

# MAINE STATE LEGISLATURE

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THE  
REVISED STATUTES

OF THE  
STATE OF MAINE,

PASSED JANUARY 25, 1871;

TO WHICH ARE PREFIXED  
THE CONSTITUTIONS

OF THE  
UNITED STATES AND OF THE STATE OF MAINE:

WITH AN APPENDIX.

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BY AUTHORITY OF THE LEGISLATURE.



PORTLAND:  
PUBLISHED BY BAILEY & NOYES.

CHAP. 123.**CHAPTER 123.**

## OFFENCES AGAINST THE PUBLIC PEACE.

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## AFFRAYS AND RIOTS.

Affrays between two or more persons.  
 R. S. c. 123, § 1.

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.

Unlawful assembly and riot.  
 R. S. c. 123, § 2.  
 18 Me. 346.  
 33 Me. 554.  
 34 Me. 235.

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.

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.

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One person may be convicted, without the others.  
R. S. c. 123, § 2.

## 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 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.

Duty of magistrate and officers to disperse unlawful assembly, &c.  
R. S. c. 123, § 4.

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.

When rioters refuse to disperse, &c.  
R. S. c. 123, § 5.

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.

If any person is killed or wounded, officers held guiltless, &c.  
R. S. c. 123, § 6.

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## PUNISHMENT AND REMEDY FOR INJURIES BY MOBS.

Punishment  
for pulling  
down houses  
or premeditated  
personal in-  
juries.  
R. S. c. 123, § 7.

SEC. 7. If any persons, thus unlawfully and riotously assembled, pull down, or begin to pull down, or destroy any dwellinghouse, 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 in-  
jury by mobs,  
&c.  
R. S. c. 123, § 8.

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.

## INSURRECTION AND INVASION.

Governor may  
call out militia  
to suppress  
insurrection.  
R. S. c. 123, § 9.

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 and  
council may  
employ  
armed vessels  
to protect the  
coast of the  
state, &c.  
1861, c. 60.

SEC. 10. When the governor and council deem it necessary to protect the coast of the state from invasion, they may procure, equip, officer and man, such armed vessels as they think expedient, to cruise along the coast of the state, for the purpose of protecting the inhabitants thereof; and fix the relative rank and compensation of the officers, and the number and compensation of seamen employed.