

MAINE STATE LEGISLATURE

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THE
REVISED STATUTES

OF THE
STATE OF MAINE,

PASSED JANUARY 25, 1871;

TO WHICH ARE PREFIXED
THE CONSTITUTIONS

OF THE
UNITED STATES AND OF THE STATE OF MAINE:

WITH AN APPENDIX.

BY AUTHORITY OF THE LEGISLATURE.



PORTLAND:
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or gambling, shall be safely kept by the direction of the court or CHAP. 126. magistrate having cognizance of the case, so long as may be necessary for their being used as evidence on any trial, and as soon as may be afterward, they shall be burnt or otherwise destroyed by order of such court or magistrate, or of a justice of the supreme judicial court.

CHAPTER 126.

CHEATING BY FALSE PRETENCES; FRAUDS AND CONSPIRACIES.

FALSE PRETENCES AND FRAUDS.

- SEC. 1. Cheating by false pretences.
2. Penalty for forging receipts of deposits of goods.
 3. Parties to fraudulent conveyances, or to the use thereof.
 4. Gross frauds at common law.
 5. Circulating advertisements and shop bills in the similitude of bank bills.
 6. Counterfeiting of stamps, labels and trade marks, and sale of goods with such thereon, prohibited. Penalties.
 7. Any person using trade mark is entitled to its sole use.
 8. Penalty for violation.
 9. No person shall assume or continue the name of another or his business without consent.
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SUPPRESSION OF WILLS.

- SEC. 11. Suppression of last wills and testaments.

MARITIME FRAUDS.

- SEC. 12. Fraudulent destruction of vessels, and fitting them out for that purpose.
13. Making false bills of lading and other exhibits of property shipped.
 14. False affidavits and protests.

BURNING PROPERTY FOR THE INSURANCE.

- SEC. 15. Persons burning their own property to defraud insurers.

CONSPIRACIES.

- SEC. 16. Conspiracies to prosecute an innocent person.
17. Conspiracies in other cases.

FALSE PRETENCES AND FRAUDS.

- SEC. 1. Whoever, designedly and by any false pretence or privy or false token, and with intent to defraud, obtains from another any money, goods, or other property, or his signature to any written instrument, the false making of which is forgery, or whoever knowingly, and with intent to defraud, sells to another any personal property on which there is an existing mortgage, or to which he has no

Cheating by
false pretences.
R. S. c. 126, § 1.
1860, c. 150.
33 Mc. 498.

CHAP. 126.

title, without notice to the purchaser, of such mortgage, or of such want of title, shall be deemed guilty of cheating by false pretences and be punished by imprisonment not more than seven years, or by fine not exceeding five hundred dollars.

Penalty for uttering forged receipts of deposits of goods, &c. 1870, c. 141.

SEC. 2. Whoever fraudulently makes or utters any receipt or other written evidence of the delivery or deposit of any grain, flour, pork, wool, or other goods, wares or merchandise in any warehouse, mill, store, or other building, when the quantity specified therein had not, in fact, been delivered or deposited in such building; or so makes or utters any receipt or other written evidence of the delivery or deposit with him of any bonds or other securities or evidences of debt, when the same have not, in fact, been so delivered and deposited, shall be punished by imprisonment not less than one year nor more than ten.

Parties to fraudulent conveyances, &c. R. S. c. 126, § 2.

SEC. 3. Whoever is knowingly a party to any conveyance or assignment of real estate or interest in lands, goods, or things in action, or rents and profits arising therefrom, or to any charge thereon, made with intent to defraud prior or subsequent purchasers, or to hinder, delay, or defraud creditors or others; or knowingly puts such fraudulent conveyance, assignment, or charge into use, as genuine and made in good faith, shall be punished by fine not exceeding one thousand dollars, and imprisonment less than one year.

Gross frauds at common law. R. S. c. 126, § 3.

SEC. 4. Whoever is guilty of a gross fraud or cheat at common law shall be punished by imprisonment not more than seven years, or by fine not exceeding one thousand dollars.

Circulating advertisements in the similitude of bank bills. R. S. c. 126, § 4.

SEC. 5. Whoever puts in circulation or distributes any notice, advertisement, or shop bill, in the form and similitude of bank bills, shall forfeit fifty dollars for each offence, to be recovered by action of debt in the name and to the use of the person suing therefor.

Counterfeiting trade marks, and sale of goods with such thereon, prohibited; penalty. R. S. c. 126, § 5.

SEC. 6. Whoever knowingly and willfully counterfeits, or causes to be counterfeited, any private stamps, labels, or trade marks, used by a mechanic or manufacturer about the sale of his goods, with intent to defraud the purchaser or manufacturer; or sells such goods with such counterfeit stamps, labels, or trade marks thereon, knowing them to be counterfeit, without disclosing the fact to the purchaser, shall be punished by imprisonment less than one year, or by fine not exceeding two hundred dollars.

No other person allowed to use same trade marks, &c. 1866, c. 10, § 1.

SEC. 7. When a person uses any peculiar name, letters, marks, device, or figures, cut, stamped, cast or engraved upon, or in any way attached to or connected with any article manufactured or sold by him to designate it as an article of peculiar kind, character or quality, or as manufactured by him, no other person shall, without his consent, use the same or any similar names, letters, marks, devices or figures, for the purpose of falsely representing any articles to have been manufactured by him, or to be of the same kind, character

or quality, as that manufactured or sold by the party rightfully using CHAP. 126.
the same.

SEC. 8. Whoever violates the provisions of the preceding section, shall be liable to any party aggrieved thereby, for all damages actually incurred, to be recovered in an action of the case. Damages for violation. 1866, c. 10, § 2.

SEC. 9. No person doing business in this state, shall assume, or continue to use in his business the name or names of any persons formerly connected with him in partnership, or of any other person, either alone, or in connection with his own or any other name, or designation, which has been used as aforesaid, without the consent, in writing, of such person or his legal representative. Business names, unauthorized use of, prohibited. 1866, c. 10, § 3.

SEC. 10. The supreme judicial court may restrain, by injunction, any use of trade marks or names, in violation of the foregoing provisions. S. J. C. may issue injunctions. 1866, c. 10, § 4.

SUPPRESSION OF WILLS.

SEC. 11. Whoever willfully suppresses, secretes, defaces or destroys any last will and testament of a deceased person, in his possession or under his control, with intent to injure or defraud any person interested therein, shall be punished as in section three. Suppression of last wills and testaments. R. S. c. 126, § 6.

MARITIME FRAUDS.

SEC. 12. Whoever willfully casts away, burns, sinks, or otherwise destroys any vessel in any county in this state, with intent to injure or defraud any owner thereof, the owner of any property on board, or any insurer of either, shall be punished by imprisonment for life, or any term of years not less than five; and if he lades, equips, or fits out any vessel, or aids in so doing, intending that the same shall be destroyed in the manner and with the intent aforesaid, he shall be punished by imprisonment not more than twenty years, or by fine not exceeding five thousand dollars. Fraudulent destruction of vessels, and fitting them out for that purpose. R. S. c. 126, § 7.

SEC. 13. If an owner of a vessel, or of any property laden or pretended to be laden on board thereof, or other person concerned in its lading or fitting out, makes out or exhibits, or causes to be made out or exhibited, any false or fraudulent invoice, bill of lading, bill of parcels, or other false estimates of any such property, with intent to injure or defraud any insurer of such vessel or property, he shall be punished by imprisonment not more than ten years, or by fine not exceeding five thousand dollars. Making false bills of lading, &c., of property shipped. R. S. c. 126, § 8.

SEC. 14. If any master, other officer, or mariner of any vessel makes, causes to be made, or swears to any false affidavit or protest; or if any owner or other person concerned in such vessel, or in the property on board thereof, procures any such false affidavit or protest to be made, or exhibits the same with intent to injure, deceive, or defraud any insurer of such vessel or property, he shall be punished by imprisonment not more than ten years, or by a fine not exceeding five thousand dollars. False affidavits and protests. R. S. c. 126, § 9.

CHAP. 126.

BURNING PROPERTY FOR THE INSURANCE.

Persons burn-
ing their own
property to de-
fraud insurers.
R. S. c. 126,
§ 10.

SEC. 15. If any owner or person in any way concerned, inter-
ested, or in possession of any building, goods, or other property,
insured against loss or damage by fire, willfully burns the same or
causes it to be burnt, with intent to defraud the insurer, he shall be
punished by imprisonment not less than one nor more than twenty
years.

CONSPIRACIES.

Conspiracies
to prosecute an
innocent per-
son.
R. S. c. 126,
§ 11.

SEC. 16. If any two or more persons conspire and agree together,
with intent falsely, fraudulently, and maliciously to cause another
person to be indicted or in any way prosecuted for an offence of which
he is innocent, whether he is prosecuted or not, they shall be deemed
guilty of a conspiracy, and each punished by imprisonment not more
than five years, or by a fine not exceeding one thousand dollars.

Conspiracies
in other cases.
R. S. c. 126,
§ 12.
15 Me. 100.
31 Me. 386, 396
48 Me. 218.

SEC. 17. If any two or more persons conspire and agree together,
with the fraudulent or malicious intent wrongfully and wickedly to
injure the person, character, business, or property of another; or to
do any illegal act injurious to the public trade, health, morals, police,
or administration of public justice; or to commit any crime punishable
by imprisonment in the state prison, they shall be deemed guilty of
a conspiracy, and every such offender, and every person convicted of
conspiracy at common law, shall be punished by imprisonment not
more than three years, or by fine not exceeding one thousand dollars.