

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.

.....
1841.

CHAP. 157. guilty and convicted of a like offence, or if any person, at the same term of the court, shall be convicted of three such distinct offences, he shall be punished by imprisonment in the state prison, not less than three years, nor more than ten years.

Making, or having instruments for counterfeiting with intent to use.
1821, 11, § 10.
2 Mass. 128.

SECT. 19. If any person shall cast, stamp, engrave, make or mend, or shall have in his possession any mould, die, press or other instrument or tool, adapted and designed for the forging or counterfeiting of any coins before mentioned, with intent to use the same, or to permit the same to be used for that purpose, he shall be punished by imprisonment in the state prison, not more than three years, or by a fine, not exceeding five hundred dollars, and imprisonment in the county jail, not more than one year.

Counterfeiting foreign coins, for exportation.

SECT. 20. If any person shall forge or counterfeit any gold or silver coin of any foreign government or country with intent to export the same, to injure or defraud any foreign government or the subjects thereof, he shall be punished by imprisonment in the state prison, not more than ten years.

Rewards to prosecutors, on conviction and sentence.
1821, 11, § 11.

SECT. 21. There shall be paid to the person, who shall inform and prosecute in the cases hereinafter mentioned, the following rewards; that is to say: the sum of sixty dollars for each person convicted and sentenced for either of the offences of forging or counterfeiting any public security, bank bill, or note or any coin, as described in the third, fourth and sixteenth sections of this chapter; and the sum of forty dollars for each person convicted and sentenced for either of the offences of possessing with intent to utter, or of knowingly uttering any such public security, bank bill, note or coin as described in the fifth, sixth, seventh, sixteenth and seventeenth sections: which rewards shall be paid out of the treasury of the state, by warrant of the governor, with advice of the council, to be granted on certificate of the judge or court before whom the conviction shall be had; and, where there shall be two or more informers and prosecutors for the same offence, the said reward shall be divided between them equally, or in such proportions as said judge or court shall determine.

CHAPTER 158.

OF OFFENCES AGAINST PUBLIC JUSTICE.

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| <p>SECT. 1. Definition and punishment of perjury.</p> <p>2. Subornation of perjury.</p> <p>3. The like attempt, when perjury is not committed.</p> <p>4. Proceedings by any court, on presumption of perjury before such court.</p> <p>5. Witnesses in such case recognized, and papers detained.</p> <p>6. Bribery of public officers.</p> | <p>SECT. 7. Acceptance of bribes, &c. by such officers.</p> <p>8. Corrupt solicitation of influence to procure places of trust.</p> <p>9. Acceptance of rewards for using such influence.</p> <p>10. Bribery of jurors, referees, masters in chancery, appraisers or auditors.</p> <p>11. Acceptance of bribes by such persons.</p> |
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26. Refusing to assist officers, when required.
27. Refusing to obey justices of the peace, on view of any breach of the peace, &c.
28. Falsely assuming to be a justice of the peace, sheriff or other officer.
29. Disguising to obstruct the execution of the laws.

SECTION 1. If any person, being required to depose the truth on oath or affirmation lawfully administered, shall, wilfully and corruptly, swear or affirm falsely to any material matter in any proceeding in any court of justice, or before any officer thereof, or before any tribunal or officer created by law, or in any proceeding, or in regard to any matter or thing, in or respecting which an oath or affirmation is or may be required or authorized by law, he shall be deemed guilty of perjury; and shall be punished, if the perjury was committed on trial of a capital crime, by imprisonment in the state prison for life, or any term of years not less than ten years; and, if committed in any other case, by imprisonment in the state prison, not less than two years, nor more than ten years.

Definition and punishment of perjury. 1821, 12, § 1. 12 Mass. 274.

SECT. 2. If any person shall procure another to commit perjury, he shall be deemed guilty of subornation of perjury; and shall be punished in the same manner, as if he had himself committed such perjury.

Subornation of perjury. 1821, 12, § 2.

SECT. 3. If any person shall, wilfully and corruptly, endeavor to incite or procure another to commit perjury, though no perjury be committed, he shall be punished by imprisonment in the state prison, not more than five years.

The like attempt, when perjury is not committed. 1821, 12, § 3.

SECT. 4. Whenever it shall appear to any court of record, that any witness or party, who has been legally sworn and examined or given his affidavit in any proceeding before such court, has testified in such a manner, as to raise a reasonable presumption, that he has been guilty of perjury therein, such court may immediately commit such witness or party to prison by an order or process for such purpose, or take recognizance with sureties for his appearance to answer to an indictment for perjury.

Proceedings by any court on presumption of perjury before such court.

SECT. 5. Such court shall thereupon bind over the witnesses to establish such perjury, if present, to appear at the proper court; and may, by order, detain, so long as necessary, any papers or documents, which may have been produced, and which shall be deemed necessary to be used in the prosecution for such perjury; and notice of the proceedings had in relation thereto, mentioned in this and the preceding section, shall be given to the attorney general.

Witnesses in such case recognized, and papers detained.

SECT. 6. If any person shall give, offer or promise to any exec-

Bribery of public officers.

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utive, legislative or judicial officer, after his election or appointment, and either before or after he shall have been qualified, or shall have taken his seat, any valuable consideration or gratuity whatever, with intent to influence his act, vote, opinion or judgment in any matter, question, cause or proceeding, which may be pending, or which may legally come or be brought before him in his official capacity, he shall be punished by imprisonment in the state prison, not more than five years, or by fine, not exceeding three thousand dollars, and imprisonment in the county jail, not more than one year.

Acceptance of
bribes, &c. by
such officers.

SECT. 7. If any executive, legislative or judicial officer shall corruptly accept any valuable consideration or gratuity whatever, or any promise to make the same, or to do any act beneficial to such officer, under the agreement, or with the understanding, that his vote, opinion, decision or judgment, shall be given in any particular manner, or upon a particular side of any question, cause or other proceeding, which is, or may, by law, be brought before him in his official capacity, or that, in such capacity, he shall make any particular nomination or appointment, he shall forfeit his office, be forever disqualified to hold any public office, trust or appointment under this state, and shall be punished by imprisonment in the state prison, not more than ten years, or by fine, not exceeding five thousand dollars, and imprisonment in the county jail, not more than one year.

Corrupt solici-
tation of influ-
ence, to pro-
cure places of
trust.
1821, 21, § 1.

SECT. 8. If any person shall, directly or indirectly, give, offer or promise any valuable consideration or gratuity to any other person, not being such officer as is mentioned in the preceding section, with intent to induce such other person to procure for him, by his interest, influence or any other means whatever, any place of trust within this state, he shall be forever disqualified from holding any office or place of trust under this state; and shall be punished by a fine, not exceeding three hundred dollars, and by imprisonment in the county jail, not more than one year.

Acceptance of
rewards, for us-
ing such influ-
ence.
1821, 21, § 2.

SECT. 9. If any person, not being such officer, as is referred to in the seventh section, shall accept and receive of another any valuable consideration or gratuity whatever, as a reward for procuring or to procure any office or place of trust, within this state, for any person, he shall, on conviction, be forever disqualified from holding any office or place of trust within this state; and shall be punished by fine, not exceeding three hundred dollars, and imprisonment in the county jail, not more than one year.

Bribery of ju-
rors, referees,
masters in chan-
cery, appraisers
or auditors.

SECT. 10. Whoever shall corruptly give, offer or promise any valuable consideration or gratuity whatever to any person summoned, appointed or sworn as a juror, or appointed or chosen arbitrator or umpire or referee, or to any master in chancery, or appraiser of real or personal estate, or auditor, with intent to influence the opinion or decision of any such person in any matter, inquest or cause, which may be pending or can legally come before him, or which he may be called on to decide in either of said capacities, shall be punished by imprisonment in the state prison, not more than five years, or by fine, not exceeding one thousand dollars, and imprisonment in the county jail, not more than one year.

Acceptance of

SECT. 11. If any person summoned, appointed or sworn as a

juror; or appointed arbitrator, umpire or referee, or if any master in chancery, or auditor or appraiser as aforesaid, shall corruptly take or receive any valuable consideration or gratuity whatever, to give his verdict, award or report in favor of any particular party, or shall knowingly receive any gift or gratuity from any party to any suit, cause or proceeding for the trial of which such juror shall have been summoned, appointed or sworn, or, for the hearing or decision of which, such person shall have been summoned, or appointed or chosen, as aforesaid, he shall be punished by imprisonment in the state prison, not more than five years, or by a fine, not exceeding one thousand dollars, and imprisonment in the county jail, not more than one year.

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bribes by such persons.

SECT. 12. If either of the parties offending in any manner, described in the six preceding sections, shall give information under oath against the [other] party so offending, and shall duly prosecute the same, he shall be exempted from the disqualifications and punishments therein provided.

The party informing exempted from punishment. 1821, 21, § 3.

SECT. 13. Any person, who shall attempt improperly to influence any juror, in a civil or criminal cause, or any one drawn, or summoned or appointed, or sworn as such juror, or any arbitrator or referee, in relation to any cause or matter, pending in or to be brought before the court, for which such juror shall have been drawn or summoned, or appointed or sworn, or, for the hearing and decision of which, such arbitrator or referee shall have been chosen or appointed, shall be punished by a fine, not exceeding two hundred dollars, or by imprisonment in the county jail, not more than three months.

Attempt to corrupt jurors or referees.

SECT. 14. If any person, drawn, summoned or sworn as a juror, shall make any promise or agreement to give a verdict for or against any person in a civil or criminal case, or shall receive any paper, evidence or information from any one in relation to any matter or cause, for the trial of which he shall be sworn, without the authority of the court or officer before whom such cause or matter shall then be pending, and without immediately disclosing the same to the said court or officer, he shall be punished by a fine, not exceeding two hundred dollars, or by imprisonment in the county jail, not more than three months.

Misconduct of jurors.

SECT. 15. If any sheriff, deputy sheriff, constable or coroner, shall receive, from a defendant or any other person, any money or other valuable thing, as a consideration or inducement for omitting or delaying to arrest any defendant, or to carry him before a magistrate or to prison, or for postponing, delaying or neglecting the sale of property on execution, or for omitting or delaying to perform any other duty pertaining to his office, he shall be punished by fine, not exceeding three hundred dollars, or by imprisonment in the county jail, not more than three months.

Sheriffs, &c. receiving bribes for neglect of official duties.

SECT. 16. If any attorney, justice of the peace, sheriff, deputy sheriff, coroner or constable, shall loan or advance, or promise to loan or advance any money, or shall give or promise to give day of payment of any money due on any demand, left with him for collection, or shall give or promise any valuable consideration, or shall become liable, in any manner whatever, for the payment of money or other thing, or shall become surety for another for such

Corrupt agreements by attorneys, &c. in order to obtain demands for collection by suits at law. 1821, 20. 1824, 256. 13 Pick. 79.

CHAP. 158. payment, or shall request, advise or procure another person to become responsible, or to be surety as aforesaid, with intent thereby to procure any account, note or other demand, for the purpose of making a profit to himself, from the fees arising from the collection thereof, by a suit at law, he shall be punished by a fine not exceeding five hundred dollars, nor less than twenty dollars; or the like sum or penalty may be recovered of such offender by action, in which case one half of the penalty, recovered, shall accrue to the use of the person who shall sue for the same in his own name, and the other half to the state.

Extortion of illegal fees.
1821, 105, § 5.
10 Mass. 210.
15 Mass. 525.
17 Mass. 410.
2 Fairf. 143.

SECT. 17. If any person shall, corruptly and wilfully, demand and receive of another, for performing any service or official duty, for which the fee or compensation is established by law, or shall receive security for any greater fee or compensation than is allowed and provided for the same, or if any witness shall, falsely and corruptly, certify, that, as such, he has traveled more miles, or attended more days than he has actually traveled or attended, he shall be punished, on indictment and conviction, by a fine, not exceeding thirty dollars for each offence; or he shall forfeit a sum, not more than thirty dollars for each offence, to be recovered by action of debt; in which latter case, the forfeiture shall accrue to the person, who shall first sue for the same in his own name; but no indictment or action for such offence shall be sustained, unless commenced within one year after the commission of the offence.

Compounding offences, which are punishable with death or imprisonment for life.

SECT. 18. If any person, having knowledge of the commission of any offence, punishable with death or imprisonment in the state prison for life, or for an unlimited number of years, shall take any money or any valuable consideration or gratuity, or any promise therefor, upon an agreement or understanding, express or implied, to compound or conceal such offence, or not to prosecute therefor, or not to give evidence thereof, he 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.

Compounding other felonies.

SECT. 19. If any person, having knowledge of the commission of any offence, punishable by imprisonment in the state prison for a limited term of years, shall be guilty, in relation thereto, of the offence described in the preceding section, he shall be punished by imprisonment in the county jail, not more than one year, and by fine, not exceeding five hundred dollars.

Officers refusing to execute processes in criminal cases.

SECT. 20. If any officer, authorized to serve process, shall, wilfully and corruptly, refuse to execute any lawful process to him directed, requiring him to apprehend or confine any person, charged with or convicted of an offence, or shall wilfully and corruptly delay or omit to execute such process, whereby such person shall escape, he shall be punished by imprisonment in the county jail, not more than one year, or by fine, not exceeding one hundred dollars.

Suffering a person convicted of a capital felony to escape.
1829, 430, § 6.

SECT. 21. If any jailer or other officer shall voluntarily suffer any prisoner in his custody, upon conviction of a capital felony, to escape, he shall be punished by fine, not exceeding one thousand dollars, and, in addition thereto, by imprisonment in the state prison for life.

SECT. 22. If any jailer or other officer shall voluntarily suffer any prisoner in his custody, upon charge of a capital felony, to escape, he shall be punished by imprisonment in the state prison, not less than five years, and not more than fifteen years.

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Escape of a person, charged with a capital felony.

1829, 430, § 6.

Voluntary escapes, in other criminal cases.

1821, 110, § 11.

SECT. 23. If any jailer or other officer shall, voluntarily, suffer any prisoner in his custody, upon charge or conviction of any felony or any other criminal offence, not capital, to escape, he shall suffer the like punishment and penalties, as the prisoner, so suffered to escape, was sentenced to, or would be liable to suffer, upon conviction of the offence, wherewith he stood charged.

SECT. 24. If any jailer or other officer shall, through negligence, suffer any prisoner in his custody for any criminal offence to escape, or shall wilfully refuse to receive into his custody any prisoner, lawfully committed thereto, on any criminal charge or conviction, or on any lawful process whatever, he shall be punished by imprisonment in the county jail not more than two years, or by fine, not exceeding five hundred dollars.

Negligent escapes, and refusing to receive prisoners.

1821, 110, § 12.

SECT. 25. If any person shall convey into any jail, or other place of confinement, any disguise, instrument, arms or other thing, proper or useful to aid any prisoner in making his escape, and with intent to facilitate the escape of any prisoner there lawfully detained for any criminal offence, whether such escape be effected or attempted or not, or shall, by any means, aid or assist any such prisoner to escape, whether such escape be effected or not, or shall forcibly rescue any prisoner held in custody for any criminal offence, he shall be punished, when such prisoner was imprisoned or in custody for any felony, by imprisonment in the state prison, not more than seven years; and, when such prisoner was imprisoned or in custody for any offence, not a felony, by imprisonment in the county jail, not more than one year, or by fine not exceeding five hundred dollars.

Furnishing means, or otherwise aiding an escape.

Rescue.

1821, 110, § 13.

SECT. 26. If any person, being required, in the name of the state, by any sheriff, deputy sheriff, coroner or constable, shall neglect or refuse to assist any of them in the execution of their office, in any criminal case, or in the preservation of the peace, or the apprehending and securing any person for a breach of the peace, or in any escape or rescue of persons arrested on civil process, he shall be punished by imprisonment in the county jail, not more than thirty days, or by fine, not exceeding fifty dollars.

Refusing to assist officers, when required.

1821, 92, § 7.

SECT. 27. If any justice of the peace, upon view of any breach of the peace, or any other offence proper for his cognizance, shall require any person to apprehend and bring before him the offender therein, every person so required, who shall refuse or neglect to obey such justice, shall be punished as provided in the preceding section; and no person, to whom such justice shall be known, or shall declare himself to be a justice of the peace, shall be permitted to plead any excuse on pretence of ignorance of his office.

Refusing to obey justices of the peace, on view of any breach of the peace, &c.

1821, 76, § 5.

SECT. 28. If any person shall falsely assume to be a justice of the peace, sheriff, deputy sheriff, coroner or constable, and shall take upon himself to act as such, or to require any one to aid or assist him in any matter pertaining to the duty of any such office, he shall be punished by imprisonment in the county jail, not more than one year, or by fine, not exceeding four hundred dollars.

Falsely assuming to be a justice of the peace, sheriff, or other officer.

1821, 92, § 8.

6 Greenl. 281.

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Disguising, to obstruct the execution of the laws. 1821, 17, § 2.

SECT. 29. If any person shall disguise himself in any manner, with intent to obstruct the due execution of the laws, or to intimidate any officer, surveyor or other person in the legal discharge of his duty, under the laws and constitution of the state, whether such intent be effected or not, he shall be punished by imprisonment in the county jail, not more than one year, or by fine, not exceeding five hundred dollars.

CHAPTER 159.

OF OFFENCES AGAINST THE PUBLIC PEACE.

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- SECT. 9. Duty of armed force, if called out on such an occasion.
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 11. Pulling down houses, or premeditated personal injuries.
 12. Extent of the liability of towns for injury to private property, by persons assembled, as in the fifth section.
 13. Remedy of towns, against the persons doing the damage.

Affrays between two or more persons.

SECTION 1. If two or more persons shall, voluntarily or by agreement, engage in any fight, or use any blows or violence towards each other, in an angry or quarrelsome manner, in any public place, to the terror or disturbance of others, they shall be deemed guilty of an affray; and every such offender, when no other punishment is provided by law, for the offence by him then committed, shall be prosecuted and punished in the same manner, as if he had been guilty of an assault and battery.

Unlawful assembly of three or more.

SECT. 2. When three or more persons, in a violent or tumultuous manner, assemble together to do an unlawful act, or, when together, attempt to do, or make any advance or motion towards doing any act, whether lawful or unlawful, in an unlawful, violent or tumultuous manner, to the terror or disturbance of others, they shall be deemed guilty of an unlawful assembly; and every such offender shall be punished by imprisonment in the county jail, not more than one year, and by fine, not exceeding five hundred dollars.

Riot. 10 Mass. 518.

SECT. 3. When three or more persons together, and in a violent or tumultuous manner, commit an unlawful act, or together do a lawful act in an unlawful, violent or tumultuous manner, to the terror or disturbance of others, they shall be deemed guilty of a riot; and every such offender, on conviction thereof, shall be punished, as is provided in the preceding section; and, in addition thereto, he shall suffer such other punishment as he would be liable to, if he had alone committed such unlawful act.