

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. 158.

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.

- SECT. 1. Affrays between two or more persons.
2. Unlawful assembly of three or more.
 3. Riot.
 4. One person may be convicted, without the others.
 5. Duty of magistrates, sheriffs, &c. when there is an unlawful assembly of twelve or more persons.
 6. Refusal to assist in arresting offenders, or to disperse, if commanded.
 7. Neglect of duty by magistrates or other officers.
 8. Power of magistrates, &c. if persons assembled do not disperse.

- SECT. 9. Duty of armed force, if called out on such an occasion.
10. If any person be killed or wounded, magistrates and officers held guiltless; liability of the persons, unlawfully assembled, or refusing to assist in like case.
 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.

SECT. 4. Any person, guilty of unlawfully assembling or of a riot, may alone be indicted and convicted thereof; provided, it be alleged in the indictment, and proved on trial, that three or more persons were engaged therein; and, if known, they must be named, or, if unknown, that fact must be alleged.

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One person may be convicted without the others.

SECT. 5. If any persons, to the number of twelve or more, any of them being armed with clubs or other dangerous weapons, or if any persons, to the number of thirty or more, whether armed or not, shall be unlawfully, riotously or tumultuously assembled in any city or town, it shall be the duty of the mayor and each of the aldermen of such city, and of each of the selectmen and constables of such town, and every justice of the peace living in such town, and also of the sheriff of the county and his deputies, to go among the persons so assembled, or as near to them, as may be with safety, and, in the name of the state, to command all persons, so assembled, immediately and peaceably to disperse; and, if the persons so assembled shall not thereupon immediately and peaceably disperse, it shall be the duty of each of said magistrates and officers to command the assistance of all persons then present, in arresting and securing in custody, the persons so unlawfully assembled, so that they may be proceeded with, according to law.

Duty of magistrates, sheriffs, &c. when there is an unlawful assembly of twelve or more persons. 1821, 17, § 1.

SECT. 6. If any person shall refuse to assist in arresting the persons so unlawfully assembled, or shall refuse immediately to disperse, upon being commanded so to do, as mentioned in the preceding section, he shall be deemed one of such unlawful or riotous assembly, and shall be punished by fine, not exceeding five hundred dollars, and imprisonment in the county jail; not more than one year.

Refusal to assist in arresting offenders, or to disperse, if commanded. 1821, 17, § 1.

SECT. 7. If any such magistrate or other officer, having notice of any such unlawful or tumultuous assembly, in the city or town where he dwells, shall refuse or neglect immediately to execute his duty, in relation thereto, as provided in the fifth section of this chapter, he shall be punished by a fine, not exceeding three hundred dollars.

Neglect of duty by magistrates or other officers.

SECT. 8. If any persons, so riotously or unlawfully assembled, shall, upon command as aforesaid, refuse or neglect to disperse without unnecessary delay, any two of the magistrates or officers, before mentioned, may require the aid of a sufficient number of persons, in arms or otherwise, and shall proceed in such manner as they may judge expedient, to suppress such riotous or tumultuous assembly, and to arrest and secure the persons composing the same, that they may be proceeded with according to law.

Power of magistrates, &c. if persons assembled do not disperse.

SECT. 9. When an armed force shall be called out, as provided in the preceding sections, they shall obey such orders for suppressing such unlawful and riotous assembly, and for arresting and dispersing the persons engaged therein, as they may receive from the governor, or any judge of a court of record, or the sheriff of the county, or from any two of the magistrates or officers, mentioned in the fifth section.

Duty of an armed force, if called out on such an occasion.

SECT. 10. If, by reason of any efforts, made as before mentioned, to suppress such riotous and unlawful assembly, or to arrest and secure the persons composing the same, who have refused to disperse, though the number remaining be less than twelve, any

If any person be killed or wounded, magistrates and officers held guiltless. Liability of the persons unlaw-

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fully assembled,
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such persons, or any persons present as spectators or otherwise, shall be killed or wounded, the said magistrates and officers, and persons acting with them by the order or direction of the governor, or any judge, sheriff, magistrates or officers, as mentioned in the preceding section, shall be held guiltless and justified in law: and, if any of said magistrates, or officers or persons acting by such order or direction, shall be killed or wounded, all persons, so unlawfully or riotously assembled, and all other persons, who, when commanded or required, shall have refused to aid and assist the said magistrates or officers, shall be held answerable therefor.

Pulling down
houses, or pre-
meditated per-
sonal injuries.

SECT. 11. If any of the persons, unlawfully and riotously assembled, as mentioned in the fifth section, shall pull down or destroy, or begin to pull down and destroy any dwelling house or other building, or any ship or vessel, or perpetrate any premeditated injury on the person of any individual, not being a felony, 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; and shall also be answerable to any person injured; to the full amount of the damages by him sustained, in an action of trespass.

Extent of the li-
ability of towns
for injury to
private proper-
ty by persons
assembled as in
the fifth section.

SECT. 12. When any of the persons unlawfully or riotously assembled, as mentioned in the fifth section, shall destroy or injure any property to the amount of fifty dollars or more, the city or town, in which such property was situated, shall be liable to indemnify the owner thereof to the amount of three fourths of the value of such property; or the injury thereto, to be recovered in an action on the case; provided, the said owner shall use all reasonable diligence to prevent such destruction or injury, and to procure the conviction of the offenders.

Remedy of
towns against
the persons do-
ing the damage.

SECT. 13. Any city or town, which shall pay any sum under the provisions of the preceding section, may recover the same against any or all of the persons, who shall have so injured or destroyed such property, in an action on the case.

CHAPTER 160.

OF OFFENCES AGAINST CHASTITY, MORALITY AND DÉCENCY:

- SECT. 1. Adultery.
2. Cohabitation by parties divorced.
3. Incest.
4. Crime against nature.
5. Polygamy.
6. Excepted cases.
7. In what county indictment may be found.
8. Unmarried person marrying the husband or wife of another.
9. Unlawful cohabitation, one party being married. Open and gross lewdness.
10. Fornication.

- SECT. 11. Concealment by the mother of the birth of illegitimate issue.
12. Such offence may be alleged in same indictment with a charge of murder.
13. Procuring abortion.
14. Attempting to procure abortion.
15. Keeping house of ill fame.
16. Lease to party convicted void, at the election of the lessor.
17. Enticing females to houses of ill fame.
18. Warrants to search for females, supposed to be so enticed.

**The following page(s) from
“An Act to Amend the Revised Statutes”
include amendments to this chapter.**

R. S. ch. 159. SECTION 27. The one hundred and fifty ninth chapter shall be amended, by adding, at the close of the chapter, a new section, as follows :

In case of insurrection, governor may detach into actual service an adequate military force.
1821, 17, § 3.
R. S. ch. 167.

SECT. 14. Whenever an insurrection shall exist in this state, to obstruct the course of justice, or the due execution of the laws; the governor is hereby empowered to detach and call into actual service, such part of the militia, as in his opinion shall be adequate to suppress the same.

Convict sentenced for life to the state prison and committed, to be regarded, as civilly dead. Distribution of his estate.
1837, 292, § 3.

SECTION 28. The one hundred and sixty seventh chapter shall be amended, by adding, at the close thereof, a new section, as follows :

SECT. 16. If any person shall, by due course of law, be under sentence of imprisonment for life in the state prison, either by commutation of a previous sentence, or otherwise, and shall be actually imprisoned in pursuance of such sentence, then all contracts, of whatever nature, to which such person shall be a party, shall be affected, changed or annulled, as effectually, and in the same manner, as they would be, if such person were actually dead : and such person shall cease to have any title to, or any interest in any estate, real or personal, and the same shall be treated, disposed of, and descend, in all respects, as if the death of such person had actually taken place at the time of such imprisonment ; and all power and authority of whatsoever nature, which such person might lawfully exercise over any other person or persons, shall thenceforth cease, as if the person so imprisoned were dead.

General repealing act.
Repeal of certain acts relating to banks and banking.

SECTION 29. The act entitled, "an act to repeal all the acts, which are consolidated in the revised statutes," passed October 22, 1840, shall be amended, by inserting at the end of the first section, the following words :

Acts passed in the year 1821.

1821.
Chap. 142.
Chap. 143.
Chap. 144.
Chap. 145.
Chap. 146.

An act concerning plates for printing bank notes.
An act to enforce the payment of bank notes and for other purposes.
An act imposing a tax on the banks within this state.
An act making further provisions in respect to the banks within this state.
An act directing the mode and time of making returns of, and enforcing the right to loans from the several banks in this state.
An act to restrain unincorporated banking associations and for other purposes.

Chap. 147.
1825.

Acts passed in the year 1825.

Chap. 290.
Chap. 315.

An additional act concerning plates for printing bank notes.
An act to prevent frauds in the business of banks, and of public offices and trusts.

1827.
Chap. 364.

Act passed in the year 1827.

An additional act respecting banks.

1831.
Chap. 519.

Act passed in the year 1831.

An act to regulate banks and banking.

1832.
Chap. 16.
Chap. 32.

Acts passed in the year 1832.

An act respecting banks, and other incorporated companies.
An act in addition to an act to regulate banks and banking.

1833.
Chap. 80.
1836.

Act passed in the year 1833.

An act additional to an act to regulate banks and banking.

Acts passed in the year 1836.

Chap. 215.
Chap. 233.

An act prohibiting the emission and circulation of bank bills of a small denomination, and certain other purposes.
An act further regulating banks and banking.

1838.
Chap. 326.

Act passed in the year 1838.

An act additional regulating banks and banking.

1840.
Chap. 90.

Act passed in the year 1840.

An act suspending the operation of an act, entitled, "an act prohibiting the emission and circulation of bank bills of a small denomination and certain others," and of the fourth section of an act, entitled, "an act further regulating banks and banking."

Time when this

SECT. 30. All the provisions of this act; except the third sec-