

MAINE STATE LEGISLATURE

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FIFTH REVISION.

THE
REVISED STATUTES

OF THE

STATE OF MAINE,

PASSED SEPTEMBER 1, 1903, AND TAKING EFFECT JANUARY 1, 1904.

BY THE AUTHORITY OF THE LEGISLATURE.



AUGUSTA :
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1904.

CHAPTER 122.

FORGERY AND COUNTERFEITING, AND FRAUDULENT STOCKS.

FORGERY AND COUNTERFEITING.

Forgery of, and publishing as true, forged records and written instruments.
 R. S., c. 121, § 1.
 1897, c. 176.
 2 Me., 366.
 20 Me., 82.
 22 Me., 281.
 47 Me., 167.
 50 Me., 419.

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 issued, by a competent court, magistrate or officer; or attestation or certificate of any person required by law, or receivable as legal proof in relation to any matter; or any charter, deed, will, testament, bond, writing obligatory, power of attorney, letter of credit, policy of insurance, bill of lading, bill of exchange, promissory note, order or acceptance, or indorsement or assignment thereof, or of any debt or contract; or acquittance, discharge or accountable receipt for anything of value; or any other written instrument of another or purporting to be such, by which any pecuniary demand or obligation or any right in any property is or purports to be created, increased, conveyed, transferred, diminished or discharged; and whoever utters and publishes as true any instrument before mentioned, knowing it to be false, forged or counterfeit, with like intent, shall be punished by imprisonment for not more than ten years.

Forgery or counterfeiting of public securities, bank bills or coin, etc.
 R. S., c. 121, § 2.

SEC. 2. Whoever with intent to defraud, falsely makes, alters, forges or counterfeits, any public security issued in any form or purporting to be by authority of the United States, or any state or territory thereof; or any indorsement or writing purporting to be a transfer thereof; or any bank bill or promissory note issued or purporting to be issued by any bank or banking company in any of the United States, or in any foreign state, province or government; or any gold or silver coin current in this state; and whoever has in his possession, at one time, ten or more such forged or counterfeit public securities, notes or pieces of coin with intent to pass them, knowing them to be forged or counterfeit, shall be punished by imprisonment for life, or for any term of years.

Bringing into the state, or having in possession counterfeits, with intent to pass them.
 R. S., c. 121, § 3.

SEC. 3. Whoever brings into the state, or has in his possession with intent to pass the same; or with intent to defraud, utters or tenders in payment as true any such coins, bank bills, notes or public securities, as are described in the preceding section, knowing them to be forged or counterfeit, shall be punished by imprisonment for not more than three years, or by fine not exceeding one thousand dollars.

Second and third convictions.
 R. S., c. 121, § 4.

SEC. 4. Whoever, after being convicted of an offense described in the preceding section, is again convicted thereof, or is convicted of three such distinct offenses at the same term of the court, shall be punished by imprisonment for not less than three, nor more than ten years.

Counterfeiting foreign coin for exportation.
 R. S., c. 121, § 5.

SEC. 5. Whoever forges or counterfeits gold or silver coin of a foreign government or country, with intent to export the same for the purpose of defrauding any foreign government or its subjects, shall be punished by imprisonment for not less than one, nor more than ten years.

Manufacture or possession of implements and materials for counterfeiting.
 R. S., c. 121, § 6.

SEC. 6. Whoever makes or begins to make, mend, cast, stamp, engrave, mould or provide any plate, block, press, tool, instrument, paper or other material, designed and adapted for making any false, forged or counterfeit coin, public securities, bank bills or notes, mentioned in this chapter; or has the same in his possession partly or wholly made, with intent to use

or permit them to be used for that purpose, shall be punished by imprisonment for not more than three years or by fine not exceeding five hundred dollars; and all such tools, implements and materials shall be disposed of as provided in section twelve of chapter one hundred and twenty-six.

—disposal
of them.

SEC. 7. Whoever, with intent to defraud, totally erases or obliterates any record or other written instrument described in this chapter; fraudulently connects together different parts of several bank bills, notes or other written instruments so as to produce one, or alters the same in a material matter, is guilty of forgery and shall be punished as if such instrument had been forged and counterfeited.

Total
erasures, and
fraudulent
connections of
instruments.
R. S., c. 121, § 7.

SEC. 8. In prosecutions for any offense described in this chapter relating to the bills or notes of any bank, if the president or cashier thereof resides out of the state, or more than forty miles from the place of trial, any other witness, acquainted with their signatures and with the difference between the true and counterfeit bills of such bank, may be admitted to prove them forged and counterfeit; and if such prosecution relates to public securities, a certificate of the tenor of the genuine public security, alleged to be forged or altered, made under oath by the secretary of the treasury, or treasurer of the United States, or by the secretary or treasurer of any state by which such security purports to be issued, is evidence to prove them forged or altered.

Testimony,
sufficient to
prove public
securities and
bank bills to
be counter-
feits in cer-
tain cases.
R. S., c. 121, § 8.

FALSE CERTIFICATES, AND FALSE ISSUES AND TRANSFERS OF STOCKS.

SEC. 9. If any person, legally authorized to take the proof or acknowledgment of any instrument that by law may be recorded, wilfully and falsely certifies that such proof or acknowledgment was duly made; or if any person fraudulently affixes a fictitious or pretended signature, purporting to be that of an officer or agent of a corporation, to any written instrument purporting to be a draft, note or other evidence of debt issued by such corporation, with intent to pass the same as true, although such person never was an officer or agent of such corporation, or never existed, he is guilty of forgery and shall be punished as provided in section one.

Forgery by
false certifi-
cates, and
fictitious
signatures.
R. S., c. 121, § 9.

SEC. 10. If an officer or agent of a corporation wilfully signs with intent to issue, or issues any certificate purporting to be a certificate or other evidence of the ownership or of the transfer of any stock in such corporation, not authorized by its charter, by-laws or votes, or without such authority issues, sells or pledges such certificate or other evidence of ownership or transfer of stock after it is lawfully signed, he shall be punished by imprisonment in the state prison for not more than ten years, and by fine not exceeding one thousand dollars.

Making or
issuing false
certificates of
stock, or
pledging
genuine,
without
authority.
R. S., c. 121, § 10.

SEC. 11. Whoever undertakes to do business, or does business of any kind in behalf of any corporation, the charter of which has been forfeited under the provisions of chapter two hundred and thirty-five, of the public laws of nineteen hundred and three, or holds out such corporation as doing business, or sells, transfers or puts upon the market any stocks or other evidence of indebtedness whatsoever of any such corporation, shall be punished by a fine of three hundred dollars.

Acting for
corporation
after forfeit-
ure of charter.
1903, c. 235, § 2.

REWARDS TO INFORMERS AND PROSECUTORS.

SEC. 12. The following rewards shall be paid to the person informing and prosecuting in the cases described below: Sixty dollars for each person convicted and sentenced for either of the aforesaid offenses of forging and counterfeiting any coin, public security, bank bill or note;

Rewards for
conviction
of forgers
and counter-
feiters.
R. S., c. 121, § 11.

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and forty dollars for each person convicted and sentenced for either of the aforesaid offenses of possessing with intent to utter, or of knowingly uttering such coin, public security, bank bill or note; these rewards shall be paid out of the treasury of the state by warrant of the governor and council, granted on certificate of the judge who tried the case; and where there are two or more informers and prosecutors for the same offense, the reward shall be divided between them equally, or in such proportions as said judge determines.

CHAPTER 123.

OFFENSES AGAINST PUBLIC JUSTICE.

Definition and punishment of perjury and subornation of perjury. R. S., c. 122, § 1. 1885, c. 256, § 1. See c. 6, § 88. c. 28, § 49; c. 30, § 5; c. 40, §§ 23, 31; c. 49, § 149; c. 62, § 5; c. 68, § 6; c. 88, § 77.

Attempted subornation of perjury. R. S., c. 122, § 2. 1885, c. 256, § 2.

Proceedings, by any court, on presumption of perjury committed before such court. R. S., c. 122, § 3.

Form of indictment for perjury in court. R. S., c. 122, § 4. 59 Me., 139. 79 Me., 129. 91 Me., 313.

SEC. 1. Whoever, when required to tell the truth on oath or affirmation lawfully administered, wilfully and corruptly swears or affirms falsely to a material matter, in a proceeding before any court, tribunal or officer created by law, or in relation to which an oath or affirmation is authorized by law, is guilty of perjury; and whoever procures another to commit perjury is guilty of subornation of perjury; and shall be punished in either case, if the perjury was committed in a trial of a crime, punishable by imprisonment for life, by imprisonment for any term of years not less than ten, and if committed in any other case, by imprisonment for not more than ten years. (a)

SEC. 2. Whoever wilfully and corruptly endeavors to incite or procure another to commit perjury, although it is not committed, shall be punished by imprisonment for not more than five years.

SEC. 3. When a witness or party, legally sworn and examined, or making affidavit in any proceeding in a court of record, testifies in such a manner as to raise a reasonable presumption that he is guilty of perjury therein, the court may immediately order him committed to prison, or take his recognizance with sureties for his appearance to answer to a charge of perjury; and may bind over any witnesses present to appear at the proper court to prove such charge, order the detention so long as necessary of any papers or documents produced and deemed necessary in the prosecution of such charge, and cause notice of such proceedings to be given to the state's attorney for the same county.

SEC. 4. Indictments against persons for committing perjury before any court or tribunal drawn substantially as hereinafter provided, are sufficient in law, viz.:

"STATE OF MAINE.

_____, ss. At the _____ court begun and held at _____, within and for said county of _____, on the _____ Tuesday of _____, in the year of our Lord nineteen hundred and _____.

The jurors for said state, upon their oath present, that A. B., of _____, in the county of _____," (addition,) "at _____, in the said county of _____, on the _____ day of _____, in the year of our Lord nineteen hundred and _____, appeared as a witness in a proceeding in which C. D. and E. F. were parties, then and there being heard before a tribunal of competent jurisdiction, and committed the crime of perjury, by testifying

(a) 26 Me., 36, 71; 39 Me., 339; 49 Me., 413; 50 Me., 217; 59 Me., 141; 69 Me., 219; 76 Me., 66.