

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.

PUBLISHED BY AUTHORITY OF THE LEGISLATURE.

BANGOR:
WHEELER & LYNDE.

1857.

CHAPTER 123.

OFFENCES AGAINST THE PUBLIC PEACE.

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4. Duty of magistrates and officers to disperse unlawful assembly of twelve or more; refusal to assist them, or to disperse when ordered; neglect of duty by magistrates and officers.
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PUNISHMENT AND REMEDY FOR INJURIES BY MOBS.

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 8. Extent of liability of towns for injury to private property by mobs, and their remedy against the wrong-doers.

INSURRECTION.

9. Governor empowered to call out the militia to suppress insurrection.

AFFRAYS AND RIOTS.

SEC. 1. If two persons voluntarily or by agreement fight or use any blows or force 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 punished as for an assault and battery.

Affrays between two or more persons.
 R. S., c. 159, § 1.

SEC. 2. If three or more persons assemble in a violent or tumultuous manner to do an unlawful act, or, being together, make any attempt or motion towards doing a lawful or unlawful act in a violent, unlawful, or tumultuous manner, to the terror or disturbance of others, they shall be deemed guilty of an unlawful assembly; if they commit such acts in the manner and with the effect aforesaid, they shall be deemed guilty of a riot, and be punished, in either case, by imprisonment less than one year, and by fine not exceeding five hundred dollars; and in case of a riot, each offender shall also suffer such punishment as he would be liable to if he had committed such act alone.

Unlawful assembly and riot.
 18 Maine, 346.
 R. S., c. 159, § 2, 3.

SEC. 3. Any person, engaged in an unlawful assembly or riot, may be indicted and convicted thereof alone, if it is alleged in the indictment and proved at the trial that three or more were engaged therein, and if known, they must be named, but if unknown, that fact must be alleged.

One person may be convicted, without the others.
 R. S., c. 159, § 4.

SUPPRESSION OF MOBS BY OFFICERS AND ARMED FORCE.

SEC. 4. When twelve or more persons, any of them armed with clubs or dangerous weapons, or thirty or more, armed or

Duty of magistrate and officers to disperse

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unlawful assembly, &c.
R. S., c. 159,
§ 5, 6, 7.

unarmed, are unlawfully, riotously, or tumultuously assembled in any town, it shall be the duty of each of the municipal officers, constables, and justices of the peace thereof, and of the sheriff of the county and his deputies, to go among the persons so assembled, or as near to them as they can safely go, and in the name of the state, command them immediately and peaceably to disperse; and if they do not obey, such magistrates and officers shall command the assistance of all persons present in arresting and securing the persons so unlawfully assembled; and every person refusing to disperse, or to assist as aforesaid, shall be deemed one of such unlawful assembly, and punished by a fine not exceeding five hundred dollars, and imprisonment less than one year; and each such magistrate or other officer, having notice of such unlawful assembly in his town, and refusing or neglecting to do his duty in relation thereto as aforesaid, shall be punished by a fine not exceeding three hundred dollars.

When rioters refuse to disperse, &c.
R. S., c. 159,
§ 8, 9.

SEC. 5. When persons, so riotously or unlawfully assembled, neglect or refuse, on command as aforesaid, to disperse without unnecessary delay, any two of the magistrates, or officers aforesaid, may require the aid of a sufficient number of persons in arms or otherwise, and proceed in such manner as they judge expedient, to suppress such riotous assembly, and arrest and secure the persons composing it; and when an armed force is thus called out, they shall obey the orders, for suppressing such assembly and arresting and securing the persons composing it, which they receive from the governor, any judge of a court of record, the sheriff of the county, or any two of the magistrates or officers mentioned in section four.

If any person is killed or wounded, officers held guiltless, &c.
R. S., c. 159,
§ 10.

SEC. 6. If, in the efforts made as aforesaid to suppress such assembly, and to arrest and secure the persons composing it who refuse to disperse, though the number remaining is less than twelve, any such persons, or any persons present as spectators or otherwise, are killed or wounded, said magistrates, officers, and persons acting with them by their order, shall be held guiltless and justified in law; if any of said magistrates, officers, or persons thus acting with them, are killed or wounded, all persons so unlawfully or riotously assembled, and all other persons who refused, when required, to aid such magistrates and officers, shall be held answerable therefor.

PUNISHMENT AND REMEDY FOR INJURIES BY MOBS.

Punishment for pulling down houses or premeditated personal injuries.
R. S., c. 159,
§ 11.

SEC. 7. If any persons, thus unlawfully and riotously assembled, pull down, or begin to pull down, or destroy any dwelling-house, building, ship or vessel; or perpetrate any premeditated injury, not a felony, on any person, each shall be punished by imprisonment not more than five years, or by fine not exceeding five hundred dollars; and shall also be answerable to any person injured, in an action of trespass, to the full amount of damages by him sustained.

Liability of towns for injury by mobs, &c.

SEC. 8. When the injury to any property as described in section seven amounts to fifty dollars or more, the town where such property is situated shall indemnify the owner thereof for three-

fourths of the value of such injury, to be recovered in an action on the case, if he uses all reasonable diligence to prevent such injuries, and to procure the conviction of the offenders; and the town paying such sum may recover it in an action on the case against the persons doing the injury.

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R. S., c. 159,
§ 12, 13.

INSURRECTION.

SEC. 9. When an insurrection exists in this state to obstruct the course of justice, or the due execution of the laws, the governor is empowered to detach and call into actual service such part of the militia, as in his opinion is adequate to suppress the same.

Governor may
call out militia
to suppress
insurrection.
1841, c. 1, § 27.

CHAPTER 124.

OFFENCES AGAINST CHASTITY, MORALITY AND DECENCY.

ADULTERY, INCEST, POLYGAMY, GROSS LEWDNESS AND FORNICATION.

- SEC. 1. Adultery.
2. Incest.
3. Crime against nature.
4. Polygamy, its punishment, and where tried.
5. Lascivious cohabitation and open and gross lewdness.
6. Fornication.

CONCEALMENT OF BIRTHS AND PROCURING ABORTIONS.

7. Concealment by the mother of the birth of illegitimate issue, and how indicted with charge of murder.
8. Punishment for procuring or attempting to procure abortion.

HOUSES OF ILL-FAME.

9. Keeping houses of ill-fame.
10. Enticing females to houses of ill-fame.
11. Warrants to search for females supposed to be so enticed.
12. Lease of tenant convicted of keeping house of ill-fame void at option of landlord.

OBSCENE BOOKS AND PICTURES.

13. Punishment for making or circulating obscene books and pictures.
14. Warrants to search for the same.

BLASPHEMY AND PROFANITY.

15. Blasphemy.
16. Profanity.

DISTURBANCE OF RELIGIOUS MEETINGS, AND OBSERVANCE OF THE SABBATH.

17. Rude behavior in house of worship, disturbance of religious meetings, selling articles within a mile thereof, and refusing to leave or conform to the established rules of such meetings.
18. Special police to preserve the peace at camp meetings, how appointed, powers of. Presiding officer or committee of arrangements may appoint a person to keep boarders and sell refreshments.
19. All such offenders shall be arrested and detained by magistrates and officers until a warrant can be procured, and all persons present shall assist in so doing.