

MAINE STATE LEGISLATURE

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FOURTH REVISION.

THE
REVISED STATUTES

OF THE

STATE OF MAINE,

PASSED AUGUST 29, 1883, AND TAKING EFFECT JANUARY 1, 1884.

BY THE AUTHORITY OF THE LEGISLATURE.



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CHAP. 117. or other document or instrument, or knowingly and wilfully aids or assists in so doing, or having any such book of accounts, voucher, record, return, returned copies of lists of votes given for any public officer, certified copy of any record, or other such document or instrument in his possession, or under his control, wilfully neglects or refuses to return the same to said state house, or to deliver the same to the person in lawful charge of the office or room in said state house, where the same were kept or deposited, shall be punished by imprisonment, for not less than one nor more than three years and by fine not exceeding five thousand dollars.

—punishment.

Persons who have held public office, shall on written demand, deliver moneys and other public property to their successors. 1880, c. 173.

SEC. 8. When any person, having held any public office in this state, and having in his possession or under his control, any moneys, books of account, records, accounts, vouchers, documents or other property, or effects pertaining or belonging to said office, or to the State, or to any county or municipality in the state, and whose term of office has expired, and whose successor in said office has been elected or appointed and qualified, after a written demand for the same, wilfully refuses to deliver such moneys, books of account, records, accounts, vouchers, documents or other property or effects aforesaid to such successor in said office, he shall be punished by imprisonment not exceeding five years, and by fine not exceeding five thousand dollars.

—punishment for refusal.

Person, falsely assuming to act as a state officer, how to be punished. 1880, c. 170.

SEC. 9. Whoever knowingly and falsely assumes to be a state officer of the State of Maine, and to act as such, or knowingly and falsely assumes to discharge any of the duties of such officer, or knowingly and wilfully invites or receives any communication, document, record or letter properly belonging to such state officer, or relating to the office or official business of said officer, or, in any way, knowingly and wilfully obstructs or delays such officer in the discharge of any of his official duties, shall be punished by imprisonment for not less than one, nor more than five years, and by fine not exceeding five thousand dollars.

—punishment.

CHAPTER 118.

OFFENCES AGAINST THE LIVES AND PERSONS OF INDIVIDUALS.

- SEC.**
1. Murder, defined.
 2. Murder of the first degree, defined and punished.
 3. Murder of the second degree, defined and punished.
 4. Degree of murder, how to be ascertained.
 5. Manslaughter, defined and punished.
 6. Wilful disturbance or obstruction of a railroad, by which human life is destroyed, is murder of the first degree; if life is endangered, but not destroyed, or property is injured, how to be punished.
 7. Misconduct, or gross neglect respecting steam in steamboats, occasioning loss of life or danger thereof.
 8. Murder of the first degree by duelling, defined and punished.
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21. Apprentices and minors carried out of the state by shipmasters.
22. Enlistment of minors into the army of the United States.
23. Extortion or compulsion, by threats.
24. Assault, with intent to commit a rape.
25. Assault, with intent to murder, kill, maim, rob, steal, or to commit arson or burglary.
26. Assault, with intent to commit other felonies.
27. Attempt to murder or kill, without assault.
28. Assault, and assault and battery.

SEC. 1. Murder is the unlawful killing of a human being with malice aforethought, either express or implied. (a)

Murder.
R.S., c. 118, § 1.

SEC. 2. When murder is committed with express malice aforethought, or in perpetrating or attempting to perpetrate a crime punishable by death, or imprisonment for life, or for an unlimited term of years, it shall be deemed murder of the first degree and punished with death. (b)

Murder of first degree, defined and punished.
R.S., c. 118, § 2.
See 1883, c. 205, § 1.

SEC. 3. When murder is committed otherwise than is set forth in the preceding section, it shall be deemed murder of the second degree, and punished by imprisonment for life. (c)

Murder of the second degree.
R.S., c. 118, § 3.

SEC. 4. The jury, finding a person guilty of murder, shall find whether he is guilty of murder in the first or second degree. When a person is found guilty of murder by confession in open court, the court, from testimony, shall determine the degree of murder, and sentence accordingly. (d)

Degree of murder, how to be ascertained.
R.S., c. 118, § 4.

SEC. 5. Whoever unlawfully kills a human being in the heat of passion, on sudden provocation, without express or implied malice aforethought, or commits manslaughter as defined by the common law, shall be punished by imprisonment for not more than ten years, or by fine not exceeding one thousand dollars.

Manslaughter, defined and punished.
R.S., c. 118, § 5.
32 Me., 374.
33 Me., 55.
39 Me., 67.

SEC. 6. Whoever wilfully and maliciously displaces a switch or rail, disturbs, injures or destroys any part of an engine, car, signal, track or bridge of any railroad, or places an obstruction thereon with intent that any person or property passing on the same should be thereby injured, and human life is thereby destroyed, is guilty of murder of the first degree and shall be punished accordingly. If human life is thereby endangered and not destroyed, or if property is injured, he shall be

Penalty, for destroying human life by obstructing railroads.
1873, c. 108.
See § 2.

—endangering life, or injuring property.

(a) 54 Me., 415; 57 Me., 582; 58 Me., 575, 578, 582, 589.

(b) 37 Me., 469; 39 Me., 66, 87; 51 Me., 222; 54 Me., 415; 58 Me., 575, 578, 582, 589.

(c) 39 Me., 87; 58 Me., 578, 582, 589.

(d) 58 Me., 567, 568, 570, 576, 579, 582, 584, 589.

CHAP. 118, punished by imprisonment and hard labor during life or for not less than ten years.

1872, c. 64.

Misconduct or gross neglect, respecting steam in steamboats, and boilers.
R.S., c. 118, § 7.

SEC. 7. Whoever, having charge of a steamboat used for conveyance of passengers, or of the boiler or other apparatus for generating steam therein, through ignorance, gross neglect, or for the purpose of racing, creates or allows to be generated such a quantity of steam as to break such boiler, apparatus, or machinery connected therewith, and thereby human life is destroyed, shall be punished by imprisonment for not more than four, nor less than two years; and if human life is endangered and not destroyed, by imprisonment for less than one year, and by fine not exceeding two hundred and fifty dollars.

Murder of the first degree by duelling, defined and punished.
R.S., c. 118, § 8.
See § 2.

SEC. 8. Any person residing in the state, who within it engages to fight a duel and fights such duel without the state, and thereby inflicts a mortal wound on any person, of which he dies in the state, is guilty of murder of the first degree, and shall be punished accordingly; and he may be indicted and tried in the county where the death happened.

Murder, by a second to such duel.
R.S., c. 118, § 9.
See §§ 2, 8.

SEC. 9. A person who, by an engagement made in the state, is second to either party in such duel and is present when a mortal wound is inflicted, of which the person dies within the state, is an accessory before the fact, to murder of the first degree, and may be indicted, tried, and punished, the same as the principal may be.

Trial in another state, bars indictment here.
R. S., c. 118, § 10.

SEC. 10. A person indicted under sections eight, nine or thirteen, may plead a former conviction or acquittal of the same offence, in another state, which, being admitted or established, entitles him to an acquittal in this state.

Duelling how punished.
R. S., c. 118, § 11.

SEC. 11. Whoever fights a duel with deadly weapons, or is present thereat as aid, second, surgeon, or as advising, encouraging, or promoting it, although no homicide ensues; or sends, or delivers a verbal or written message intended to be a challenge, although no duel ensues, shall be punished by imprisonment for not more than twenty years, or by fine not exceeding one thousand dollars; and be incapable of holding any office or place of honor, trust, or profit, for twenty years after conviction.

Accepting a challenge, or aiding a duel, how punished.
R. S., c. 118, § 12.

SEC. 12. Whoever accepts such a challenge, or engages to act as second, or surgeon, to one accepting, or knowingly delivers such acceptance, or advises, encourages, or promotes it, although no duel ensues, shall be punished by imprisonment for less than one year, and by fine not exceeding one thousand dollars; and be incapable, as in the preceding section, for five years after conviction.

Leaving state to elude two preceding sections, and then doing such acts, punished.
R. S., c. 118, § 13.

SEC. 13. If a resident of the state leaves it to elude either of the two preceding sections, with intent to do acts out of the state which would be a violation of either of their provisions if done within the state, and does such acts, he shall be subject to the same punishment as if the offence had been committed in the state; and he may be indicted and tried in the county where he resides.

Posting for not fighting a duel, &c.

SEC. 14. Whoever posts another, or uses, in writing or in print, reproachful or contemptuous language concerning him for not fighting a

duel, or for not sending or accepting a challenge, shall be punished by imprisonment for less than one year, and by fine not exceeding one hundred dollars. CHAP. 118.
R. S., c. 118,
§ 14.

SEC. 15. Whoever, with malicious intent to maim or disfigure, cuts or maims the tongue, puts out or destroys an eye, cuts or tears off an ear, cuts, slits, or mutilates the nose or lip, or cuts off or disables a limb or other member of another person, shall be punished by imprisonment for not less than one, nor more than twenty years. Mayhem,
defined and
punished.
R. S., c. 118
§ 15.

SEC. 16. Whoever, by force and violence, or by putting in fear, feloniously steals and takes from the person of another, property that is the subject of larceny, is guilty of robbery, and if, at the time, he is armed with a dangerous weapon, with intent, if resisted, to kill or maim such person; or if, being so armed, he wounds or strikes him; or if he has a confederate present, so armed, to aid or abet him, he shall be punished by imprisonment for life; otherwise for any term of years or for life. Robbery,
defined and
punished.
R. S., c. 118,
§ 16.

SEC. 17. Whoever ravishes, and carnally knows, any female of ten or more years of age by force and against her will, or unlawfully and carnally knows and abuses a female child under ten years of age, shall be punished by imprisonment for life, or for any term of years. (a) Rape, defined
and
punished.
R. S., c. 118,
§ 17.
1872, c. 12.

SEC. 18. Whoever takes a woman unlawfully and against her will, and by force, menace, or duress, compels her to marry him, or any other person, or to be defiled, shall be punished by imprisonment for life or for any term of years. And whoever so takes a woman, with intent by such means to compel her to do so, shall be punished by imprisonment for not less than one, nor more than ten years. Abduction,
defined and
punished.
R. S., c. 118,
§ 18.

SEC. 19. Whoever unlawfully confines or imprisons another, or forcibly transports or carries him out of the state, or from place to place within it, or so seizes, conveys, inveigles, or kidnaps any person, with intent to cause him to be so dealt with; or sells as a slave, or transfers, for any term of time, the service of any person of color, who has been so seized, inveigled, or kidnapped, shall be punished by imprisonment for not more than five years, or by a fine not exceeding one thousand dollars. Indictments for these offences may be found and tried in the county where such person was carried or brought, or in the county where the offence was committed; and on trial the consent of such person shall not be a defence, unless it appears that it was not obtained by fraud, threats, or duress. Forecible
confinement,
kidnapping,
or selling as
a slave.
R. S., c. 118,
§ 19.

SEC. 20. If the father or mother of a child under the age of six years, or a person to whom such child is confided, exposes it in any place with intent wholly to abandon it, he shall be punished by imprisonment for not more than five years, or by fine not exceeding five hundred dollars. Abandon-
ment of
children.
R. S., c. 118,
§ 20.

SEC. 21. If the master of a vessel carries out of the state an apprentice, indented servant, or person under twenty-one years of age, without the consent of his parent, master, or guardian, he shall be punished by fine not exceeding two hundred dollars; and be liable in an action on the case, to such parent, master, or guardian, for all damages thereby sustained. Shipmasters,
carrying
apprentices
and minors
out of state.
R. S., c. 118,
§ 21.
11 Me., 106.

SEC. 22. Whoever in this state enlists or causes to be enlisted into Enlistment

(a) 39 Me., 323; 63 Me., 210.

—where to be
indicted and
tried.

CHAP. 118.
of minors
into the army
of U. S.
R. S., c. 118,
§ 22.

the army of the United States, a minor, knowing him to be such, without the written consent of his parent, master, or guardian, and he is removed out of the state within six months after his enlistment; or persuades him to leave the state with intent thus to enlist him, shall be punished by imprisonment for less than one year, or by fine not exceeding five hundred dollars.

Extortion or
compulsion,
by threats.
R. S., c. 118,
§ 23.
24 Me., 72.
68 Me., 474.

SEC. 23. Whoever, verbally, or by written or printed communication, maliciously threatens to accuse another of a crime or offence, or to injure his person or property, with intent thereby to extort money or procure any advantage from him, or to compel him to do any act against his will, shall be punished by imprisonment not exceeding two years, or by fine not exceeding five hundred dollars.

Assault on a
female, with
intent to
commit rape.
R. S., c. 118,
§ 24.

SEC. 24. Whoever assaults a female of ten years of age or more, with intent to commit a rape, shall be punished by imprisonment not exceeding ten years, or by fine not exceeding five hundred dollars. If such assault is made on a female under ten years, such imprisonment shall not be for less than one year nor more than twenty years.

Assault with
intent to mur-
der, maim,
rob, &c.
R. S., c. 118,
§ 25.
37 Me., 469.
39 Me., 66.

SEC. 25. Whoever assaults another with intent to murder, kill, maim, rob, steal, or to commit arson or burglary, if armed with a dangerous weapon, shall be punished by imprisonment for not less than one, nor more than twenty years; when not so armed, by imprisonment for not more than ten years, or by fine not exceeding one thousand dollars.

To commit
other felony.
R. S., c. 118,
§ 26.
1872, c. 82.

SEC. 26. Whoever commits an assault not before described, with intent to commit a felony, shall be punished by imprisonment for not more than five years, or by fine not exceeding one thousand dollars. (a)

Attempt to
murder, with-
out assault.
R. S., c. 118,
§ 27.

SEC. 27. Whoever, without an assault, unlawfully attempts by any means or in any form to murder or kill a human being, shall be punished by imprisonment for not less than one, nor more than twenty years.

Assault, and
assault and
battery.
R. S., c. 118,
§ 28.
1872, c. 82.
59 Me., 575.
69 Me., 182.
73 Me., 281.

SEC. 28. Whoever unlawfully attempts to strike, hit, touch, or do any violence to another however small, in a wanton, wilful, angry, or insulting manner, having an intention and existing ability to do some violence to such person, is guilty of an assault; and if such attempt is carried into effect, he is guilty of an assault and battery, and for either offence, he shall be punished by imprisonment not exceeding five years, or by fine not exceeding one thousand dollars, when no other punishment is prescribed.

CHAPTER 119.

OFFENCES AGAINST HABITATIONS AND OTHER BUILDINGS.

- SEC. 1. Arson of a dwelling-house, in the night or in the day. Punishment.
2. Arson of a dwelling, owned wholly or partly by himself. Punishment.
3. Burning of public and private buildings, in the night and in the day.
4. Burning of other buildings, vessels, locks, dams, and flumes.

(a) 69 Me., 182.