

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.

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.

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.

CHAP. 129:

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.

CHAP. 130.

- SEC. 11. All recognizances to be returned to supreme judicial court, and the court may remit the penalty.
12. Sureties on recognizances may surrender their principals, as in case of bail in civil actions.

Justices of the S. J. Court and magistrates may require sureties of the peace and good behavior.

R. S., c. 169, § 2.

On complaint that an offence is threatened, &c.

R. S., c. 169, § 3, 4.

He may then be ordered to find sureties to keep the peace, &c.

10 Maine, 325.
R. S., c. 169, § 5, 9.

If he complies, to be discharged, &c.

R. S., c. 169, § 6, 7.

Proceedings, if complaint is not sustained, &c.

R. S., c. 169, § 8.

Appeal to the next S. J. Court and proceedings thereon.

R. S., c. 169, § 10, 11.

SEC. 1. The judges of the supreme judicial court, and of municipal and police courts, in vacation or in court, and justices of the peace in their counties, shall have power to cause all laws for the preservation of the public peace to be kept; and in the execution thereof may require persons to give security to keep the peace and be of good behavior, as hereinafter provided.

SEC. 2. Any such magistrate, on complaint that any person threatens to commit an offence against the person or property of another, shall examine, on oath, the complainant and any other witnesses produced, reduce the complaint to writing, and cause the complainant to sign it; and, if on examination of the facts he thinks there is just cause to fear the commission of such offence, he shall issue a warrant reciting the substance of the complaint, and commanding the officer, to whom it is directed, forthwith to arrest the accused and bring him before such magistrate or court.

SEC. 3. When the accused is brought before the magistrate and his defence is heard, he may be ordered to recognize, with sufficient sureties, in the sum required by the magistrate, to keep the peace towards all persons, and especially towards the person requiring the security, for a term not exceeding one year, and to pay the costs of prosecution; but shall not be bound over to any court, unless he is also charged with some other specific offence requiring it.

SEC. 4. If the accused complies with such order, he shall be discharged; but if he does not, he shall be committed to the county jail for the time for which he was required to find sureties, or till he complies with such order; and the magistrate shall state in the mittimus the cause of commitment, and the time and sum for which security was required, and return a copy of the warrant to the next supreme judicial court in said county, and such court shall have cognizance of the case, as if the accused had appealed thereto.

SEC. 5. If the magistrate, on examination of the facts, is not satisfied that there is just cause to fear the commission of any offence, he shall immediately discharge the accused; and if he judges the complaint unfounded, frivolous, or malicious, he may order the complainant to pay the costs of prosecution, who shall thereupon be answerable to the magistrate, officer, and witnesses for their fees as for his own debt.

SEC. 6. Any person aggrieved by the order of such magistrate requiring him thus to recognize, on giving the security required, may appeal to the next supreme judicial court in the same county; and the magistrate shall thereupon require such witnesses, as he thinks proper, to recognize to appear at the appellate court; and such court may affirm or reverse the order of the magistrate, require the accused to recognize anew with suf-

efficient sureties, and make such order as to costs as they deem reasonable. CHAP. 130.

SEC. 7. If the appellant fails to prosecute his appeal, his recognizance shall be in force for any breach of its conditions without an affirmation of said order, and stand as security for any costs which he is ordered by the court to pay. Consequences, if the appellant fails to prosecute. R. S., c. 169, § 12.

SEC. 8. Any person committed for not recognizing as aforesaid may be discharged by any judge or justice of the peace, on giving the security required. Recognizance may be taken after commitment. R. S., c. 169, § 13.

SEC. 9. Whoever, in the presence of any of the magistrates aforesaid, or any court of record, makes an affray; threatens to kill or beat another, or commit any violence against his person or property; or contends with hot and angry words to the disturbance of the peace, may be ordered, without process or other proof, to recognize to keep the peace and be of good behavior for a term not exceeding three months, and otherwise dealt with as is provided in the preceding sections. When magistrate may require sureties without a formal complaint. R. S., c. 169, § 15.

SEC. 10. Whoever goes armed with any dirk, pistol, or other offensive and dangerous weapon, without just cause to fear an assault on himself, family, or property, on complaint of any person having cause to fear an injury or breach of the peace, may be required to find sureties to keep the peace for a term not exceeding one year, and, in case of refusal, may be committed as provided in the preceding sections. Persons going armed, without reasonable cause. R. S., c. 169, § 16.

SEC. 11. All recognizances taken under this chapter shall be returned to the supreme judicial court on or before the first day of the next term, and there filed by the clerk as of record; and, in any suit thereon, if the forfeiture is found or confessed, the court may remit so much of the penalty, and on such terms, as they think proper. All recognizances to be returned to S. J. Court, and the court may remit the penalty. R. S., c. 169, § 14, 17.

SEC. 12. Any surety in such recognizance may surrender the principal the same as bail in civil cases, and shall thereupon be discharged from all liability for any subsequent breach of the recognizance; and the principal may recognize anew with sufficient sureties for the residue of the term before a justice of the peace, and then be discharged. Sureties on recognizances may surrender their principals, &c. R. S., c. 169, § 18.

CHAPTER 131.

JURISDICTION OF OFFENCES, AND GENERAL PROVISIONS RELATING THERE TO.

JURISDICTION OF CRIMES.

- SEC. 1. Original and appellate jurisdiction of the supreme judicial court in criminal cases.
2. Offences committed near the boundary of two counties, and death in one county from an injury in another.
 3. Death within the state from an injury inflicted on the high seas or without the state.
 4. Acquittal of part of an indictment and conviction of the residue.
 5. Where an accessory before or after the fact may be tried.