

MAINE STATE LEGISLATURE

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FIFTH REVISION.

THE
REVISED STATUTES

OF THE

STATE OF MAINE,

PASSED SEPTEMBER 1, 1903, AND TAKING EFFECT JANUARY 1, 1904.

BY THE AUTHORITY OF THE LEGISLATURE.



AUGUSTA :
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and forty dollars for each person convicted and sentenced for either of the aforesaid offenses of possessing with intent to utter, or of knowingly uttering such coin, public security, bank bill or note; these rewards shall be paid out of the treasury of the state by warrant of the governor and council, granted on certificate of the judge who tried the case; and where there are two or more informers and prosecutors for the same offense, the reward shall be divided between them equally, or in such proportions as said judge determines.

CHAPTER 123.

OFFENSES AGAINST PUBLIC JUSTICE.

Definition and punishment of perjury and subornation of perjury.
R. S., c. 122, § 1.
1885, c. 256, § 1.
See c. 6, § 88.
c. 28, § 49;
c. 30, § 5;
c. 40, §§ 23, 31;
c. 49, § 149;
c. 62, § 5;
c. 68, § 6;
c. 88, § 77.

Attempted subornation of perjury.
R. S., c. 122, § 2.
1885, c. 256, § 2.

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.
79 Me., 129.
91 Me., 313.

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 crime, punishable by imprisonment for life, by imprisonment for any term of years not less than ten, and if committed in any other case, by imprisonment for not more than ten years. (a)

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 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 nineteen 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 nineteen 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

(a) 26 Me., 36, 71; 39 Me., 339; 49 Me., 413; 50 Me., 217; 59 Me., 141; 69 Me., 219; 76 Me., 66.

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.

A true bill.

_____, Foreman.
_____, County Attorney."

SEC. 5. 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. Sheriffs, deputy sheriffs, coroners or their deputies, within the several counties, and constables, marshals, deputy marshals and other officers of police of the several cities and towns, are declared to be executive officers within the meaning of this section. But the enumeration of such officers shall not be held to exclude any other executive officer not specially mentioned herein.

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

—penalty.

—sheriffs, etc., declared to be executive officers within meaning of this section. 1895, c. 78.

SEC. 6. 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.

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

—acceptance thereof.

SEC. 7. 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.

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

SEC. 8. 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.

Informers exempted from punishment. R. S., c. 122, § 9.

SEC. 9. Any officer authorized and empowered to serve criminal processes, who shall hire, attempt to hire or give money or other valuable thing by way of inducement to any person to consent or suffer himself to be arrested for, prosecuted for or convicted of any criminal offense, or who shall cause the same to be done, or who shall enter into any pecuniary agreement with any person whereby he is to suffer himself to be so arrested prosecuted or convicted, whether such person be guilty of such offense or not, shall be deemed guilty of malfeasance in office, and shall be punished by fine not exceeding one thousand dollars, or by imprisonment not exceeding two years.

Malfeasance in office, penalty. 1895, c. 171.

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Attempts to corrupt jurors or referees, etc.
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, referee or commissioner appointed by a court of probate 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.

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

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.

Corrupt agreements by attorneys and others.
R. S., c. 122, § 12.
See c. 81, § 30.
70 Me., 272.
79 Me., 42.
81 Me., 38.
82 Me., 495.
84 Me., 587.
85 Me., 172.

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 of not less than twenty, nor more than one thousand dollars, or by imprisonment for not more than one year.

—penalty.

ESCAPES BY THE MISCONDUCT OF OFFICERS AND OTHERS.

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

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 offense; 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.

Voluntarily suffering criminals to escape.
R. S., c. 122, § 14.

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 felony, punishable by imprisonment for life, 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 offense, by the same penalties and punishments that such prisoner would have suffered or been liable to suffer, if he had not escaped.

—escape of other criminals.

Negligent escapes, and refusal to receive prisoners.
R. S., c. 122, § 15.
See c. 82, § 57.

SEC. 15. If a jailer or other officer, through negligence suffers any prisoner in his custody for a criminal offense 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.

Forcibly rescuing, furnishing means, or otherwise

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

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or attempted; or whoever secretes, or with a design to aid the prisoner in his escape, harbors; 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 offense, by imprisonment for less than one year, and by fine not exceeding five hundred dollars.

aiding an escape.
R. S., c. 122, § 16.
97 Me., 80.

COMPOUNDING FELONIES.

SEC. 17. Whoever, having knowledge of the commission of an offense, 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 offense, shall be punished, if such offense is punishable with 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 offense 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.

Compounding felonies, how punishable.
R. S., c. 122, § 17.

REFUSING TO AID OFFICERS AND OBEY MAGISTRATES.

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 aid officers.
R. S., c. 122, § 18.
See c. 82, § 70.

SEC. 19. Whoever neglects or refuses to obey any justice of the peace, when, in view of a breach of the peace, or other offense 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.

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

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

Obstructing officer serving criminal process, penalty for.
R. S., c. 122, § 20.

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

Obstructing officer in service of civil process, penalty for.
R. S., c. 122, § 21.
96 Me., 152.

SEC. 22. Whoever assaults, intimidates, or in any manner wilfully obstructs, intimidates or hinders any sheriff, deputy sheriff, coroner, constable or police officer while in the lawful discharge of his official duties, whether with or without process, shall be punished by imprisonment not exceeding one year, or by fine not exceeding five hundred dollars.

Assaults upon or interference with officers, how punished.
1902, c. 151, § 1.

SEC. 23. In offenses under the preceding section, not of an aggravated nature, trial justices may try and punish by a fine of not more than twenty dollars or by imprisonment in the county jail for sixty days, and municipal or police courts may punish by a fine of not more than thirty dollars, or sixty days' imprisonment.

Jurisdiction of trial justices.
1903, c. 151, § 2.
—of municipal or police courts.

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FALSELY ASSUMING TO BE A JUSTICE OR OFFICER.

Penalty for falsely assuming to be an officer.
R. S., c. 122, § 22.
1901, c. 144.
6 Me., 282.

SEC. 24. Whoever falsely assumes to be a justice of the peace, sheriff, deputy sheriff, coroner or constable, or inland fish and game warden or a commissioner of inland fisheries and game, 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 not less than one year, or by fine not exceeding four hundred dollars.

DISGUIISING, TO OBSTRUCT THE EXECUTION OF THE LAWS.

Punishment for disguising, to obstruct the execution of the laws.
R. S., c. 122, § 23.

SEC. 25. 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.

EXTORTION.

Penalty for extorting illegal fees, etc.
R. S., c. 122, § 24.
11 Me., 145.

SEC. 26. 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 traveled 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 offense, to be recovered for the state, by indictment found within one year after the offense 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.

CHAPTER 124.

OFFENSES AGAINST THE PUBLIC PEACE.

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.