the intent aforesaid, who shall be present, aiding and abetting in the commission of such offence, or not being present, shall have counselled, hired or procured the same to be done, upon due conviction thereof in the Supreme Judicial Court, shall be punished by solitary imprisonment for such term, not exceeding one year, and by confinement to hard labour, or by imprisonment in the common gaol for such time, not exceeding ten years, commencing from the expiration of such solitary imprisonment, as the Justices of the said Court before whom the conviction may be, shall sentence and order, according to the nature and aggravation of the offence.

Punishment for assault with intent to commit murder, and being accessory thereto.

SEC. 5. *Be it further enacted,* That if any person being armed with a dangerous weapon, and with intent to commit murder, shall assault another, every such offender, and every person present aiding and abetting, or who shall be accessory before the fact, to the commission of the offence aforesaid, by counselling, hiring, or procuring the same to be done and committed, and who shall be thereof duly convicted, shall be punished by solitary imprisonment for such term, not exceeding one year, and by confinement afterwards to hard labour, for such term, not exceeding twenty years, as the Court before whom the conviction may be, shall sentence and order.

SEC. 6. *Be it further enacted,* That if any person with a dangerous weapon, and with an intention to maim or disfigure in any of the modes, mentioned in the fourth section of this Act, shall assault another; or shall be present, aiding or abetting therein, or not being present, shall have counselled, hired or procured the same to be done, every such offender, who shall be thereof duly convicted, in the Supreme Judicial Court, shall be deemed a felonious assaulter, and shall be punished by solitary imprisonment, for such term, not exceeding six months, and by confinement afterwards to hard labor, or by imprisonment in the common gaol, for such term, not exceeding four years, as the Justices of the said Court, before whom the conviction may be, shall sentence and order, according to the nature and aggravation of the offence.

Punishment for assault with intent to maim, &c. and being accessory thereto.

SEC. 7. *Be it further enacted,* That if any person shall voluntarily engage in a duel, with rapier, a small sword, back sword, pistol, or other dangerous weapon, to the hazard of life, when no homicide shall ensue thereon; and if any person shall, by word, message, or in any other manner, challenge another to fight in a duel, as aforesaid, when no duel shall be fought thereon, every such offender, and every person, who shall be knowingly a second, agent or abettor in such duel or challenge, upon due conviction of either of said offences in the Supreme Judicial Court, shall be punished as a felonious assaulter; and for his further punishment, shall be disqualified from holding, and incapable of any office or place of honour, profit or trust under this State, during the term of twenty years from and after such conviction.

Punishment for engaging in a duel, giving a challenge or acting as second or abettor:

on conviction, shall be disqualified from holding any office for 20 years.

SEC. 8. *Be it further enacted,* That if any person shall accept a challenge to a duel, and shall consent to fight therein as aforesaid, when no duel shall thereupon ensue, every such offender, and every person who shall knowingly be a second, agent or abettor in such acceptance of a challenge, upon due conviction thereof in the Supreme Judicial Court, shall be punished by imprisonment in the common gaol, not exceeding one year, and shall be disqualified from holding, and incapable of any office or place of honour, profit or trust under this State, during the term of five years from and after such conviction.

Punishment for accepting a challenge—

on conviction, disqualified for holding any office for five years.

Punishment for concealing pregnancy, or being delivered of a bastard.

SEC. 9. *Be it further enacted*, That if any woman shall conceal her pregnancy, and shall willingly be delivered in secret by herself, of any issue of the body, male or female which shall by law, be a bastard, every such woman so offending, shall pay a fine not exceeding the sum of one hundred dollars, to the use of the State; to be recovered by information or indictment in any Court proper to try the said offence, or imprisoned, not exceeding three months, at the discretion of the Court.

Punishment for endeavouring to conceal the death of such child.

SEC. 10. *Be it further enacted*, That if any woman shall endeavour privately, either by herself, or the procurement of others, to conceal the death of any such issue of her body, which, if it were born alive, would by law be a bastard, so that it may not come to light, whether it were born alive or not, or whether it was murdered, or not, in every such case, the mother, so offending, shall be punished by solitary imprisonment for a term not exceeding three months, and confinement to hard labour, for a term not exceeding five years, at the discretion of the Court.

If woman be indicted for murder of such child and for both or either of the above offences in same indictment, Jury may acquit of the murder & convict of both or either of the other offences.

SEC. 11. *Be it further enacted*, That if the Grand Jury shall, in the same indictment, charge any woman with the wilful murder of her infant bastard child, as well as with either or both the offences aforesaid, and it appear to the Jury of trials that she is guilty of the murder charged, she shall be thereupon convicted of murder, and suffer the pains of death as in case of murder; but if it doth not appear to the same Jury that she is guilty of the murder charged in the indictment, but only of either or both the offences aforesaid, then the same Jury may acquit her of the charge of murder, and find her guilty of the aforesaid offences or either of them, as the case may be.

[Approved February 28, 1821.]

CHAPTER III.

An Act providing for the punishment of Rape, and for the prevention thereof.

Punishment of rape and of

SEC. 1. *BE it enacted by the Senate and House of Representatives, in Legislature assembled*, That if any man shall