

MAINE STATE LEGISLATURE

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FIFTY-SIXTH LEGISLATURE.

HOUSE.

No. 70.

STATE OF MAINE.

IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED AND SEVENTY-SEVEN.

AN ACT to amend section ten, chapter one hundred and thirty-one of the revised statutes, relating to indictments.

Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows :

Section ten, chapter one hundred and thirty-one of
2 the revised statutes is amended by adding at the end
3 thereof the following words: "No variance between any
4 matter, in writing or in print, produced in evidence on
5 the trial of any criminal cause, and the recital or
6 setting forth thereof in the complaint, indictment or
7 other criminal process whereon trial is had, shall be
8 deemed material, *provided* that the identity of the
9 instrument is evident and the purport thereof is suffi-
10 ciently described to prevent all prejudice to the de-

11 fendant ; and any criminal process may be amended
12 in matters of form at any time before final judgment,”
13 so that said section, as amended, shall read as follows :

14 *Sect. 10.* In an offence in any way relating to real
15 or personal estate, it shall be deemed sufficient and
16 not at variance, if proved at the trial that, when the
17 offence was committed, the actual or constructive pos-
18 session, or the general or special property in whole or
19 in part of such estate, was in the person or community
20 alleged in the indictment to be the owner thereof. No
21 variance between any matter in writing or in print,
22 produced in evidence on the trial of any criminal
23 cause, and the recital or setting forth thereof in the
24 complaint, indictment or other criminal process where-
25 on trial is had, shall be deemed material, *provided*
26 that the identity of the instrument is evident and the
27 purport thereof is sufficiently described to prevent all
28 prejudice to the defendant ; and any criminal process,
29 may be amended in matters of form, at any time
30 before final judgment.

STATE OF MAINE.

IN HOUSE OF REPRESENTATIVES, }
January 30, 1877. }

Reported from the Committee on Legal Affairs, by Mr. LORD of Bangor, and
ordered printed under the Joint Rule.

ORAMANDAL SMITH, *Clerk.*