

MAINE STATE LEGISLATURE

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THE
REVISED STATUTES

OF THE
STATE OF MAINE,

PASSED OCTOBER 22, 1840;

TO WHICH ARE PREFIXED

THE CONSTITUTIONS

OF THE

United States and of the State of Maine,

AND TO WHICH ARE SUBJOINED THE OTHER

PUBLIC LAWS OF 1840 AND 1841,

WITH AN

APPENDIX.

PRINTED AND PUBLISHED IN COMPLIANCE WITH A RESOLVE OF OCTOBER 22, 1840.

Augusta:

PUBLISHED BY WILLIAM R. SMITH & Co., PRINTERS TO THE STATE.

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1841.

CHAP. 155.

CHAPTER 155.

OF OFFENCES AGAINST HABITATIONS AND OTHER BUILDINGS, INCLUDING ARSON, BURGLARY AND SIMILAR CRIMES.

SECT. 1. Arson, in the night time.

2. Malicious burning a dwelling house in the day time.

3. Malicious burning of certain other buildings, by night.

4. Burning the same in the day time.

5. Burning ships, vessels, bridges, dams, &c.

6. Burning produce, fences, lumber, and other property.

7. Wife liable, though the property burnt be her husband's.

SECT. 8. Burglary defined.

9. Punishment, if offender is armed or has confederates.

10. Punishment, if without such aggravation.

11. With felonious intent, entering dwelling houses, or certain other buildings, or vessels, under special aggravations, but not constituting burglary.

12. What constitutes a dwelling house.

Arson, in the night time.
1829, 430, § 4.
16 Mass. 105.
16 Pick. 154.
17 Pick. 395.

SECTION 1. If any person shall, wilfully and maliciously, set fire to the dwelling house of another, or to any outbuilding adjoining the same, or to any other building, owned by himself or another, with the intent, that such dwelling house shall be burnt, and by the kindling of such fire, or the burning of such other building, such dwelling house shall be burnt, in the night time, he shall be punished with death; but, if the defendant shall prove on trial, and the jury shall find, that at the time of committing such offence, there was no person lawfully in the dwelling house so burnt, he shall be punished by imprisonment, for life, in the state prison.

Malicious burning of a dwelling house in the day time.
1821, 4, § 2.

SECT. 2. If any person shall, wilfully and maliciously, set fire to any dwelling house of another, or any out building adjoining the same, or to any other building owned by himself or any other person, with the intent, that such dwelling house shall be burnt, and, by the kindling of such fire, or by the burning of such other building, such dwelling house shall be burnt, in the day time, he shall, on conviction of such offence, be punished by imprisonment, for life, in the state prison.

Malicious burning of certain other buildings by night.
1821, 4, § 2.
3 Fairf. 214.

SECT. 3. If any person shall, wilfully and maliciously, set fire to any meeting house, court house, jail, town house, college or academy, or any other building, erected for public use, or to any store, barn, stable, shop or office of another, being within the curtilage of a dwelling house, so that such dwelling house shall be endangered by such firing, and, by the kindling of such fire, any such public or other building shall be burnt, in the night time, he shall be punished by imprisonment in the state prison, for life or any term of years.

Burning the same in the day time.
1821, 4, § 3.

SECT. 4. If any person shall, wilfully and maliciously, set fire to, and burn any such building, and, in the manner or by the means mentioned in the preceding section, in the day time, he shall be punished by imprisonment in the state prison, not more than ten years.

Burning vessels, bridges, dams, &c.
1821, 4, § 3.

SECT. 5. If any person shall, wilfully and maliciously, burn any other building, or any ship or vessel, or any bridge, lock, dam or flume of another, he shall be punished by imprisonment in the state prison, not more than ten years.

Burning produce, fences,

SECT. 6. If any person shall, wilfully and maliciously, burn

any corn, grain, hay, or other produce, or any fences; wood, boards or other lumber, or any soil, vegetables, trees, underwood or any other property of another, he shall be punished by imprisonment in the state prison, not more than three years.

SECT. 7. The preceding sections shall severally extend to a married woman, who shall commit either of the offences therein, without the consent of her husband, though the property burnt, or set on fire, may belong, in part or in whole, to her husband.

SECT. 8. If any person, with intent to commit a felony, shall, in the night time, break and enter, or, having entered with such intent, shall, in the night time, break a dwelling house, any person being then lawfully therein, such offender shall be deemed guilty of burglary; and shall be punished, according to the aggravation of the offence, as is provided in the two following sections.

SECT. 9. If such offender, at the time of committing such burglary, shall be armed with a dangerous weapon, or shall so arm himself after having entered such dwelling house, or shall actually assault any person being lawfully therein, or shall have any confederate, present, aiding and abetting in such burglary, he shall be punished by imprisonment in the state prison, for life.

SECT. 10. If such offender shall commit such burglary, otherwise than as mentioned in the preceding section, he shall be punished by imprisonment in the state prison, for life or any term of years.

SECT. 11. If any person, with intent to commit a felony, shall, in the day time, break and enter, or shall, in the night time, enter, without breaking, any dwelling house, or shall, at any time, break and enter any office, bank, shop, warehouse, ship or vessel, or any building in which any goods, merchandise or valuable things shall be kept for use, sale or deposit, any person, being lawfully therein and put in fear, such offender shall be punished by imprisonment in the state prison not more than ten years; but, if no person was lawfully in such building, ship or vessel, and put in fear, at the time of committing such offence, such offender shall be punished by imprisonment in the state prison, not more than five years, or by fine, not exceeding five hundred dollars, and imprisonment in the county jail, not more than one year.

SECT. 12. Any house, prison, jail or other permanent edifice, usually occupied by any person or persons, by lodging therein, at nights, shall be deemed a dwelling house of any such persons, although such occupants may, for a time, be absent, leaving furniture or goods, with an intention of returning; but no warehouse, barn or other outhouse, shall be deemed a dwelling house or part of a dwelling house, unless the same shall be joined to or connected and occupied with, and as a part of, the dwelling house.

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lumber, and other property. 1821, 4, § 4.

Wife liable, though the property burnt be her husband's.

Burglary defined. 1821, 6, § 2. 7 Mass. 245. 8 Pick. 354.

Punishment, if offender be armed, or have confederates. 1821, 6, § 1.

Punishment, if without such aggravation. 1821, 6, § 2.

With felonious intent, entering dwelling houses, or certain other buildings or vessels, under special aggravations, but not constituting burglary. 1821, 7, § 5. 8 Mass. 490. 22 Pick. 1.

What constitutes a dwelling house.