

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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CHAPTER 122.

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PERJURY.

Definition and punishment of perjury, and subornation of perjury. R.S., c. 122, § 1. 26 Me., 36, 71.

- SEC. 1. Whoever, when required to tell the truth on oath or affirmation lawfully administered, wilfully and corruptly swears or affirms falsely to a material matter, in a proceeding before any court, tribunal, or officer created by law, or in relation to which an oath or affirmation is authorized by law, is guilty of perjury; and whoever procures another

to commit perjury is guilty of subornation of perjury; and shall be punished in either case, if the perjury was committed in a trial of a capital crime, by imprisonment for life or for any term of years not less than ten, and if committed in any other case, by imprisonment for not less than two, nor more than ten years.

SEC. 2. Whoever wilfully and corruptly endeavors to incite or procure another to commit perjury, although it is not committed, shall be punished by imprisonment for not less than one, nor more than five years.

SEC. 3. When a witness or party, legally sworn and examined, or making affidavit in any proceeding in a court of record, testifies in such a manner as to raise a reasonable presumption that he is guilty of perjury therein, the court may immediately order him committed to prison, or take his recognizance with sureties for his appearance to answer to a charge of perjury; and may bind over any witnesses present to appear at the proper court to prove such charge, order the detention so long as necessary of any papers or documents produced and deemed necessary in the prosecution of such charge, and cause notice of such proceedings to be given to the State's attorney for the same county.

SEC. 4. Indictments against persons for committing perjury before any court or tribunal drawn substantially as hereinafter provided, are sufficient in law, viz:

“STATE OF MAINE.

—, ss. At the — court begun and held at —, within and for said county of —, on the — Tuesday of —, in the year of our Lord eighteen hundred and —.

The jurors for said State, upon their oath present, that A. B., of —, in the county of —,” (addition,) “at —, in the said county of —, on the — day of —, in the year of our Lord eighteen hundred and —, appeared as a witness in a proceeding in which C. D. and E. F. were parties, then and there being heard before a tribunal of competent jurisdiction, and committed the crime of perjury, by testifying as follows:” (here set out the matter sworn to and alleged to be false,) “which said testimony was material to the issue then and there pending in said proceeding, against the peace of said State and contrary to the form of the statute in such case made and provided.

— —, Foreman.
— —, County Attorney.”

SEC. 5. Indictments against persons for committing perjury in swearing or affirming to any material matter in a complaint or other writing in relation to which an oath or affirmation is authorized by law, are sufficient in law, when drawn substantially as follows:

“STATE OF MAINE.

—, ss. At the — court begun and held at —, in and for said county of —, on the — day of —, in the year of our Lord eighteen hundred and —.

The jurors for said State, upon their oath present, that A. B., of —, in the county of —,” (addition,) “at —, in the said county of

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39 Me., 339.
49 Me., 413.
50 Me., 217.
59 Me., 141.
69 Me., 219.

Attempted subornation of perjury.
R.S., c. 122, § 2.
69 Me., 219.

Proceedings, by any court, on presumption of perjury committed before such court.
R.S., c. 122, § 3.

Form of indictment for perjury in court.
R.S., c. 122, § 4.

59 Me., 139.

Form of indictment for perjury, in a complaint or other writing.
R.S., c. 122, § 5.

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— —, Foreman.

— —, County Attorney.”

BRIBERY AND CORRUPTION IN OFFICERS OF THE LAW AND OTHERS.

Bribery and acceptance of bribes by public officers.
R. S., c. 122, § 6.

SEC. 6. Whoever gives, offers, or promises, to an executive, legislative, or judicial officer, before or after he is qualified or takes his seat, any valuable consideration or gratuity whatever, or does, offers or promises to do, any act beneficial to such officer, with intent to influence his action, vote, opinion, or judgment, in any matter pending, or that may come legally before him in his official capacity, shall be punished by imprisonment for not more than five years, or by fine not exceeding three thousand dollars; and whoever accepts such bribe or beneficial thing, in the manner and for the purpose aforesaid, shall forfeit his office, be forever disqualified to hold any public office, trust, or appointment under the State, and be punished by imprisonment for not more than ten years, or by fine not exceeding five thousand dollars.

Corrupt solicitation of influence to procure places of trust.
R. S., c. 122, § 7.
—acceptance thereof.

SEC. 7. Whoever directly or indirectly gives, offers, or promises a valuable consideration or gratuity to any person not included in the preceding section, with intent to induce such person to procure for him by his interest, influence, or any other means, any place of trust in the state; and whoever, not included as aforesaid, accepts the same in the manner and for the purpose aforesaid, shall be forever disqualified to hold any place of trust in the state, and be punished by fine not exceeding three hundred dollars, and imprisonment for less than one year.

Bribery of jurors, referees, masters in chancery, appraisers or auditors, and acceptance thereof by them.
R. S., c. 122, § 8.

SEC. 8. Whoever corruptly gives, offers, or promises, a valuable consideration or gratuity to any person summoned, appointed, chosen, or sworn, as a juror, arbitrator, umpire or referee, auditor, master in chancery, or appraiser of real or personal estate, with intent to influence his opinion or decision in any matter pending, or that may come legally before him for decision or action; and whoever corruptly or knowingly receives the same, in the manner and for the purpose aforesaid, shall be punished by imprisonment for not more than five years, or by fine not exceeding one thousand dollars.

Informer is exempted from punishment.
R. S., c. 122, § 9.

SEC. 9. Whoever, offending in the manner described in the three preceding sections, gives information, under oath, against the other party so offending, and duly prosecutes him, shall be exempt from the disqualifications and punishments therein provided.

Attempts to corrupt jurors or referees, &c.
R. S., c. 122, § 10.

SEC. 10. Whoever attempts improperly to influence a juror, or any one drawn, appointed, or sworn as such, or an arbitrator, or referee, in relation to any matter pending, or that may come legally before him for action or decision; and whoever, drawn, summoned, or sworn, as a

juror, promises or agrees to give a verdict for or against a person in any case, or receives any paper, information, or evidence relating to any matter, for the trial of which he is sworn, without the authority of the court or officer before whom such matter is pending, and without immediately disclosing it to such court or officer, shall be punished by fine not exceeding two hundred dollars, and imprisonment for not more than three months.

SEC. 11. If any sheriff, deputy sheriff, coroner, or constable, receives from any person money, or other valuable thing, as an inducement for omitting or delaying to sell property on execution, to arrest any defendant and carry him before a magistrate or to prison, or to perform any other official duty, he shall be punished by a fine not exceeding three hundred dollars, and imprisonment for not more than three months.

Sheriffs and other officers, receiving bribes, for neglect of official duty. R. S., c. 122, § 11.

SEC. 12. Whoever loans, advances or promises to loan or advance any money, gives or promises to give day of payment on any demand left with him for collection, gives or promises any valuable consideration, becomes liable in any manner for the payment of anything, becomes surety for another for such payment, or requests, advises, or procures another person to become responsible or surety as aforesaid, with intent thereby to procure any account, note or other demand for the profit arising from its collection by a suit at law or in equity, or brings, prosecutes or defends, or agrees to bring, prosecute or defend, any suit at law or in equity upon shares, shall be punished by fine not exceeding one thousand nor less than twenty dollars, or by imprisonment for not more than one year.

Corrupt agreement by attorneys and others. 1878, c. 57. See c. 79, § 25. 70 Me., 272.

—penalty.

ESCAPES BY THE MISCONDUCT OF OFFICERS AND OTHERS.

SEC. 13. If an officer, authorized to serve process, wilfully and corruptly refuses to execute any lawful process to him directed, requiring him to arrest or confine any person charged with or convicted of any offence; or thus omits or delays to execute it, whereby the offender escapes, he shall be punished by imprisonment for less than one year, and by fine not exceeding five hundred dollars.

Officers, refusing or omitting to execute processes, and thereby promoting escapes. R. S., c. 122, § 13.

SEC. 14. If a jailer or other officer voluntarily suffers any prisoner in his custody to escape; he shall be punished, if such prisoner was convicted of a capital felony, by a fine not exceeding one thousand dollars, and by imprisonment for life; if charged with such felony, by imprisonment for not less than five, nor more than fifteen years; if charged or convicted of any other offence, by the same penalties and punishments that such prisoner would have suffered or been liable to suffer, if he had not escaped.

Voluntarily suffering criminals in capital cases to escape. R. S., c. 122, § 14. —escape of other criminals.

SEC. 15. If a jailer or other officer, through negligence, suffers any prisoner in his custody for a criminal offence to escape, or wilfully refuses to receive into his custody any prisoner committed to him on a lawful process, he shall be punished by imprisonment in jail for not more than two years, and by fine not exceeding five hundred dollars.

Negligent escapes, and refusal to receive prisoners. R. S., c. 122, § 15.

SEC. 16. Whoever forcibly rescues a prisoner lawfully detained for any criminal offence; conveys into a jail or other place of confinement

Foreibly rescuing, furnishing

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means, or otherwise aiding an escape.
R. S., c. 122, § 16.

any disguise, arms, instruments, or other things adapted and intended to aid, or in any way aids him to escape, although such escape is not effected or attempted; or whoever secretes, or with a design to aid the prisoner in his escape, or with such design, in any way assists such prisoner who has escaped, or is at large, shall be punished, if such prisoner was in custody for a felony, by imprisonment for not less than one, nor more than seven years; and if for any other offence, by imprisonment for less than one year, and by fine not exceeding five hundred dollars.

COMPOUNDING FELONIES.

Compound-
ing felonies,
how
punishable.
R. S., c. 122,
§ 17.

SEC. 17. Whoever, having knowledge of the commission of an offence, takes any valuable consideration, gratuity, or promise thereof, with an agreement or understanding, express or implied, to compound, conceal, not to prosecute, or not to give evidence of such offence, shall be punished, if such offence is punishable with death, or imprisonment for life, or an unlimited term of years, by imprisonment for not more than five years, or by fine not exceeding five hundred dollars; but if the offence is punishable by imprisonment in the state prison for a limited term of years, he shall be punished by imprisonment for less than one year, and by fine not exceeding five hundred dollars.

REFUSING TO AID OFFICERS AND OBEY MAGISTRATES.

Refusing to
aid officers.
R. S., c. 122,
§ 18.

SEC. 18. Whoever, when required in the name of the State, by any sheriff, deputy sheriff, coroner, or constable, neglects or refuses to aid him in the execution of his office in any criminal case, or in the preservation of the peace, or in arresting and securing any person for a breach of the peace, or in preventing the escape or rescue of persons arrested on civil process, shall be punished by imprisonment for not more than thirty days, or by fine not exceeding fifty dollars.

Refusing to
obey justices
of the peace,
when re-
quired to aid.
R. S., c. 122,
§ 19.

SEC. 19. Whoever neglects or refuses to obey any justice of the peace, when, in view of a breach of the peace, or other offence proper for his cognizance, he requires such person to arrest and bring the offender before him, shall be punished as in section sixteen; and if the justice made known or declared his office to such person, he shall not plead ignorance thereof.

Obstructing
officer serv-
ing criminal
process,
penalty for.
1883, c. 100, § 2.
1883, c. 205, § 1.

SEC. 20. Whoever wilfully obstructs an officer, or other person authorized, in the service of any process for an offence punishable by death or imprisonment for more than one year, shall be punished by imprisonment not exceeding two years, or by fine not exceeding five hundred dollars, or both.

Obstructing
officer in
service of
civil process,
penalty for.
1883, c. 100, § 1.

SEC. 21. Whoever wilfully obstructs such officer or person in the service of any civil process or order, or of any process for an offence punishable by jail imprisonment and fine, or either, shall be imprisoned not exceeding one year and fined not exceeding three hundred dollars.

FALSELY ASSUMING TO BE A JUSTICE OR OFFICER.

Assuming to
be a justice or
other officer.

SEC. 22. Whoever falsely assumes to be a justice of the peace, sheriff, deputy sheriff, coroner, or constable, and to act as such, or to

require any one to aid him in a matter pertaining to the duty of such office, shall be punished by imprisonment for less than one year, or by fine not exceeding four hundred dollars.

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R. S., c. 122,
§ 20.
6 Me., 282.

DISGUIISING, TO OBSTRUCT THE EXECUTION OF THE LAWS.

SEC. 23. Whoever disguises himself in any manner with intent to obstruct the due execution of the laws, or to intimidate any officer, surveyor, or other person, in the discharge of his duty, although such intent is not effected, shall be punished by imprisonment for less than one year, and by fine not exceeding five hundred dollars.

Punishment for disguising, to obstruct the execution of the laws.
R. S., c. 122
§ 21.

EXTORTION.

SEC. 24. If any person, for performing any service or official duty for which the pay is fixed by law, wilfully and corruptly demands and receives, or takes security for any greater sum, or if any witness falsely and corruptly certifies that as such he travelled more miles or attended more days than he actually did, or certifies that he attended as such for more than one party in the same case, he shall be fined not less than thirty dollars for each offence, to be recovered for the State, by indictment found within one year after the offence is committed, or by action of debt commenced within the same time, to the use of the person first suing therefor in his own name.

Penalty for extorting illegal fees, &c.
1881, c. 20.
11 Me., 145.

CHAPTER 123.

OFFENCES AGAINST THE PUBLIC PEACE.

AFFRAYS AND RIOTS.

- SEC. 1. Affrays between two or more persons.
2. Unlawful assembly and riot.
3. One person may be convicted, without the others.

PRIZE FIGHTS.

- SEC. 4. Prize fights or premeditated conflicts, penalty for participation in.
5. Complaint, warrant and proceedings to prevent, as well as to punish.

STRIKES AND UNLAWFUL COMBINATIONS.

- SEC. 6. Combinations of employes to stop or delay trains or to injure railroad property, how to be punished.
7. Malicious obstruction of engine or car, or abandonment thereof on a railroad, penalty for.
8. Gross carelessness, neglect, or malicious delay in the management or control of railroads, how punished.
9. Violence or intimidation in furtherance of any combination to promote a controversy between any gas, telegraph or railroad company and its workmen, how punished.
10. Unlawful refusal of railroad employes to do duty, how punished.