

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.

fied in any manner, as mentioned in the two preceding sections, the same shall be deemed to have been malicious, unless the contrary shall be fully and clearly proved.

SECT. 7. No printing, writing or other thing shall be held to be a libel, unless there shall have been a publication thereof; and the delivery or selling, or reading or otherwise communicating a libel, or causing the same to be delivered, sold, read or otherwise communicated to one or more persons, or to the party libeled, shall be deemed a publication thereof.

SECT. 8. In all indictments for libels, the jury, after having received the direction of the court, shall have a right to determine, at their discretion, the law and the fact.

CHAP. 165.

presumed to be malicious.

3 Pick. 304.

What constitutes a publication.

Jury to determine the law and fact.

CHAPTER 166.

CRIMES AND OFFENCES WITHIN THE JURISDICTION OF DIFFERENT COURTS.

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| <p>SECT. 1. Criminal jurisdiction of the supreme judicial court.</p> <p>2. Criminal jurisdiction of the district courts.</p> <p>3. Criminal jurisdiction of justices of the peace, and of municipal and police courts.</p> | <p>SECT. 4. Offences committed on or near the boundary between two counties.</p> <p>5. Death in one county from an injury in another.</p> <p>6. Death within the state from an injury inflicted without.</p> <p>7. Acquittal of part of an indictment, and conviction of the residue.</p> |
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SECTION 1. The supreme judicial court shall have exclusive jurisdiction of all crimes punishable with death, or by imprisonment in the state prison for life, or for an unlimited term of years, and of the crimes of misprision of treason, manslaughter, and duelling as described in the sixth, seventh, ninth, tenth, and eleventh sections of the one hundred and fifty fourth chapter, felonious maims and assaults, the crime against nature, adultery, incest, polygamy, the offences of burning buildings, described in the fourth and fifth sections, of the one hundred and fifty fifth chapter, of the offences of forging and counterfeiting, described in the first, second, twelfth, thirteenth, fourteenth, fifteenth and twentieth sections of the one hundred and fifty seventh chapter, and of the offences against public justice, which are severally described in the first ten sections, of the one hundred and fifty eighth chapter.

Criminal jurisdiction of the supreme judicial court.
1823, 233.
1836, 196, § 1.

SECT. 2. The district court shall have exclusive original jurisdiction of all crimes, offences and misdemeanors, with the exception of those mentioned in the preceding section, and of those of which justices of the peace, police and municipal courts, have, by law, original jurisdiction, exclusive, or concurrent with the district court; the said jurisdiction of the district court shall be final, except, that an appeal shall be allowed from the opinion, direction or judgment of said court in matter of law, upon exceptions being filed, as is provided in the ninety seventh chapter.

Criminal jurisdiction of the district courts.
1823, 233.
1836, 196, § 1.
1839, 373, § 1, 5.

SECT. 3. Justices of the peace, police and municipal courts,

Criminal juris-

CHAP. 166. shall have original jurisdiction, exclusive, or concurrent with the district court, of such crimes, offences and misdemeanors, as is or shall be prescribed by law; and every person aggrieved by a judgment or decision of any justice of the peace, police or municipal court, in any prosecution pending before them respectively, may appeal therefrom to the district court, as mentioned in the one hundred and seventieth chapter, unless it is otherwise provided by law.

SECT. 4. Any offence committed on the boundary between any two counties, or within one hundred rods of the same, may be alleged in the indictment or complaint to have been committed, and may be prosecuted and punished, in either county.

SECT. 5. If any mortal wound, or other violence or injury shall be inflicted, or any poison administered, in one county, by means whereof death shall ensue in another county, the offence may be prosecuted and punished in either county.

SECT. 6. If any mortal wound, or other violence or injury shall be inflicted, or poison administered on the high seas, or on land without the jurisdiction of this state, by means of which death shall ensue within this state, such offence may be prosecuted and punished in the county, where such death shall happen.

SECT. 7. When any person, indicted for any felony or other offence, shall, by the verdict of the jury on trial, be acquitted of a part of the offence, and found guilty of the residue thereof, such verdict may be received and recorded by the court; and, thereupon, such person may be convicted of the offence, if any, which may appear to said court to be substantially charged by the residue of such indictment, of which he has thus been found guilty, and shall be sentenced and punished accordingly, although the offence of which he is thus convicted is not within the jurisdiction of said court, by the previous provisions of this chapter.

Offences committed on or near the boundary between two counties.

Death in one county from an injury in another.
1821, 59, § 40.
2 Pick. 550.

Death within the state, from an injury inflicted without.
1821, 59, § 41.

Acquittal of part of an indictment, and conviction of the residue.
1821, 59, § 43.
1829, 433.
21 Pick. 523.

CHAPTER 167.

GENERAL PROVISIONS RELATING TO CRIMES AND PUNISHMENTS.

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| <p>SECT. 1. Legal conviction to precede punishment.</p> <p>2. Of the term, "felony," as used in this title.</p> <p>3. Accessories before the fact, liable to the same punishment as principals.</p> <p>4. Liable to conviction either with or without the principal.</p> <p>5. May be tried, either in the county, where they became accessory, or where the principal offence was committed.</p> <p>6. Accessories after the fact.</p> <p>7. May be tried without conviction of the principal. Where to be tried.</p> | <p>SECT. 8. Explanation of the term, "owner," as used in indictments.</p> <p>9. General allegation of intent to defraud, sufficient.</p> <p>10. Attempt, with an overt act, to commit a crime, punishable.</p> <p>11. Of imprisonment for a term less than one year.</p> <p>12. Aggravation of punishment on a second conviction, whether the former was in this state or not.</p> <p>13. Fines and forfeitures to accrue to the state, unless otherwise appropriated.</p> <p>14. How to be recovered.</p> <p>15. Limitation of prosecutions; with certain exceptions.</p> |
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