

MAINE STATE LEGISLATURE

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FOURTH REVISION.

THE
REVISED STATUTES

OF THE

STATE OF MAINE,

PASSED AUGUST 29, 1883, AND TAKING EFFECT JANUARY 1, 1884.

BY THE AUTHORITY OF THE LEGISLATURE.



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CHAPTER 126.

CHEATING BY FALSE PRETENCES; FRAUDS AND CONSPIRACIES.

FALSE PRETENCES AND FRAUDS.

- SEC. 1. Cheating by false pretences.
 2. Penalty, for uttering forged receipts of delivery or deposit of goods.
 3. Parties to fraudulent conveyances, or to the use thereof.
 4. Removal or concealment of mortgaged personal property, how punished.
 5. Gross fraud or cheat at common law.
 6. Circulating advertisements or shop bills, in the similitude of bank bills.
 7. Counterfeiting of stamps, labels or trade-marks, and sale of goods with such thereon, prohibited. Penalties.
 8. Any person using a trade-mark is entitled to its sole use.
 9. Damages for violation.
 10. No person shall assume or continue the name of another or his business, without consent.
 11. Remedy by injunction.

SUPPRESSION OF WILLS.

- SEC. 12. Suppression of last wills and testaments.

MARITIME FRAUDS.

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

BURNING PROPERTY FOR THE INSURANCE.

- SEC. 16. Persons burning their own property, to defraud insurers.

CONSPIRACIES.

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

FALSE PRETENCES AND FRAUDS.

Cheating
by false
pretences.
1883, c. 115.
17 Me., 216.
24 Me., 77.
33 Me., 499.
64 Me., 157.

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, conveys, mortgages or pledges to another, personal property on which there is an existing mortgage, or to which he has no title, without notice to the purchaser, of such mortgage, or of such want of title, is guilty of cheating by false pretences and shall be punished by imprisonment for not more than seven years, or by fine not exceeding five hundred dollars.

Penalty for
uttering
forged
receipts of
delivery or
deposit of
goods, bonds,
or securities.
R.S., c. 126, § 2.
73 Me., 156.

SEC. 2. Whoever fraudulently makes or utters a 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 for not less than one year nor more than ten.

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 for less than one year.

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Parties to fraudulent conveyances, or assignments.
R. S., c. 126, § 3.
61 Me., 365.
68 Me., 477.

SEC. 4. Whoever with fraudulent intent to place mortgaged personal property beyond the control of the mortgagee, removes or conceals, or aids or abets in removing, or concealing the same, and any mortgagor of such property who assents to such removal or concealment, shall be punished by fine not exceeding one thousand dollars, or by imprisonment not exceeding one year.

Removal or concealment of mortgaged personal property, how punished.
1883, c. 111.

SEC. 5. Whoever is guilty of a gross fraud or cheat at common law shall be punished by imprisonment for not more than seven years, or by fine not exceeding one thousand dollars.

Gross fraud at common law.
R. S., c. 126, § 4.

SEC. 6. Whoever puts in circulation or distributes any notice, advertisement, or shop bill, in the form and similitude of a bank bill, forfeits fifty dollars for each offence, to be recovered by action of debt in the name and to the use of the prosecutor.

Circulating advertisements in the similitude of bank bills.
R. S., c. 126, § 5.

SEC. 7. Whoever knowingly and wilfully 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 for less than one year, or by fine not exceeding two hundred dollars.

Counterfeiting trade-marks, and sale of goods with such counterfeits thereon, prohibited; penalty.
R. S., c. 126, § 6.
See c. 39, §§ 32, 36-43.

SEC. 8. 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 a 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 the same.

No person shall use another's trade-mark.
R. S., c. 126, § 7.
See c. 39, §§ 32, 36-43.

SEC. 9. Whoever violates the provisions of the preceding section, is liable to any party aggrieved thereby, for all damages actually incurred, to be recovered in an action on the case.

Damages for violation.
R. S., c. 126, § 8.

SEC. 10. No one shall assume, or continue to use in his business, either alone, or in connection with his own or any other name, or designation, the name of any person formerly connected with him in partnership, without the written consent of such person or his legal representative.

Business names, unauthorized use of, prohibited.
R. S., c. 126, § 9.

SEC. 11. The supreme judicial court may restrain, by injunction, any use of trade-marks or names, in violation of the foregoing provisions.

Injunctions.
R. S., c. 126, § 10.

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SUPPRESSION OF WILLS.

Suppression of last wills and testaments.
R. S., c. 126, § 11.

SEC. 12. Whoever wilfully 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 provided in section three.

MARITIME FRAUDS.

Fraudulent destruction of vessels, and fitting them out for that purpose.
R. S., c. 126, § 12.

SEC. 13. Whoever, in any county, wilfully casts away, burns, sinks, or otherwise destroys a vessel, 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 for 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 for not more than twenty years, or by fine not exceeding five thousand dollars.

Making false invoices, bills of lading, or false estimates of property shipped.
R. S., c. 126, § 13.

SEC. 14. If an owner of a vessel, or of 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 such property, with intent to injure or defraud any insurer of such vessel or property, he shall be punished by imprisonment for not more than ten years, or by fine not exceeding five thousand dollars.

False affidavits and protests by master, officer, mariner or owner of vessel or cargo.
R. S., c. 126, § 14.

SEC. 15. 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 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 for not more than ten years, or by fine not exceeding five thousand dollars.

BURNING PROPERTY FOR THE INSURANCE.

Persons, burning their own property to defraud insurers.
R. S., c. 126, § 15.

SEC. 16. If an owner or person in any way concerned, interested, or in possession of any building, goods, or other property, insured against loss or damage by fire, wilfully burns the same or causes it to be burned, with intent to defraud the insurer, he shall be punished by imprisonment for not less than one nor more than twenty years.

CONSPIRACIES.

Conspiracies, to prosecute an innocent person.
R. S., c. 126, § 16.

SEC. 17. If 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 are guilty of a conspiracy, and each shall be punished by imprisonment for not more than five years, or by fine not exceeding one thousand dollars.

Conspiracies in other cases.

SEC. 18. If 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 a crime punishable by imprisonment in the state prison, they are guilty of a conspiracy, and every such offender, and every person convicted of conspiracy at common law, shall be punished by imprisonment for not more than three years, or by fine not exceeding one thousand dollars.

CHAP. 126.
 R. S., c. 126,
 § 17.
 15 Me., 102.
 30 Me., 134.
 31 Me., 388,
 400.
 34 Me., 321.
 48 Me., 235.
 64 Me., 370.

CHAPTER 127.

MALICIOUS MISCHIEFS, AND TRESPASSES ON PROPERTY.

MALICIOUS MISCHIEFS, AND TRESPASSES.

- SEC. 1. Maliciously killing or injuring domestic animals.
2. Unlawful taking of a horse saddled or harnessed.
3. Unlawful taking of any animal, boat or vehicle.
4. Corrupting waters used for domestic purposes.
5. Malicious injuries to ice, how to be punished. Title or ownership need not be alleged or proved.
6. Injuries to dams, canals, machinery, ponds, engines, telegraph fixtures and public bridges. Obstructions on bridges and roads.
7. Penalty for injuring, or cutting loose booms, rafts, vessels, or boats. Civil action for double damages.
8. Penalty for mooring rafts or vessels to buoys or beacons; how recovered.
9. Malicious injuries to trees, shrubs, fences, gates, bars, or to produce, or things attached to land.
10. Penalty for advertising on rocks or fences, without leave.
11. Trespases to gardens, orchards, or improved lands, with intent to take and carry away trees, vegetables or soil.
12. Wilful trespass on inclosed land between April first and December first, after notice, how punished. Section fourteen applies hereto.
13. Injuries to fruit gardens, how punished; fines, how disposed of.
14. Owners or occupants may arrest offenders.
15. Trespass on timber or wood standing; earth or stone; produce on lands; goods on wharves or landing places.
16. Monuments, marked trees, mile stones, guide-boards, sign-boards, lamps and lamp-posts.
17. Wilful injuries to buildings, fixtures, goods, or valuable papers.
18. Wanton injury to books, pictures, statues, or paintings, in public libraries.
19. Penalty for placing obstructions on travelled roads.
20. Limitations of prosecutions, and jurisdiction of trial justices.

TRANSPORTATION OF BAGGAGE, AND WILFUL INJURY THEREOF.

- SEC. 21. Penalty for wilful destruction or injury of baggage.
22. Jurisdiction of trial justices.

MALICIOUS MISCHIEFS, AND TRESPASSES.

SEC. 1. Whoever wilfully or maliciously kills, wounds, maims, disfigures, or poisons any domestic animal, or exposes any poisonous substance with intent that the life of such animal should be destroyed thereby, shall be punished by imprisonment for not more than four years, or by fine not exceeding five hundred dollars.

Maliciously
 killing or
 injuring
 domestic
 animals.
 R.S., c. 127, § 1.