

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.

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

Augusta:

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

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1841.

CHAPTER 156.

OF LARCENY AND THE RECEIVING OF STOLEN GOODS.

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| <p>SECT. 1. Simple larceny.</p> <p>2. Larceny in the night in dwelling houses, without breaking; and in certain other buildings or vessels, with breaking.</p> <p>3. Larceny in the day time, in dwelling houses, without breaking; or in case of other buildings, with breaking.</p> <p>4. Larceny at fires.</p> <p>5. Larceny from the person of another.</p> <p>6. Embezzlement by officers, clerks, agents or servants.</p> <p>7. Embezzlement by carriers or other persons entrusted with property, to be delivered to another.</p> | <p>SECT. 8. Fraudulently personating another and receiving property.</p> <p>9. Punishment of a person, convicted as a common and notorious thief.</p> <p>10. Persons, receiving or concealing stolen goods.</p> <p>11. Punishment mitigated in certain cases, on restitution.</p> <p>12. Punishment of receivers, &c. on a second conviction.</p> <p>13. Receiver may be tried, though the principal be not convicted.</p> <p>14. On arrest of person charged, the officer to secure the goods, &c.</p> <p>15. Jurisdiction of justices of the peace, in cases of larceny.</p> |
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Simple larceny. 1821, 7, § 2.

SECTION 1. Any person, who shall steal, take and carry away, of the property of another, any money, goods or chattels, any writ, process or public record, any bond, bank note, promissory note, bill of exchange or other bill, order or certificate, or any book of accounts respecting money, goods or other things; or any deed or writing containing a conveyance of real estate, or any valuable contract in force, or any receipt, release or defeasance, or any instrument or writing whereby any demand, right or obligation shall be created, increased, extinguished or diminished, shall be deemed guilty of larceny; and shall be punished, when the value of the property stolen shall exceed the sum of one hundred dollars, by imprisonment in the state prison, not more than five years; and, when the value of the property stolen shall not exceed the sum of one hundred dollars, by imprisonment in the state prison, not more than two years, or by fine, not exceeding one hundred dollars, and imprisonment in the county jail, not more than one year.

Larceny in the night in dwelling houses, without breaking; and in certain other buildings or vessels, with breaking. 1821, 7, § 4, 5, 6. 1 Mass. 517.

SECT. 2. Every person, who shall, in the night time, commit larceny in any dwelling house, or the outhouses, adjoining to and occupied therewith, without breaking, or shall, in the night time, break and enter any office, bank, shop, warehouse, barn or stable, or any ship or vessel, or any building in which any goods, merchandise or any valuable thing shall be kept for use, sale or deposit, or any court house, jail, meeting house, college or academy, or other building for public use, and commit larceny therein, shall be punished by imprisonment in the state prison, not more than fifteen years.

Larceny in the day time, in dwelling houses, without breaking, or in case of other buildings, with breaking. 1821, 7, § 6. 1 Mass. 475.

SECT. 3. Every person, who shall, in the day time, commit larceny in any dwelling house, or the outhouses adjoining to and occupied therewith, without breaking, or, in the day time, shall break and enter any ship or vessel, or any of the other buildings, mentioned in the preceding section, and commit larceny therein, shall be punished by imprisonment in the state prison, not more than six years, or by fine, not exceeding one thousand dollars; and imprisonment in the county jail, not exceeding one year.

SECT. 4. Every person, who shall commit larceny by stealing in any building that is on fire, or by stealing any property, removed in consequence of alarm occasioned by fire, 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.

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Larceny at fires.
1821, 132, § 9.

SECT. 5. Every person, who shall commit larceny by stealing from the person of another, shall be punished by imprisonment in the state prison, not more than six years, or by fine, not exceeding five hundred dollars, and imprisonment in the county jail, not exceeding one year.

Larceny from
the person of
another.
1821, 7, § 10.

SECT. 6. If any officer, agent, clerk or servant of any incorporated company, or if any clerk, agent or servant of any person or copartnership, except apprentices and other persons under the age of sixteen years, shall embezzle and fraudulently convert to his own use, or shall take and secrete, with intent to convert to his own use, without the consent of his employer or master, any money or property of another, which shall have come to his possession, or shall be under his care by virtue of such employment, he shall be deemed, by so doing, to have committed larceny, and shall be punished accordingly.

Embezzlement
by officers,
clerks, agents
or servants.

SECT. 7. If any carrier or other person, to whom any money, goods or other property, which may be the subject of larceny, shall have been delivered, to be carried for hire, or if any other person, who shall be entrusted with such property, shall embezzle or fraudulently convert to his own use any such money, goods or other property, either in the mass, as the same were delivered or otherwise, and before the same shall be delivered at the place, or to the person, where and to whom, they were to be delivered, he shall be deemed, by so doing, to have committed larceny, and be punished accordingly.

Embezzlement
by carriers, or
other persons,
entrusted with
property, to be
delivered to
another.

SECT. 8. Every person, who shall falsely personate or represent another, and, in such assumed character, shall receive any money or other thing intended to be delivered to the party so personated, with intent to convert the same to his own use, shall be deemed, by so doing, to have committed larceny, and shall be punished accordingly.

Fraudulently
personating
another, and re-
ceiving prop-
erty.

SECT. 9. If any person, having been before convicted of larceny upon indictment, or of being accessory thereto before the fact, shall afterwards commit, or be accessory before the fact to another larceny, and be thereof convicted on indictment, or if any person, at the same term of the court, shall be convicted, as principal or as accessory before the fact, in three distinct larcenies, he shall be deemed a common and notorious thief, and shall be punished by imprisonment in the state prison, not less than four years, nor more than fifteen years.

Punishment of
a person, con-
victed as a com-
mon and noto-
rious thief.
1821, 7, § 3.
22 Pick. 1.

SECT. 10. Every person, who shall buy, receive or aid in concealing any stolen money, goods or other property, knowing the same to have been stolen, 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.

Person receiv-
ing or conceal-
ing stolen
goods.
1821, 7, § 12.

CHAP. 156.

Punishment mitigated in certain cases, on restitution. 1821, 7, § 15.

Punishment of receivers, &c. on a second conviction. 1821, 7, § 14. 7 Pick. 177.

Receiver may be tried, though the principal be not convicted. 1821, 7, § 13. 3 Mass. 126.

On arrest of the person charged, the officer to secure the goods, &c. 1821, 7, § 17. 21 Pick. 156.

Jurisdiction of justices of the peace, in cases of larceny. 1821, 7, § 1.

SECT. 11. If any person, on being convicted of the offence described in the preceding section, and when the stealing of the property was a simple larceny, shall make satisfaction to the party injured, to the full value of the property stolen and not restored, he shall not be sentenced to imprisonment in the state prison.

SECT. 12. If any person, after having been convicted of the offence of buying, receiving, or aiding in the concealment of, stolen property, shall again be guilty and convicted of a like offence, or if any person, at the same term of the court, shall be convicted of the three distinct acts of buying, receiving or aiding in the concealment of stolen property, he shall be punished by imprisonment in the state prison, not more than ten years.

SECT. 13. In any prosecution for the offence of buying, receiving, or aiding in the concealment of stolen property, knowing it to be stolen, it shall not be necessary to aver, nor, on trial thereof, to prove, that the person, who stole such property, has been convicted.

SECT. 14. The officer, who shall arrest any person, charged as principal or accessory in any larceny, or with buying, receiving or concealing stolen property, shall secure the property alleged to have been stolen; and shall be answerable for the same; and shall annex a schedule thereof to his return; and, upon conviction of the offender, the stolen property shall be returned to the owner.

SECT. 15. Every justice of the peace, in his proper county, shall have concurrent jurisdiction of the offences mentioned in the first and tenth sections of this chapter; when the property alleged to have been stolen, received or concealed, known to be stolen, shall not exceed in value the sum of ten dollars; in which case, upon conviction before a justice of the peace, the punishment of a first offence shall be by fine, not exceeding ten dollars, and by imprisonment in the county jail, not more than two months; and, upon a second conviction, as aforesaid, for a like offence, committed after a previous conviction, the punishment shall be by fine, not exceeding twenty dollars, and by imprisonment in the county jail, not more than six months; saving to the person so convicted, the right of appeal as by law allowed.

CHAPTER 157.

OF FORGERY AND COUNTERFEITING.

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| <p>SECT. 1. Forgery of records and processes, attestations and certificates, deeds and other instruments in writing.</p> <p>2. Uttering the same, as true.</p> <p>3. Forgery of public securities.</p> <p>4. Forgery of bank notes.</p> <p>5. Having ten or more forged public securities, or forged bank notes, at one time.</p> <p>6. Having any in possession, with intent to pass them, as true.</p> | <p>SECT. 7. Uttering them, as true.</p> <p>8. Punishment, on repetition of the last mentioned offences.</p> <p>9. Making, mending or possessing instruments or materials, with intent to use the same in forgeries.</p> <p>10. What testimony admissible to prove forgery of bank notes.</p> <p>11. Evidence of the falsity of pretended public securities.</p> |
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**The following page(s) from
“An Act to Amend the Revised Statutes”
include amendments to this chapter.**

same ought to have been entered; and no attachment made, and no bail taken, shall be revived or continued in force, by the entry of any such appeal or complaint by the original plaintiff, as provided in the two preceding sections; but such attachment and bail shall remain discharged.

bail not continued by entry of the appeal. 1821, 57, § 7.

SECTION 23. The one hundred and twenty fifth chapter shall be amended, by adding, at the end of the nineteenth section, the following words: R. S. ch. 125.

When such mortgagee or person claiming under him, being out of the state, or whose residence is unknown, shall have proceeded according to the provisions of the fifth section of this chapter, for the purpose of foreclosure, the mortgager, or other person having a right to redeem, may file his bill or petition, as provided in section, sixteen, and may at the same time pay to the clerk of the court the sum due, and the court shall order such notice to be given as they may judge proper; and such payment shall have the like effect and force, as a tender of payment made before the commencement of the suit.

If mortgagee or his assignee be out of the state, bill in equity may be filed on payment of redemption money to clerk of the court.

SECTION 24. The one hundred and fortieth chapter shall be amended, by inserting, at the end thereof, a new section, in the following words: R. S. ch. 140.

SECT. 38. When any insane person is arrested or imprisoned on mesne process or execution in any civil suit, any judge of the supreme judicial court or district court, or any judge of probate within his county, on application, may inquire into the case, and, if he think proper, may issue a writ of habeas corpus, and cause such person to be brought before him for examination; and, after notice to the creditor or attorney, if either be living in the state, and a hearing thereon, if it shall be proved to the satisfaction of said judge, that the person is insane, he may discharge such person from arrest or imprisonment; and, in that case, the creditor shall have a right to make a new arrest, upon the same demand, whenever such debtor shall become of sound mind. But, if such person be arrested on the same demand a second time before he becomes of sound mind, and be discharged again for the same reason, his body shall forever thereafter be exempted from arrest therefor.

Habeas corpus may issue for discharge of an insane person, arrested on mesne process or execution. Effect thereof.

SECTION 25. The one hundred and forty fourth chapter shall be amended, in section, one, by striking out the words, "to her satisfaction;" so that the said first section, as amended, will be as follows: R. S. ch. 144.

SECT. 1. When a woman is entitled to dower, and it is not set out to her by the heir or tenant of the freehold, according to the intentment of the law, nor assigned to her by the judge of probate, she may recover the same by a writ of dower, in the manner hereinafter prescribed.

Right of a widow to sue for dower.

SECTION 26. The one hundred and fifty sixth chapter shall be amended, by adding at the end of the chapter, a new section, as follows: R. S. ch. 156.

SECT. 16. Upon any conviction of burglary, robbery or larceny, unless it be before a justice of the peace for larceny, the court may order a meet recompense to the prosecutor, and also to the officer, who has secured or kept the stolen property, not exceeding their actual expenses, with a reasonable allowance for their time and trouble, to be paid by the county treasurer, and charged by him to the state.

Compensation for expenses of prosecutor to conviction, for larceny, &c. and officer. 1821, 7, § 16.