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Private Detectives

Sec. 14. Detectives, license; unlawful to advertise as state detective; penalty; fee. R. S. c. 142, §§ 17, 19. The governor, with the advice of the council, may license not exceeding 35 detectives for the detection, prevention, and punishment of crime, to serve for the term of 4 years, unless such license is sooner revoked for cause. Each person so licensed before receiving his commission shall give bond in the sum of $500, with 2 sureties, approved by the governor and council, conditioned for the proper discharge of the services which he may perform by virtue of such license; but nothing herein contained shall be construed to confer on any person so licensed, any of the power and authority of sheriffs or police officers, except in cases of felony and offenses under the provisions of chapter 119, the first 13 sections of chapter 126, and section 17 of chapter 122. No person so licensed shall advertise or represent himself as a state detective under penalty of the forfeiture of his license and a fine of not more than $20, to be recovered upon complaint. Every person licensed as a private detective shall, before receiving his license, pay to the secretary of state $10.

Sec. 15. Authority to arrest for offenses; compensation. R. S. c. 142, § 18. Private detectives, licensed as aforesaid, shall have the same authority to arrest in cases of offenses under the provisions of chapter 119, the first 13 sections of chapter 126, and section 17 of chapter 122, and of felonies in any part of the state, and shall receive the same fees as sheriffs in similar cases. No extra compensation shall be paid to them in any case from the state or county treasury.

CHAPTER 132.

GENERAL PROVISIONS RELATING TO CRIMES.

Felony

Sec. 1. "Felony," defined. R. S. c. 143, § 11. The term "felony" includes every offense punishable by imprisonment in the state prison.

29 Me. 86; 32 Me. 373; 33 Me. 57; 48 Me. 236; *69 Me. 182; *99 Me. 334; 116 Me. 421; 117 Me. 336; 121 Me. 96; 123 Me. 414.

Parties in Crimes

Sec. 2. Accessory before or after the fact; punishment; conviction with or without principal; where tried. R. S. 143, §§ 7, 8. Whoever aids in the commission of a felony, or is accessory thereto before the fact, by counseling, hir-

ing or otherwise procuring the same shall be punished in the manner prescribed for the punishment of the principal felon; and such accessory, when a felony is committed within or without the state by his procurement in the state, may be indicted and convicted as an accessory with the principal, or after his conviction; or he may be indicted for and convicted of a substantive felony, whether the principal is convicted or is amenable to justice or not, and shall be punished as aforesaid. Whoever is accessory after the fact to a felony may be indicted, tried, and sentenced, whether his principal has or has not been convicted.

Every accessory, before or after the fact, may be tried in the county having jurisdiction of the principal offense, although the accessory offense was committed on the high seas or without the state; and if the principal offense was committed in one county and the accessory offense in another, the latter may be tried in either.

29 Me. 86; 39 Me. 68; 68 Me. 546; 139 Me. 157.

Sec. 3. Who are accessories after the fact; penalty. R. S. c. 143, § 9. Every person, not standing in the relation of husband or wife, parent or child to the principal offender, who harbors, conceals, maintains, or assists any principal felon or accessory before the fact, knowing him to be such, with intent that he may escape detection, arrest, trial, or punishment, is an accessory after the fact, and shall be punished by a fine of not more than $1,000 and by imprisonment for not more than 7 years; but in no case shall such punishment exceed the punishment to which the principal felon on conviction would be liable.

See c. 133, § 2, re accessories when principal is child under 17 years; 92 Me. 73.

Attempts to Commit Crime

Sec. 4. Attempt with an overt act to commit an offense, how punishable. R. S. c. 143, § 10. Whoever attempts to commit an offense and does anything towards it, but fails or is interrupted or is prevented in its execution, where no punishment is expressly provided for such attempt, shall, if the offense thus attempted is punishable with imprisonment for life, be imprisoned for not less than 1, nor more than 10 years; and in all other cases he shall receive the same kind of punishment that might have been inflicted, if the offense attempted had been committed, but not exceeding one-half thereof.

32 Me. 599; 70 Me. 198; *99 Me. 331; *101 Me. 517.

Jurisdiction of Crimes

Sec. 5. Jurisdiction of the superior court. R. S. c. 143, § 1. 1933, c. 118, § 1. The superior court shall have original jurisdiction, exclusive or concurrent, of all offenses except those of which the original exclusive jurisdiction is conferred by law on municipal courts and trial justices, and appellate jurisdiction of these.

*72 Me. 468; *73 Me. 281; *112 Me. 248.

Sec. 6. Death within the state, from an injury inflicted without the state; death without the state, from an injury inflicted within the state. R. S. c. 143, § 5. If a mortal wound or other violence or injury is inflicted or poison administered on the high seas or without the state, whereby death ensues within the state, such offense may be tried in the county where the death ensues; and if such act is done within and death ensues without the state, the offense may be tried in the county where the act was done, as if death had there ensued.

*76 Me. 334; 119 Me. 535.

Sec. 7. Offenses committed on or near the boundary of 2 counties; offenses committed in one, and death ensues in another county. R. S. c. 143, § 2. When an offense is committed on the boundary between 2 counties or within 100 rods thereof; or a mortal wound or other violence or injury is inflicted, or poison is administered, in one county, whereby death ensues in another, the offense may be alleged in the complaint or indictment as committed, and may be tried in either.

*84 Me. 461; *85 Me. 193; 119 Me. 541.

Sec. 8. County lines terminating at or in tide-waters; course. R. S. c. 143, § 3. The lines of the several counties of the state which terminate at or in tide-waters shall run by the principal channel in such directions as to include, within the counties to which they belong, the several islands in said waters, and after so including such islands shall run in the shortest and most direct line to the extreme limit of the waters under the jurisdiction of this state, and all waters between such lines off the shores of the respective counties shall be a part of, and held to be within such counties, respectively.

Sec. 9. Warrants for offenses at or in tide-waters; authority of officers. R. S. c. 143, § 4. Any official authorized to issue warrants within any county may issue warrants for offenses committed in or upon the waters so made a part of such county, or the waters of any adjoining county; and said warrant shall be returnable in the county where issued, and the courts in such county shall have jurisdiction of the offense. Officers have the same authority upon all such waters as they have upon land within the county where the warrant is issued.

119 Me. 535.

Sec. 10. Acquittal of part of an indictment, and conviction of the residue. R. S. c. 143, § 6. When a person, indicted for an offense, is acquitted of a part by verdict of the jury, and found guilty of the residue thereof, such verdict may be received and recorded by the court; and he may be considered as convicted of the offense, if any, which is substantially charged by such residue, and be punished accordingly, although such offense would not otherwise be within the jurisdiction of said court.

39 Me. 68, 70; *87 Me. 78.

Sufficiency of Complaints and Warrants

Sec. 11. Sufficient indictment for murder or manslaughter. R. S. c. 146, § 7. It is sufficient in every indictment for murder to charge that the defendant did feloniously, wilfully, and of his malice aforethought kill and murder the deceased; and for manslaughter, to charge that the defendant did feloniously kill and slay the deceased without, in either case, setting forth the manner or means of death.

32 Me. 373; 54 Me. 413; 65 Me. 266.

Sec. 12. Owner of property, as used in an indictment. R. S. c. 143, § 12. In an offense in any way relating to real or personal estate, it is sufficient and not a variance if it is proved at the trial that, when the offense was committed, the actual or constructive possession of or the general or special property in the whole of such estate or in any part thereof was in the person or community alleged in the indictment to be the owner thereof.

*119 Me. 146.

Sec. 13. General allegation of intent to defraud is sufficient. R. S. c. 143, § 14. When an intent to defraud is necessary to constitute an offense, it is suffi-

cient to allege generally in the indictment an intent to defraud; and if there appears on trial an intent to defraud the United States, any state, county, town, person, or corporation, it is sufficient.

Sec. 14. Unimportant variance between written or printed matter in evidence and indictment is not material; process, except for infamous crime, may be amended. R. S. c. 143, § 13. No variance between any matter in writing or in print, produced in evidence on the trial of a criminal cause, and the recital or setting forth thereof in the complaint, indictment, or other criminal process whereon trial is had, is material, provided that the identity of the instrument is evident, and the purport thereof is sufficiently described to prevent prejudice to the defendant; and any criminal process may be amended, in matters of form, at any time before final judgment. Any complaint, indictment, or other criminal process for any offense, except for a capital or infamous crime, may be amended in matters of substance, provided the nature of the charge is not thereby changed.

126 Me. 509; 129 Me. 28.

Sec. 15. Complaints and indictments not to be quashed for technicalities; nor for unimportant defect in venires. R. S. c. 143, § 15. No indictment or complaint shall be quashed, or adjudged bad, nor shall the proceedings or judgment thereon be arrested, reversed, or affected by reason of the omission or misstatement of the title, occupation, estate, or degree of the accused; of the name of the city, town, plantation, or county of his residence, or of the words "feloniously," "force and arms," "against the peace," or "contrary to the form of the statute," if such omission or misstatement does not tend to his prejudice; nor by reason of any defect, want of form, or irregularity in the venires for grand or traverse jurors, or in the issuing or return of the same, or in the drawing or summoning of grand or traverse jurors, unless it appears to the court that the respondent has been or may be injured thereby.

15 Me. 124, 477; 67 Me. 336; 69 Me. 182; 82 Me. 342; 87 Me. 81.

Procedure on Arraignment. Dilatory Pleas

Sec. 16. Prisoner need not be asked how he will be tried; dilatory pleas to be verified. R. S. c. 146, § 18. When a person is arraigned on an indictment, he need not be asked how he will be tried; and when a plea in abatement or other dilatory plea to an indictment is offered, the court may refuse to receive it until it is verified by affidavit or other evidence.

See c. 94, § 18, re affidavit in abatement; 15 Me. 107; 23 Me. 114; 36 Me. 132; 37 Me. 333; 38 Me. 300; 39 Me. 361.

Limitation of Prosecutions

Sec. 17. Statute of limitation on prosecution of crime. R. S. c. 143, § 17. When no other limitation is provided, no indictment shall be found and no complaint and warrant shall be issued for any offense, except treason, murder, arson, or manslaughter, after 6 years from the commission thereof; but any time, during which the offender is not usually and publicly resident in the state, shall not be a part of said 6 years.

See c. 118, § 42, re limitations of prosecutions and jurisdiction of offenses; c. 130, § 3, re prosecution for treason; 137 Me. 112.

Fines and Forfeitures Recovered by Indictment

Sec. 18. Fines and forfeitures recovered by indictment unless otherwise provided. R. S. c. 143, § 16. All fines and forfeitures, imposed as punishment for offenses or for violations or neglects of statute duties, may, when no other mode is expressly provided, be recovered by indictment; and when no other appropriation is expressly made, they inure to the county where the offense is prosecuted.

59 Me. 191.

CHAPTER 133.

MAGISTRATES IN CRIMINAL CASES.

Municipal Courts

Sec. 1. Municipal court terms. 1931, c. 162, § 2. 1933, c. 118, §§ 5, 6. All municipal courts shall have terms for the transaction of criminal business, which terms shall commence on the return days of the civil terms as set forth in their respective charters and shall continue to and include the days prior to the next civil return days.

Sec. 2. Criminal jurisdiction of municipal courts; fines, penalties, and costs to be paid over; juvenile courts. R. S. c. 144, § 1. 1931, c. 162, § 1; c. 241, § 1. 1933, c. 18; c. 118, §§ 5, 6. 1935, c. 84, § 12. 1939, c. 293, § 1. 1943, c. 322, § 1. Each municipal court shall have jurisdiction, concurrent with the superior court and with all other municipal courts in the counties where they are located, of all crimes and offenses including violations of any statute, or by-law of a town, village corporation, or local health officer, or breaches of the peace, not punishable by imprisonment in the state prison, and may for such crimes and offenses impose any of the fines or sentences provided by law to be imposed therefor. All fines, penalties, and costs imposed by such courts paid to the jailer after commitment of a respondent shall be paid over by him monthly as provided in section 5 of chapter 137.

Judges of municipal courts within their respective jurisdictions shall have exclusive original jurisdiction over all offenses, except for a capital, or otherwise infamous crime, committed by children under the age of 17 years, and when so exercising said jurisdiction shall be known as juvenile courts. Any adjudication or judgment under the provisions of sections 4 to 7, inclusive, shall be that the child was guilty of juvenile delinquency, and no such adjudication or judgment shall be deemed to constitute a conviction for crime. Provided,