

MAINE STATE LEGISLATURE

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THE
REVISED STATUTES

OF THE
STATE OF MAINE,

PASSED APRIL 17, 1857;

TO WHICH ARE PREFIXED

THE CONSTITUTIONS

OF THE
UNITED STATES AND OF THE STATE OF MAINE:

WITH AN

APPENDIX.

PUBLISHED BY AUTHORITY OF THE LEGISLATURE.

BANGOR:
WHEELER & LYNDE.

1857.

SEC. 7. Whoever breaks and enters in the night time, with intent to commit a felony, or, having entered with such intent, breaks, in the night time, a dwellinghouse, any person being then lawfully therein, shall be deemed guilty of burglary; and if armed with a dangerous weapon before or after entering, or if he assaults any person lawfully therein, or has any confederate present aiding or abetting, he shall be punished by imprisonment for life; otherwise by imprisonment for life or any term of years.

CHAP. 119.

Burglary defined and punished.

R. S., c. 155, § 8, 9, 10.

SEC. 8. Whoever, with intent to commit a felony, breaks and enters in the day time, or enters without breaking, in the night time, any dwellinghouse; or breaks and enters any office, bank, shop, store, warehouse, vessel, or building in which valuable things are kept, any person being lawfully therein and put in fear, shall be punished by imprisonment not less than one, nor more than ten years; but if no person was lawfully therein and put in fear, by imprisonment not more than five years, or by fine not exceeding five hundred dollars.

Breaking and entering a dwellinghouse, or any building named, or vessel, &c.

R. S., c. 155, § 11.

SEC. 9. Any permanent building or edifice, usually occupied by any person by lodging therein at night, shall be deemed a dwellinghouse, though such occupant is absent for a time, leaving furniture or goods therein, with an intention to return; but no building shall be deemed a dwellinghouse or part of it, unless connected with, or occupied as part of the dwellinghouse.

Dwellinghouse defined.

R. S., c. 155, § 12.

CHAPTER 120.

LARCENY, AND RECEIVING STOLEN GOODS.

SEC. 1. Larceny defined and punished.

2. Larceny in a dwellinghouse and with breaking and entering other buildings and vessels in the night or day time. Punishment.
3. Larceny in a building on fire or of property removed at fires. Punishment.
4. Larceny from the person of another. Punishment.
5. Common thief described and punished.
6. Larceny by falsely personating another, described and punished.
7. Larceny by embezzlement or fraudulent conversion. Punishment.
8. Larceny in like manner of property entrusted to be carried.
9. Buying, receiving, or aiding to conceal stolen property knowingly.
10. Officers to secure stolen property, which is restored to owner on conviction of thief.
11. Court may make compensation to prosecutor and officer.
12. Action for stolen property without conviction of thief.

SEC. 1. Whoever steals, takes, and carries away, of the property of another, any money, goods, or chattels, or any writ, process, public record, bond, bank bill or note, promissory note, bill of exchange, order, certificate, book of accounts, conveyance of real estate, valuable contract, receipt, release, defeasance, or instrument in writing whereby any demand, right, or obligation, is created, increased, diminished, or extinguished, shall be deemed

Larceny defined and punished.

19 Maine, 225, 398.

20 Maine, 14. 22 Maine, 171.

R. S., c. 156, § 1.

CHAP. 120. guilty of larceny; and be punished, when the value of the property exceeds one hundred dollars, by imprisonment not less than one, nor more than five years, and when it does not exceed that sum, by imprisonment not more than two years or by fine not exceeding one hundred dollars.

Larceny in a dwellinghouse, and with breaking and entering, &c.
R. S., c. 156, § 2, 3.

SEC. 2. Whoever, without breaking, commits larceny in the night time in a dwellinghouse, or building adjoining and occupied therewith; or breaks and enters any office, bank, shop, store, warehouse, barn, stable, vessel, court house, jail, meeting house, college, academy, or other building for public use, or in which valuable things are kept, and commits larceny therein, shall be punished by imprisonment not less than one, nor more than fifteen years; and when the offence is committed in the day time, by imprisonment not more than six years, or by fine not exceeding one thousand dollars.

Larceny in a building on fire, &c.
R. S., c. 156, § 4.

SEC. 3. Whoever commits larceny in a building on fire, or of property removed on account of an alarm of fire, shall be punished by imprisonment not more than five years, or by fine not exceeding five hundred dollars.

Larceny from the person of another.
R. S., c. 156, § 5.

SEC. 4. Whoever commits larceny from the person of another, shall be punished by imprisonment not more than six years, or by fine not exceeding five hundred dollars.

Common thief described and punished.
R. S., c. 156, § 9.

SEC. 5. If a person, after being convicted of larceny as principal or as accessory before the fact, is again guilty and convicted thereof, or is convicted of three distinct larcenies at the same term of the court, he shall be deemed a common thief, and be punished by imprisonment not less than four, nor more than fifteen years.

Larceny by falsely personating another.
R. S., c. 156, § 8.

SEC. 6. Whoever falsely personates or represents another, and thereby receives any thing intended to be delivered to the party personated, with intent to convert the same to his own use, shall be deemed guilty of larceny and be punished accordingly.

Larceny by embezzlement or fraudulent conversion of property.
R. S., c. 156, § 6.

SEC. 7. If an officer, agent, clerk, or servant, of a person, co-partnership, or corporation, not an apprentice, nor less than sixteen years of age, embezzles or fraudulently converts to his own use, or takes and secretes with intent to do so, without consent of his employer or master, any property of another in his possession or under his care by virtue of his employment, he shall be deemed guilty of larceny and be punished accordingly.

Larceny by one entrusted, &c.
33 Maine, 127.
R. S., c. 156, § 7.

SEC. 8. If a person entrusted with any property, the subject of larceny, to be carried, embezzles or fraudulently converts the same to his own use, he shall be deemed guilty of larceny and be punished accordingly.

Buying, receiving, or aiding to conceal stolen property.
29 Maine, 329.
R. S., c. 156, § 10, 11, 12, 13.

SEC. 9. Whoever buys, receives, or aids in concealing stolen property, knowing it to be stolen, shall be punished by imprisonment not more than five years, or by fine not exceeding five hundred dollars. And the conviction of the person, who stole the property, need not be averred or proved. If the stealing was simple larceny, and the person restores or makes satisfaction to the party injured to the full value of such property, he shall not be sentenced to the state prison. If after conviction, he is again

guilty and convicted of a like offence, or if convicted of three such distinct offences at the same term of the court, the imprisonment shall not be less than one, nor more than ten years. CHAP. 120.

SEC. 10. The officer, who arrests a person charged with an offence under this chapter, shall secure the property alleged to have been stolen, be answerable for it, and annex a schedule of it to his return; and, upon conviction of the offender, the property stolen shall be restored to the owner. Officers to secure stolen property, &c. R. S., c. 156, § 1¹.

SEC. 11. The court, other than a municipal or police court or justice of the peace, upon conviction before it of burglary, robbery, or larceny, and when there is no conviction by reason of the death of the offender, or of his escape without their fault, may allow to the prosecutor, and to the officer who has secured or kept the property, a fair compensation for their actual expenses, time, and trouble in arresting the offender, and securing the property stolen. Court may make compensation to the prosecutor and officer. R. S., c. 156, § 16. 1845, c. 142, § 1. 1846, c. 185.

SEC. 12. An action, for the recovery of property stolen, may be maintained by the owner against the person liable therefor, although the thief is not convicted. Action for stolen property. 1844, c. 102.

CHAPTER 121.

FORGERY AND COUNTERFEITING, AND FRAUDULENT STOCKS.

FORGERY AND COUNTERFEITING.

- SEC. 1. Forgery of and publishing as true forged records and written instruments.
2. Forgery or counterfeiting of public securities, bank bills and coin, and having ten or more such in possession at one time with intent to pass them.
3. Bringing into the state or having in possession any such coins or bank bills with intent to pass them.
4. A person convicted being again convicted or convicted of three distinct offences at the same term of the court.
5. Counterfeiting coin of foreign countries for export.
6. Manufacture or possession of implements for counterfeiting.
7. Total erasures and fraudulent connections.
8. Testimony to prove public securities and bank bills to be counterfeits.

FALSE CERTIFICATES AND FALSE ISSUES AND TRANSFERS OF STOCKS.

9. Forgery by false certificates and fictitious signatures.
10. Making or issuing false certificates of stock or pledging genuine without authority.

REWARDS TO INFORMERS AND PROSECUTORS.

11. Rewards for conviction of forgers and counterfeiters.

FORGERY AND COUNTERFEITING.

SEC. 1. Whoever, with intent to defraud, falsely makes, alters, forges, or counterfeits, any public record or proceeding filed or entered in any court; or process issued, or purporting to be, by a competent court, magistrate, or officer; or attestation or certificate of any person required by law, or receivable as legal Forgery of, and publishing as true forged records and written instruments.