

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.

CHAP. 128.

town where the offence is committed; and if by action of debt, he shall not be entitled to the provisions of law for the relief of poor debtors, and if by indictment, he shall further be punished by imprisonment for thirty days on the first conviction; sixty, on the second; and ninety, on the third.

Attorney general may have injunction to restrain any lottery.
1855, c. 173, § 6.

SEC. 4. When it appears to the attorney general that any person has formed or published any such lottery; taken any measures for that purpose; or is engaged in selling or otherwise distributing any tickets, certificates, shares, or interests therein, whether it originated in this state or not, he shall immediately make complaint in the name of the state to some justice of the supreme judicial court, in or out of term time, for an injunction to restrain such person from any further proceedings therein; and on being satisfied that there is sufficient ground therefor, such justice shall forthwith issue such injunction; and thereupon he shall order notice, to be served like other summonses, on the adverse party to appear and answer to said complaint. Such justice, after a full hearing, may dissolve, modify, or make perpetual such injunction; make all orders and decrees, according to the course of chancery proceedings, necessary to restrain and suppress all such unlawful proceedings, and if the adverse party neglects to appear, or the final decree of the court is against him, judgment shall be rendered against him for all costs, fees, and expenses incurred in the case, and for such compensation to the attorney general, for his services and expenses, as the court deems reasonable.

All payments and securities for lotteries void and may be recovered back.
1855, c. 173, § 4.

SEC. 5. All payments, compensations, and securities of every description, made directly or indirectly, in whole or in part, for any such lottery or ticket, certificate, share or interest therein, shall be considered as received without consideration and against law and equity, and may be recovered back.

CHAPTER 129.

LIBELS.

- SEC. 1. Definition of a libel and of a publication.
 2. Punishment for making or publishing a libel.
 3. What persons shall be responsible for libels printed or published in their offices, newspapers, &c., unless on negative proof.
 4. How far the truth of a publication is a justification.
 5. Jury judges of the law and the facts.

Definition of a libel and of a publication.
R. S., c. 165, § 1, 7.

SEC. 1. A libel is the malicious defamation of a living person, made public by any printing, writing, sign, picture, representation or effigy, tending to provoke him to wrath, expose him to public hatred, contempt or ridicule, or to deprive him of the benefits of public confidence and social intercourse; or of a deceased person, thus made public, designed to blacken and vilify his memory, and tending to scandalize or provoke his relatives or friends;

but nothing shall be deemed a libel unless there is a publication thereof; and the delivery, selling, reading or otherwise communicating a libel directly or indirectly to any person, or to the party libeled, shall be deemed a publication. CHAP. 129:

SEC. 2. Whoever makes, composes, dictates, writes or prints a libel; directs or procures it to be done; willfully publishes or circulates it, or knowingly and willfully aids in doing either, shall be punished by imprisonment less than one year, and by fine not exceeding one thousand dollars. Punishment for a libel. R. S., c. 165, § 2.

SEC. 3. Whoever manages or controls the business of a printing office, bookstore, or shop, as principal or agent, or is, in whole or in part, proprietor, editor, printer, or publisher of a newspaper, pamphlet, book, or other publication, shall be responsible for any libel printed or published therein, unless he can prove on trial that it was printed and published without his knowledge, consent, or suspicion, and that, by reasonable care and diligence, he could not have prevented it. What persons shall be responsible for libels printed or published, &c. R. S., c. 165, § 3.

SEC. 4. In prosecutions for any publication relative to the official conduct of men in public capacities, or the qualifications of candidates for popular suffrages; or where the matter published is proper for public information, the truth thereof may be given in evidence, and if proved, shall be a complete justification; and in prosecutions for all other libels, the truth thereof, thus proved, shall be a complete justification, unless it appears that such publication originated in corrupt and malicious motives; and if any alleged libel is not justified in either of said modes, it shall be deemed malicious, unless the contrary is clearly proved. How far the truth of a publication is a justification. R. S., c. 165, § 4, 5, 6.

SEC. 5. In all indictments for libel, the jury, after receiving the direction of the court, may determine, at their discretion, the law and the fact. Jury judges of law and fact. R. S., c. 165, § 8.

CHAPTER 130.

PROCEEDINGS FOR THE PREVENTION OF CRIMES.

- SEC. 1. Justices of the supreme judicial court and magistrates may require sureties of the peace and good behavior.
2. On complaint that an offence is threatened, magistrates may issue warrants, if they think fit, to bring the accused before them.
 3. He may then be ordered to find sureties to keep the peace for not more than one year, and pay the costs, but not be bound over to court, unless a specific offence is charged.
 4. If he complies, to be discharged; if not, to be committed, and magistrates return papers to the next court.
 5. Proceedings, if the complaint is not sustained. Costs, if malicious or frivolous.
 6. Appeal to the next supreme judicial court and proceedings thereon.
 7. Consequences, if the appellant fails to prosecute.
 8. How recognizance may be taken after commitment.
 9. When magistrate may require sureties, without a formal complaint.
 10. Persons going armed, without reasonable cause.