

# MAINE STATE LEGISLATURE

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THE  
**REVISED STATUTES**

OF THE  
STATE OF MAINE,

PASSED OCTOBER 22, 1840;

TO WHICH ARE PREFIXED

**THE CONSTITUTIONS**

OF THE

*United States and of the State of Maine,*

AND TO WHICH ARE SUBJOINED THE OTHER

PUBLIC LAWS OF 1840 AND 1841,

WITH AN

**APPENDIX.**

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PRINTED AND PUBLISHED IN COMPLIANCE WITH A RESOLVE OF OCTOBER 22, 1840.

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**Augusta:**

PUBLISHED BY WILLIAM R. SMITH & Co., PRINTERS TO THE STATE.

.....  
1841.

## CHAP. 159.

fully assembled, or refusing to assist, in like case.

such persons, or any persons present as spectators or otherwise, shall be killed or wounded, the said magistrates and officers, and persons acting with them by the order or direction of the governor, or any judge, sheriff, magistrates or officers, as mentioned in the preceding section, shall be held guiltless and justified in law: and, if any of said magistrates, or officers or persons acting by such order or direction, shall be killed or wounded, all persons, so unlawfully or riotously assembled, and all other persons, who, when commanded or required, shall have refused to aid and assist the said magistrates or officers, shall be held answerable therefor.

Pulling down houses, or premeditated personal injuries.

SECT. 11. If any of the persons, unlawfully and riotously assembled, as mentioned in the fifth section, shall pull down or destroy, or begin to pull down and destroy any dwelling house or other building, or any ship or vessel, or perpetrate any premeditated injury on the person of any individual, not being a felony, he shall be punished by imprisonment in the state prison, not more than five years, or by fine, not exceeding five hundred dollars, and imprisonment in the county jail not more than one year; and shall also be answerable to any person injured; to the full amount of the damages by him sustained, in an action of trespass.

Extent of the liability of towns for injury to private property by persons assembled as in the fifth section.

SECT. 12. When any of the persons unlawfully or riotously assembled, as mentioned in the fifth section, shall destroy or injure any property to the amount of fifty dollars or more, the city or town, in which such property was situated, shall be liable to indemnify the owner thereof to the amount of three fourths of the value of such property; or the injury thereto, to be recovered in an action on the case; provided, the said owner shall use all reasonable diligence to prevent such destruction or injury, and to procure the conviction of the offenders.

Remedy of towns against the persons doing the damage.

SECT. 13. Any city or town, which shall pay any sum under the provisions of the preceding section, may recover the same against any or all of the persons, who shall have so injured or destroyed such property, in an action on the case.

## CHAPTER 160.

## OF OFFENCES AGAINST CHASTITY, MORALITY AND DÉCENCY:

- SECT. 1. Adultery.  
 2. Cohabitation by parties divorced.  
 3. Incest.  
 4. Crime against nature.  
 5. Polygamy.  
 6. Excepted cases.  
 7. In what county indictment may be found.  
 8. Unmarried person marrying the husband or wife of another.  
 9. Unlawful cohabitation, one party being married. Open and gross lewdness.  
 10. Fornication.

- SECT. 11. Concealment by the mother of the birth of illegitimate issue.  
 12. Such offence may be alleged in same indictment with a charge of murder.  
 13. Procuring abortion.  
 14. Attempting to procure abortion.  
 15. Keeping house of ill fame.  
 16. Lease to party convicted void, at the election of the lessor.  
 17. Enticing females to houses of ill fame.  
 18. Warrants to search for females, supposed to be so enticed.

## CHAP. 160.

Unmarried person, marrying the husband or wife of another.

SECT. 8. Every unmarried person, who shall knowingly marry the husband or wife of another, when such husband or wife shall be guilty of polygamy thereby, shall be punished by imprisonment in the state prison, not more than five years, or by fine, not exceeding five hundred dollars, and imprisonment in the county jail, not more than one year.

Unlawful cohabitation, one party being married. Open and gross lewdness.

1821, 10, § 3.  
1 Mass. 8.  
10 Mass. 153.  
15 Mass. 163.  
7 Greenl. 57.

SECT. 9. If any man or woman, either or both of them being at the time married to some other person, shall lewdly and lasciviously associate and cohabit together; or, if any man and woman, married or unmarried, shall be guilty of open, gross lewdness and lascivious behavior, every such person shall be punished by imprisonment in the state prison, not more than five years, or by fine, not exceeding three hundred dollars, and imprisonment in the county jail, not more than one year.

Fornication.  
1821, 10, § 4.

SECT. 10. If any unmarried man shall commit fornication with any unmarried woman, each of them shall be punished by imprisonment in the county jail, not more than sixty days, and by fine, not exceeding one hundred dollars.

Concealment, by the mother, of the birth of illegitimate issue.

1821, 2, § 9, 10.

SECT. 11. If any woman shall willingly be delivered in secret, of any issue of her body, which, if born alive, would be a bastard, and shall conceal the death of the same, so that it may not be known, whether it was born alive or not, or was murdered or not, she shall be punished by imprisonment in the state prison, not more than three years, or by fine, not exceeding one hundred dollars, and imprisonment in the county jail, not more than one year.

Such offence may be alleged in the same indictment with a charge of murder.

1821, 2, § 11.

SECT. 12. In the indictment against a woman for the murder of her infant bastard child, she may be also charged with the offence described in the preceding section; and, if the jury on trial shall acquit her of the charge of murder, and find her guilty of the other offence, sentence shall be awarded against her for the same.

Procuring abortion.

9 Mass. 387.

SECT. 13. Every person, who shall administer to any woman pregnant with child, whether such child be quick or not, any medicine, drug or substance whatever, or shall use or employ any instrument or other means whatever, with intent to destroy such child, and shall thereby destroy such child before its birth, unless the same shall have been done as necessary to preserve the life of the mother, shall be punished by imprisonment in the state prison, not more than five years, or by fine, not exceeding one thousand dollars, and imprisonment in the county jail, not more than one year.

Attempting to procure abortion.

9 Mass. 387.

SECT. 14. Every person, who shall administer to any woman, pregnant with child, whether such child shall be quick or not, any medicine, drug or substance whatever, or shall use or employ any instrument or other means whatever, with intent thereby to procure the miscarriage of such woman, unless the same shall have been done, as necessary to preserve her life, shall be punished by imprisonment in the county jail, not more than one year, or by fine, not exceeding one thousand dollars.

Keeping house of ill fame.

1836, 225, § 3.

SECT. 15. Any person, who shall keep a house of ill fame, resorted to for the purpose of prostitution or lewdness, shall be punished by imprisonment in the county jail, not more than one year, or by fine, not exceeding five hundred dollars; and, any person, who, after having been once convicted of such offence, shall

again be convicted of a like offence, shall be punished by imprisonment in the state prison, not less than one year, nor more than three years.

CHAP. 160.

SECT. 16. When the lessee of a dwelling house shall be convicted of keeping the same as a house of ill fame, the lease, or contract for letting such house, shall, at the option of the lessor, become void; and such lessor shall thereupon have the like remedy to recover possession, as against a tenant, holding over after the expiration of his term.

Lease to party convicted, void, at election of the lessor.

SECT. 17. Any person, who shall inveigle or entice any female, before reputed virtuous, to a house of ill fame, or shall knowingly conceal, or aid or abet in concealing, any such female, so deluded or enticed, for the purpose of prostitution or lewdness, shall be punished by imprisonment in the state prison, not less than one year, nor more than ten years.

Enticing females to houses of ill fame. 1836, 225, § 2.

SECT. 18. When there is reason to believe that any female has been inveigled, deluded or enticed to a house of ill fame, as aforesaid, upon complaint thereof being made under oath, by any overseer of the poor, police officer or constable, or by the parent, master or guardian of such female, to any justice of the peace, or other magistrate authorized to issue warrants, he may issue his warrant to enter, by day or night, such house or houses of ill fame, and to search for such female, and to bring her and the person in whose possession or keeping she may be found, before such justice or magistrate; who may, on examination, order her to be delivered to such overseer, parent, master or guardian, or to be discharged, as law and justice may require; which warrant shall be procured, made, issued and executed, as other search warrants, according to the provisions in the one hundred and seventieth chapter.

Warrants to search for females, supposed to be so enticed. 1836, 225, § 1.

SECT. 19. If any person shall import, print, publish, sell or distribute any book, pamphlet, ballad, or any printed paper, containing obscene language or obscene prints, pictures or descriptions, manifestly tending to corrupt the morals of youth, or shall procure, receive or have any of them in his possession, with intent to sell, loan, exhibit or circulate the same, he shall be punished by imprisonment in the county jail, not more than one year, or by fine, not exceeding five hundred dollars.

Obscene books and pictures. 17 Mass. 336.

SECT. 20. A warrant to search for such obscene books, pamphlets, prints, pictures or other things, mentioned in the preceding section, may be issued by any justice of the peace, in the manner provided in the one hundred and seventieth chapter; and, when any of them shall be found by the officer executing such warrant, they shall be brought before such justice, and kept by him or the officer, so long as may be necessary for the purpose of being used as evidence in any case respecting the same, or the person in whose possession they be found, or any other person concerned in their printing, introduction or circulation as aforesaid; and, on conviction of any offender so prosecuted, the said books, pamphlets, prints or pictures shall be destroyed by order of the court, in which such conviction may be had.

Warrants to search for such books, &c.

SECT. 21. If any person shall wilfully blaspheme the holy name of God, by denying, cursing or contumeliously reproaching God,

Blasphemy. 1821, 8, § 1. 20 Pick. 206.