

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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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.

CHAP. 122.
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.

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- SEC. 11. Duty of magistrates and officers to disperse unlawful assembly of twelve or more; penalty for refusal to assist them, or to disperse when ordered; neglect of duty by magistrates and officers.
12. When rioters refuse to disperse, magistrates or town officers may order out an armed force; how to be commanded.
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- SEC. 16. Governor is empowered to call out the militia to suppress insurrection.
17. Governor and council are empowered to protect the coast of the state.

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 blows or force towards each other, in an angry or quarrelsome manner, in a public place, to the terror or disturbance of others, they are guilty of an affray, and shall be punished as for an assault and battery.

Unlawful
assembly
and riot.
R.S., c. 123, § 2.
18 Me., 347.
33 Me., 556.
34 Me., 236.

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 are guilty of an unlawful assembly; if they commit such acts in the manner and with the effect aforesaid, they are guilty of a riot, and shall, in either case, be punished, by imprisonment for 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.

One person
may be
convicted,
without the
others.
R.S., c. 123, § 3.

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; but if known, they must be named, and if unknown, that fact must be alleged.

PRIZE FIGHTS.

Participation
in prize
fights, or
premeditated
fights.
1873, c. 146, § 1.

SEC. 4. Whoever instigates, or aids in getting up, or acts as umpire or judge, or is in any way connected with or participates in any prize fight or premeditated fight between two persons, shall be punished by imprisonment in jail for not less than ten days nor more than six months, or by fine not exceeding two hundred dollars.

Complaint,
warrant and
proceedings
to prevent,
as well as to
punish such
offence.
1873, c. 146, § 2.

SEC. 5. If any person competent to testify in civil suits makes complaint on oath before any judge of a municipal or police court or trial justice, that an offence specified in the preceding section or in section thirty-one of chapter one hundred and twenty-four, is about to be committed, setting forth in such complaint the grounds of his belief, such magistrate may issue his warrant directed to any competent officer, therein reciting the name and residence of the complainant and the substance of his complaint, and directing such officer to prevent the violation of said

sections, by arresting any persons whom he finds wilfully violating the same, and by bringing the respondents before such magistrate for trial.

CHAP. 123.

See c. 124, § 31.

STRIKES AND UNLAWFUL COMBINATIONS.

SEC. 6. Any employe of a railroad corporation who, in pursuance of an agreement or combination by two or more persons to do, or procure to be done, any act in contemplation or furtherance of a dispute between such corporation and its employes, unlawfully or in violation of his duty or contract, stops or unnecessarily delays or abandons, or in any way injures a locomotive or any car or train of cars on the railway track of such corporation, or in any way hinders or obstructs the use of any locomotive, car or train of cars on the railroad of such corporation, shall be punished by fine not exceeding five hundred dollars, or imprisonment in the state prison or in jail not exceeding one year.

Combinations of employes to stop or delay trains, or injure property of railroads, how punished. 1880, c. 200, § 1.

SEC. 7. Whoever, by any unlawful act, or by any wilful omission or neglect, obstructs or causes to be obstructed an engine or carriage on any railroad or railway, or aids or assists therein; or whoever, having charge of any locomotive or carriage while upon or in use on any railway of any railroad corporation, wilfully stops, leaves or abandons the same, or renders, or aids or assists in rendering the same unfit for or incapable of immediate use, with intent thereby to hinder, delay, or in any manner to obstruct or injure the management and operation of any railroad or railway, or the business of any corporation operating or owning the same, or of any other corporation or person, and whoever aids or assists therein, shall be punished by fine not exceeding one thousand dollars, or imprisonment in the state prison or in jail not exceeding two years.

Malicious obstruction of any engine or car, or abandonment of the same on a railway, how punished. 1880, c. 200, § 2.

SEC. 8. Whoever, having any management of, or control, either alone or with others, over any railroad locomotive, car or train, while it is used for the carriage of persons or property, or is at any time guilty of gross carelessness or neglect on, or in relation to, the management or control thereof; or maliciously stops or delays the same, in violation of the rules and regulations then in force for the operation thereof; or abstracts therefrom the tools or appliances pertaining thereto, with intent thereby maliciously to delay the same, shall be punished by a fine not exceeding one thousand dollars, or imprisonment in the state prison or in jail not exceeding three years.

Gross carelessness and neglect, or malicious delay, in the management or control of railroads, how punished. 1880, c. 200, § 3.

SEC. 9. Whoever, alone, or in pursuance or furtherance of any agreement or combination with others, to do, or procure to be done, any act in contemplation or furtherance of a dispute or controversy between a gas, telegraph, or railroad corporation and its employes or workmen, wrongfully and without legal authority, uses violence towards, or intimidates any person, in any way or by any means, with intent thereby to compel such person against his will to do, or abstain from doing, any act which he has a legal right to do or abstain from doing; or, on the premises of such corporation, by bribery, or in any manner or by any means, induces, or endeavors or attempts to induce, such person to leave the employment and service of such corporation with intent thereby to further the objects of such combination or agreement; or in any way interferes

Violence or intimidation in furtherance of a combination to promote a controversy between any gas, telegraph or railroad company and its workmen, how punished. 1880, c. 200, § 4.

CHAP. 123.

with such person while in the performance of his duty ; or threatens or persistently follows such person in a disorderly manner, or injures or threatens to injure his property with either of said intents, shall be punished by fine not exceeding three hundred dollars, or imprisonment not exceeding three months.

Unlawful refusal of railroad employes to perform duty, how punished. 1880, c.200, § 5.

SEC. 10. Any person in the employment of a railroad corporation, who, in furtherance of the interests of either party to a dispute between another railroad corporation and its employes, refuses to aid in moving the cars of such other corporation, or trains in whole or in part made up of the cars of such other corporation, over the tracks of the corporation employing him ; or refuses to aid in loading or discharging such cars, in violation of his duty as such employe, shall be punished by fine not exceeding five hundred dollars, or imprisonment in the state prison or in jail not exceeding one year.

SUPPRESSION OF MOBS BY OFFICERS AND ARMED FORCE.

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

SEC. 11. 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 be punished by fine not exceeding five hundred dollars, and imprisonment for 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 fine not exceeding three hundred dollars.

—disobedience, how punished.

—penalty for neglect of magistrate or officer.

SEC. 12. 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 may proceed in such manner as they judge expedient, to suppress such riotous assembly, and to 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 justice or judge of a court of record, the sheriff of the county, or any two of the magistrates or officers mentioned in the preceding section.

When rioters refuse to disperse, magistrates or municipal officers may order out an armed force. R.S., c.123, § 5.

—how to be commanded.

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

SEC. 13. If, in the efforts made as aforesaid to suppress such assembly, and to arrest and secure the persons composing it who refuse to disperse, although 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; but 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 answerable therefor.

CHAP. 123.
—liability of rioters.

PUNISHMENT AND REMEDY FOR INJURIES BY MOBS.

SEC. 14. If any persons, thus unlawfully and riotously assembled, pull down, or begin to pull down, or destroy any dwelling-house, building, ship or vessel; or perpetrate any premeditated injury, not a felony, on any person, each shall be punished by imprisonment for 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.

Punishment, for pulling down houses, or premeditated personal injuries.
R.S., c. 123, § 7.
63 Me., 48.
65 Me., 429.

SEC. 15. When the injury to any property described in the preceding section 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.

Liability of towns for injury by mobs.
R.S., c. 123, § 8.
63 Me., 48.
65 Me., 429, 438.

—town's remedy against rioters.

INSURRECTION AND INVASION.

SEC. 16. When an insurrection exists 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 may call out the militia to suppress insurrection.
R.S., c. 123, § 9.

SEC. 17. 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.

Governor and council may employ armed vessels to protect the coast of the state.
R. S., c. 123, § 10.

CHAPTER 124.

OFFENCES AGAINST CHASTITY, MORALITY AND DECENCY.

ADULTERY, INCEST, POLYGAMY, GROSS LEWDNESS AND FORNICATION.

- SEC. 1. Adultery. Cohabitation after divorce is adultery.
2. Incest.
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5. Lascivious cohabitation, and open and gross lewdness. Indecent exposure.
6. Fornication.