

# MAINE STATE LEGISLATURE

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THE  
REVISED STATUTES

OF THE

STATE OF MAINE,

PASSED APRIL 17, 1857;

TO WHICH ARE PREFIXED

THE CONSTITUTIONS

OF THE

UNITED STATES AND OF THE STATE OF MAINE:

WITH AN

APPENDIX.

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PUBLISHED BY AUTHORITY OF THE LEGISLATURE.

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BANGOR:  
WHEELER & LYNDE.

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1857.

CHAP. 121. such coin, public security, bank bill, or note; and these rewards shall be paid out of the treasury of the state by warrant of the governor and council, granted on certificate of the judge who tried the case; and where there are two or more informers and prosecutors for the same offence, the reward shall be divided between them equally, or in such proportions as said judge determines.

## CHAPTER 122.

### OFFENCES AGAINST PUBLIC JUSTICE.

#### PERJURY.

- SEC. 1. Definition and punishment of perjury, and subornation of perjury.
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19. Punishment for disguising to obstruct the execution of the laws.

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20. Penalty for officers extorting illegal fees, and for witnesses making false certificates of travel and attendance.

## PERJURY.

## CHAP. 122.

SEC. 1. Whoever, when required to tell the truth on oath or affirmation lawfully administered, willfully and corruptly swears or affirms falsely to any material matter, in a proceeding before any court, tribunal, or officer created by law, or in relation to which an oath or affirmation is authorized by law, is guilty of perjury; and whoever procures another to commit perjury shall be deemed guilty of subornation of perjury; and punished in either case, if the perjury was committed in a trial of a capital crime, by imprisonment for life or any term of years not less than ten, and if committed in any other case, by imprisonment not less than two, nor more than ten years.

Definition and punishment of perjury, and subornation of perjury.  
R. S., c. 158, § 1, 2.

SEC. 2. Whoever willfully and corruptly endeavors to incite or procure another to commit perjury, though it is not committed, shall be punished by imprisonment not less than one, nor more than five years.

The like attempt when perjury is not committed.  
R. S., c. 158, § 3.

SEC. 3. When any witness or party, legally sworn and examined, or making affidavit in any proceeding in a court of record, testifies in such a manner as to raise a reasonable presumption that he is guilty of perjury therein, the court may immediately order him committed to prison, or take his recognizance with sureties for his appearance to answer to a charge of perjury; and bind over any witnesses present to appear at the proper court to prove such charge, order the detention as long as necessary of any papers or documents produced and deemed necessary in the prosecution of such charge, and cause notice of these proceedings to be given to the states attorney for the same county.

Proceedings by any court, &c.  
R. S., c. 158, § 4, 5.

## BRIBERY AND CORRUPTION IN OFFICERS OF THE LAW AND OTHERS.

SEC. 4. Whoever gives, offers, or promises, to an executive, legislative, or judicial officer, before or after he is qualified or takes his seat, any valuable consideration or gratuity whatever, or to do any act beneficial to such officer, with intent to influence his action, vote, opinion, or judgment, in any matter pending, or that may come legally before him in his official capacity, shall be punished by imprisonment not more than five years, or by fine not exceeding three thousand dollars, and whoever accepts such bribe or beneficial thing, in the manner and for the purpose aforesaid, shall forfeit his office, be forever disqualified to hold any public office, trust, or appointment under this state, and be punished by imprisonment not more than ten years, or by fine not exceeding five thousand dollars.

Bribery and acceptance of bribes by public officers.  
R. S., c. 158, § 6, 7.

SEC. 5. Whoever directly or indirectly gives, offers, or promises any valuable consideration or gratuity to any person not included in section four, with intent to induce him to procure for him by his interest, influence, or any other means, any place of trust in this state; and whoever, not included as aforesaid, accepts the same in the manner and for the purpose aforesaid, shall be forever disqualified to hold any place of trust in this

Corrupt solicitation of influences to procure places of trust, &c.  
R. S., c. 158, § 8, 9.

## CHAP. 122.

state, and punished by fine not exceeding three hundred dollars, and imprisonment less than one year.

Bribery of jurors, referees, masters in chancery, appraisers, or auditors, and acceptance thereof by them.

R. S., c. 158, § 10, 11.

SEC. 6. Whoever corruptly gives, offers, or promises, any valuable consideration or gratuity to any person summoned, appointed, chosen, or sworn, as a juror, arbitrator, umpire or referee, auditor, master in chancery, or appraiser of real or personal estate, with intent to influence his opinion or decision in any matter pending, or that may come legally before him for decision or action; and whoever corruptly or knowingly receives the same, in the manner and for the purpose aforesaid, shall be punished by imprisonment not more than five years, or by fine not exceeding one thousand dollars.

The party informing exempted from punishment.

R. S., c. 158, § 12.

SEC. 7. Whoever, offending in the manner described in the three preceding sections, gives information, under oath, against the other party so offending, and duly prosecutes him, shall be exempt from the disqualifications and punishments therein provided.

Attempts to corrupt jurors or referees, &c.

R. S., c. 158, § 13, 14.

SEC. 8. Whoever attempts improperly to influence any juror, or one drawn, appointed, or sworn as such, or any arbitrator, or referee, in relation to any matter pending, or that may come legally before him for action or decision; and whoever, drawn, summoned, or sworn, as a juror, promises or agrees to give a verdict for or against any person in any case, or receives any paper, information, or evidence relating to any matter, for the trial of which he is sworn, without the authority of the court or officer before whom such matter is pending, and without immediately disclosing it to such court or officer, shall be punished by a fine not exceeding two hundred dollars, and imprisonment not more than three months.

Sheriffs and other officers receiving bribes for neglect of official duty.

R. S., c. 158, § 15.

SEC. 9. If any sheriff, deputy sheriff, coroner, or constable, receives from any person any money, or other valuable thing, as an inducement for omitting or delaying to sell any property on execution, to arrest any defendant and carry him before a magistrate or to prison, or to perform any other official duty, he shall be punished by a fine not exceeding three hundred dollars, and imprisonment not more than three months.

Corrupt agreements by attorneys and others, &c.

R. S., c. 158, § 16.

SEC. 10. If any attorney, justice of the peace, sheriff, deputy sheriff, coroner, or constable, loans, advances, or promises to loan or advance, any money; gives or promises to give day of payment on any demand left with him for collection; gives or promises any valuable consideration; becomes liable in any manner for the payment of any thing; becomes surety for another for such payment, or requests, advises, or procures another person to become responsible or surety as aforesaid, with intent thereby to procure any account, note, or other demand for the profit arising from its collection by a suit at law, he shall be punished by a fine not exceeding five hundred, nor less than twenty dollars; or such penalty may be recovered by an action of debt, one-half to the use of the person suing therefor in his own name, and the other to the state.

## ESCAPES BY THE MISCONDUCT OF OFFICERS AND OTHERS.

## CHAP. 122.

SEC. 11. If any officer, authorized to serve process, willfully and corruptly refuses to execute any lawful process to him directed, requiring him to arrest or confine any person charged with or convicted of any offence; or thus omits or delays to execute it, whereby the offender escapes, he shall be punished by imprisonment less than one year, and by fine not exceeding five hundred dollars.

Officers refusing or omitting to execute processes, &c.  
R. S., c. 158,  
§ 20.

SEC. 12. If any jailer or other officer voluntarily suffers any prisoner in his custody to escape, he shall be punished, if such prisoner was convicted of a capital felony, by a fine not exceeding one thousand dollars, and by imprisonment for life; if charged with such felony, by imprisonment not less than five, nor more than fifteen years; if charged or convicted of any other offence, by the same penalties and punishments that such prisoner would have suffered or been liable to suffer if he had not escaped.

Voluntarily suffering criminals to escape in capital cases, &c.  
R. S., c. 158,  
§ 21, 22, 23.

SEC. 13. If any jailer or other officer, through negligence, suffers any prisoner in his custody for a criminal offence to escape, or willfully refuses to receive into his custody any prisoner committed to him on any lawful process, he shall be punished by imprisonment in the county jail not more than two years, and by fine not exceeding five hundred dollars.

Negligent escapes, and refusal to receive prisoners.  
R. S., c. 158,  
§ 24.

SEC. 14. Whoever forcibly rescues any prisoner lawfully detained for any criminal offence; conveys into any jail or other place of confinement any disguise, arms, instruments, or other things adapted and intended to aid, or in any way aids him to escape, though such escape is not effected or attempted, shall be punished, if such prisoner was in custody for any felony, by imprisonment not less than one, nor more than seven years; and if for any other offence, by imprisonment less than one year, and by fine not exceeding five hundred dollars.

Forcibly rescuing, furnishing means or otherwise aiding an escape.  
R. S., c. 158,  
§ 25.

## COMPOUNDING FELONIES.

SEC. 15. Whoever, having knowledge of the commission of any offence, takes any valuable consideration, gratuity, or promise therefor, with an agreement or understanding, express or implied, to compound, conceal, not prosecute, or not give evidence of such offence, shall be punished, if such offence is punishable with death, or imprisonment for life, or an unlimited term of years, by imprisonment not more than five years, or by fine not exceeding five hundred dollars; but if the offence is punishable by imprisonment in the state prison for a limited term of years, he shall be punished by imprisonment less than one year, and by fine not exceeding five hundred dollars.

Compounding felonies, how punishable.  
R. S., c. 158,  
§ 18, 19.

## REFUSING TO AID OFFICERS AND OBEY MAGISTRATES.

SEC. 16. Whoever, when required in the name of the state, by any sheriff, deputy sheriff, coroner, or constable, neglects or refuses to aid him in the execution of his office in any criminal case, in the preservation of the peace, in arresting and securing

Refusing to aid officers.  
R. S., c. 158,  
§ 26.

CHAP. 122. any person for a breach of the peace, or engaged in the escape or rescue of persons arrested on civil process, shall be punished by imprisonment not more than thirty days, or by fine not exceeding fifty dollars.

Refusing to obey justices of the peace, &c.  
R. S., c. 158, § 27.

SEC. 17. If any person neglects or refuses to obey any justice of the peace, when, in view of a breach of the peace, or other offence proper for his cognizance, he requires such person to arrest and bring the offender before him, he shall be punished as in section sixteen; and if the justice made known or declared his office to such person, he shall not plead ignorance thereof.

FALSELY ASSUMING TO BE A JUSTICE OR OFFICER.

Falsely assuming to be a justice of the peace or other officer.  
6 Greenl. 281.  
R. S., c. 158, § 28.

SEC. 18. Whoever falsely assumes to be a justice of the peace, sheriff, deputy sheriff, coroner, or constable, and to act as such, or to require any one to aid him in any matter pertaining to the duty of such office, shall be punished by imprisonment less than one year, or by fine not exceeding four hundred dollars.

DISGUIISING TO OBSTRUCT THE EXECUTION OF THE LAWS.

Punishment for disguising to obstruct the execution of the laws.  
R. S., c. 158, § 29.

SEC. 19. Whoever disguises 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, though such intent is not effected, shall be punished by imprisonment less than one year, and by fine not exceeding five hundred dollars.

EXTORTION.

Penalty for extorting illegal fees, &c.  
11 Maine, 143.  
R. S., c. 158, § 17.

SEC. 20. If any person, for performing any service or official duty, for which the pay is fixed by law, willfully and corruptly demands and receives, or takes security for any greater sum than is legal; or if any witness falsely and corruptly certifies, that, as such, he traveled more miles or attended more days than he actually did, he shall be punished by a fine not exceeding thirty dollars for each offence, to be recovered, to the use of the state, by indictment found within one year after the offence is committed, or by action of debt, commenced within the same time, to the use of the person first suing therefor in his own name.