

MAINE STATE LEGISLATURE

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L A W S

OF THE

STATE OF MAINE;

TO WHICH ARE PREFIXED

THE

CONSTITUTION OF THE U. STATES

AND OF SAID STATE,

IN TWO VOLUMES,

WITH AN APPENDIX.

.....
VOL. I.
.....

Published according to a resolve of the State, passed
March 8, 1821.

BRUNSWICK.

Printed by J. Griffin, for the State.

.....
1821.

ERRATA:

**The following leaf is
inserted because one or more pages
in this chapter have errors
noticed and corrected here.**

VOLUME THE FIRST.

Page.	
40	L. 12 of the page for 'preceding' read 'presiding'
54	Sec. 4 L. 14 of Sec. for 'time' read 'term'
55	7 2 for 'a' read 'or'
55	7 9 before the word 'said' insert 'the'
56	9 3 for 'the' read 'her'
57	1 6 for 'to' read 'in'
58	1 5 for 'and' after the word 'house' read 'or'
61	in the title of the act, ch. vi. insert 'the' before the word 'crimes'
62	Sec. 2 L. 9 of S. before the word 'offender' insert 'such'
69	16 8 for 'Treasurer' read 'Treasury'
73	1 15 after the word 'for' insert 'the'
77	13 6 for 'to' read 'of'
78	first line of the page, dele the word 'by'
80	L. 2 of the p. after the word 'willingly' insert 'aid or'
80	17 for 'counterfeited' read 'counterfeit'
82	1 after the word 'in' insert 'all'
82	Sec. 7 L. 4 of Sec. after the word 'devised' dele 'or' and insert ' , '
83	Sec. 7 L. last of S. for 'aggravations' read 'aggravation'
84	10 6 for 'and' read 'or'
90	1st L. of p. for 'Commissioner' read 'Commissioners'
90	L. 20 before the word 'Commissioner' insert 'said'
97	6 for 'assumst' read 'assumpsit'
97	14 for 'cover' read 'covin'
98	at the end of the act for 'January' read 'February'
99	L. 17 of p. after the word 'year' dele ' ; ' & insert ' , and'
100	15 at the end of the line insert 'the'
105	at the end of the Act for '1820' read '1821'
108	L. 14 of page, for 'nuisances' read 'nuisance'
108	20 after the word 'each' insert 'one'
111	25 after the word 'fail' insert 'of'
113	11 for 'on' read 'or'
144	last for 'performance' read 'performing'
145	Sec. 2 L. 9 of Sec. after the word 'of' insert 'the'
147	7 6 before the word 'release' for 'to' read ' a '
150	Sec. 6 L. 2 of Sec. for 'in' read 'is'
151	in the title, before the word 'Lands' insert 'reserved'
153	1st line of the p. for 'whenever' read 'wherever'
155	last before the word 'Court' for 'a' read 'any'
156	Sec. 4 L. 26 of Sec. for 'notification' read 'notifications'
159	9 8 for 'purpose' read 'purposes'
167	14 5 for 'votes' read 'vote'
193	4 10 dele 'such'
199	17 1 for 'when' read 'where'
202	22 6 after the word 'near, dele 'to'
202	23 10 for 'be' read 'he'
203	24 16 for 'of' read 'in'
203	25 16 for 'meeting' read 'meetings'
205	L. 18 of p. before the word 'estate' insert 'other'
210	2 before the word 'tenement' insert 'other'
215	4 before the word 'guardians' insert 'guardian or'
226	Sec. 73 L. 6 of Sec. dele 'a'
229	3 last for 'agreeably' read 'agreeable'
230	7 19 for 'agreeably' read 'agreeable'
231	8 6 for 'resided' read 'reside'
242	2 5 for 'sentence' read 'sentences'
245	7 3 after the word 'herein' insert 'before'
247	L. 7 of the act, ch. 56, after the word 'otherwise' insert 'interested'
247	11 for 'statement' read 'statements'
247	Sec. 1 L. 2 of Sec. for 'whenever' read 'wherever'
248	3 1 for 'whenever' read 'wherever'
248	3 14 for 'Justice' read 'Justices'

Page.	
252	L. 3 of p. for 'where' read 'wherein'
257	5 after the word 'have' insert 'his or'
265	Sec. 39 L. 3 of Sec. for 'when' read 'where'
271	L. 1 and 3 of p. for 'affect' read 'effect'
271	Sec. 6 L. 2 of Sec. before the word 'execution' insert 'the'
278	19 4 for 'on' read 'in'
280	L. 2 of p. for 'have' read 'had'
281	22 for 'of' read 'on'
283	13 for 'lies' read 'lays'
283	last before the word 'defendant' insert 'the'
284	Sec. 32 L. 2 of Sec. for 'a' read 'any'
288	5 18 for 'whenever' read 'wherever'
291	9 4 for 'as' read 'or'
292	L. 4 of p. for 'examinations' read 'examination'
293	Sec. 13 L. 5 of Sec. after the word 'article' insert 'or articles'
297	7 5 for 'and' read 'or'
301	L. 8 of p. for 'he' read 'be'
309	24 between the words 'the' and 'day' should be a ' , '
310	20 for 'debt' read 'debtor'
311	2 for 'with' read 'and of'
312	7 for 'summon' read 'summons'
312	9 between the words 'our' and 'Court' should be a ' , '
318	31 for 'writs' read 'writ a'
328	Sec. 8 L. 4 of Sec. for 'grieved' read 'aggrieved'
353	L. 14 of p. at the end of the line insert 'the'
361	Sec. 1 L. 18 of Sec. for 'cause' read 'case'
370	3 10 for 'to' read 'of'
371	2 7 dele 'to'
373	L. 15 of p. before the word 'require' insert 'to'
376	Sec. 1 L. 10 of Sec. dele 'the' before the word 'payment'
378	at the end of the act, for '17' read '20'
378	in the title, for 'selection' read 'selecting'
379	Sec. 4 L. 5 of Sec. before the word 'divide' insert 'shall'
394	1 9 for 'part' read 'parts'
395	1 8 for 'acceptances' read 'acceptance'
404	1 34 before the word 'authorized' insert 'hereby'
407	7 4 dele 'the'
414	last word of the 1st act on the page, for 'therein' read 'thereon'
423	Sec. 3 L. 15 of Sec. after the word 'assignments' insert 'thereof, and also of the assignments'
424	Sec. 6 L. 13 of S. after the word 'papers' insert 'as'
425	L. 7 of p. before the word 'action' insert 'an'
428	22 for 'twelve' read 'twenty'
431	8 for 'fifteen' read 'fifty'
432	first line of the page should be put after the third
432	L. 5 of the p. dele 'entering'
432	between the 28th and 29th lines of the p. insert 'Every blank writ of attachment, with a summons thereon, fifteen cents'
432	L. 37 of p. for 'judgment' read 'jurymen'
435	9 for 'appear' read 'appears'
435	10 for 'make' read 'makes'
435	18 for 'taking' read 'taxing'
444	Sec. 1 L. 6 of Sec. before the word 'records' insert 'the'
445	1 9 for 'within' read 'of'
445	1 19 after the word 'escape' insert 'sickness'
455	11 1 after the word 'of' insert 'the'

CHAPTER XI.

An Act against Forgery and Counterfeiting.

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in Legislature assembled, That if any person shall falsely make, alter, forge or counterfeit, or shall procure to be falsely made, altered, forged or counterfeited, or shall willingly aid or assist in falsely making, altering, forging or counterfeiting any public record, any certificate or attestation of a Justice of the Peace, Public Register, Notary Public, Clerk of any Court, Town Clerk, or other public officer, in any matter wherein such their certificate or attestation is receivable and may be taken as legal proof; any charter, deed, will, testament, bond or writing obligatory, letter of attorney, policy of insurance or bill of exchange; any promissory note, order, acquittance or discharge, for or upon the payment of money or delivery of goods; or any acceptance of a bill of exchange or any endorsement or assignment of a bill of exchange or promissory note, for the payment of money; any accountable receipt for money or goods, or for any note, bill or security for money or goods; or any lottery ticket in any lottery legally authorized and licensed within this State, or shall utter or publish as true, any such false, altered, forged or counterfeited record, certificate or attestation, charter, deed, will, testament, bond or writing obligatory, letter of attorney, policy of insurance, bill of exchange, promissory note, acceptance, endorsement, assignment, order, acquittance, discharge, accountable receipt or lottery ticket, knowing the same to be false, altered, forged or counterfeit, with intent to injure or defraud any person, or any body politic or corporate, then every person so offending, in either of the particulars aforesaid, who shall be thereof duly convicted, in the Supreme Judicial Court, shall be punished by solitary imprisonment, for a term not exceeding six months, and by confinement afterwards, to hard labour, for a term not less than two years, and not exceeding ten years.

Forgery of public records & certificates and private securities, &c.

or uttering them as true, &c. how punished

on conviction in the S. J. Court.

SEC. 2. *Be it further enacted,* That if any person shall falsely make, alter, forge or counterfeit, or shall procure to

Punishment for forging

bills of credit, bank bills, &c.

or aiding in altering or rendering current as true, any such, knowing them to be false,

or possessing such, knowingly, with intent to pass as true.

Punishment for uttering or tendering in payment, false bills, notes, &c. knowingly.

be falsely made, altered, forged or counterfeited; or shall willingly assist in falsely making, altering, forging or counterfeiting, any note, certificate, or other bill of credit, which hath been or may be, issued by the Treasurer or other Commissioner or Commissioners duly authorized, for any debt of this State; or any bank bill, or promissory note payable to the bearer, signed in behalf of any company or corporation, by law licensed and authorized as a bank, within this State, or payable and demandable therein, at the office of any banking company incorporated by any law of the United States; or if any person having knowledge of such false making, altering, forging or counterfeiting, shall willingly aid or assist in altering or rendering current as true, any such false altered, forged or counterfeited notes, certificates, bills of credit, bank bills, or notes, and for that purpose shall possess, at any one time, any number not less than ten of such similar false, altered, forged, or counterfeited notes, certificates or bills of credit, bank bills or notes, knowing the same to be false, altered, forged or counterfeit as aforesaid, with intent to utter or pass the same and thereby to injure or defraud this State, any body politic or corporate, or any person or persons, then every person, so offending, in either of the particulars aforesaid, who shall be thereof duly convicted in the Supreme Judicial Court, shall be punished by solitary imprisonment for a term not exceeding one year, and by confinement afterwards to hard labour, for and during his or her life.

SEC. 3. *Be it further enacted,* That if any person shall utter; or tender in payment as true, any such false, altered, forged or counterfeit note, certificate or bill of any debt of this State, bank bill, or promissory note payable to the bearer, by any bank as aforesaid, knowing the same to be false, altered, forged or counterfeit, with intent to injure or defraud this State, any body politic or corporate, or any person or persons; every person so offending, and who shall be duly convicted thereof, in the Supreme Judicial Court, shall be punished by solitary imprisonment for a term not exceeding thirty days; and by confinement afterwards to hard labour for a term not exceeding three years; or by a fine not exceeding one thousand dollars, and by

binding to the good behaviour for two years, at the discretion of the Justices of the said Court before whom the conviction may be. And if after any such conviction, the same person shall be guilty a second time of the like offence, and shall be duly convicted thereof in the Supreme Judicial Court; or if in the Supreme Judicial Court at the same term thereof any person shall be duly charged and convicted of the said offence, in three several instances, then such person may be adjudged to be a common utterer of counterfeit bills, and shall be punished by solitary imprisonment for a term not exceeding one year, and by confinement afterwards to hard labour for a term not less than two years, and not exceeding ten years.

Punishment on second conviction;

or on conviction of three several offences at same term.

SEC. 4. *Be it further enacted*, That if any person shall bring into or shall have in his possession within this State, any false, forged and counterfeit bill or bills, note or notes in the similitude of the bills or notes payable to the bearer thereof, issued by or for any bank or banking company, which is or shall be established within this State, or in any other part of the United States, for the purpose of rendering the same current as true, or with intent to pass the same, knowing the same to be false, forged and counterfeit, every such offender upon due conviction thereof, before the Supreme Judicial Court, shall be punished by solitary imprisonment, for such term, not exceeding three months; and by confinement afterwards to hard labour, for such term not exceeding three years; or by a fine not exceeding one thousand dollars, and imprisonment in the common gaol not exceeding one year, as the Justices of the said Court, before whom the conviction may be, shall sentence and order, according to the aggravation of the offence.

Punishment for having, or bringing into the State, bank bills, with intent to pass, &c.

SEC. 5. *Be it further enacted*, That in all prosecutions for forgery, or counterfeiting any bank bills or promissory notes, of any of the banks mentioned and described in the second, third and fourth sections of this Act; or for uttering, publishing, or tendering in payment as true any such forged or counterfeit bills or notes, or for having the possession of any such forged or counterfeit bills or notes with intent to pass the same, the testimony of the President or Cashier of such banks may be dispensed with, if the place of residence of such President or Cashier shall exceed the distance of

Testimony of President or Cashier may,

incertain cases
be dispensed
with—and oth-
er proof admit-
ted.

forty miles from the place of trial; but in such cases it shall be lawful to admit the testimony of any witness acquainted with the signature of the officers of said banks, or who may have knowledge of the difference between the true and the counterfeit bills or notes of said banks, to prove that such bills or notes are counterfeit, any law or practice to the contrary notwithstanding.

Certificate of
Secretary or
Treasurer of
U. States, or
of any State
may, in cer-
tain cases, be
admitted as
proof.

SEC. 6. *Be it further enacted,* That in all criminal prosecutions, within this State, for forging and altering any paper or other bill of credit of the United States of America, or either of said States; or for uttering or passing, any such paper or other bill of credit, knowing the same to be forged or altered; or of holding and possessing such forged or altered bill of credit, with intent to utter or pass the same, knowing the same to be forged or altered, the certificate under oath of the Secretary or Treasurer of the said United States of America, or of either of the said States, of the tenor of the true bill, alleged to be forged or altered, shall be admitted on trial in such prosecution, for the purpose of proving such bill of credit to be forged or altered.

Punishment
for engraving
or making
plates, press,
&c. for forg-
ing;

SEC. 7. *Be it further enacted,* That if any person shall engrave, form, make or mend, or shall begin to engrave, form, make or mend any plate or plates, paper rolling press, or other tool, instrument or material, devised or adapted and designed for the stamping, forging and making any false and counterfeit certificates, bills, or notes which have been, or which shall be issued as aforesaid, by or for any debt of this State, or by or for any bank or banking company which is or shall be established in this State, or in any other part of the United States; or shall have in his possession any such plate or plates, engraven in any part, or any paper rolling press, or other tool, instrument or material, devised, adapted and designed as aforesaid, with the intent to use and employ the same, or to cause or permit the same to be used and employed in forging and making any such false and counterfeit certificates, bills or notes, every person so offending, who shall be thereof duly convicted before the Supreme Judicial Court, shall be punished by solitary imprisonment, for such term, not exceeding three months, and by confinement afterwards to hard labour for such term, not exceeding three years; or

or possessing
such plates,
&c. with in-
tent to use,
&c.

by fine not exceeding five hundred dollars and by imprisonment in the common gaol, for such term, not exceeding one year, as the Justices of the said Court, before whom the conviction may be, shall sentence and order, according to the aggravations of the offence.

SEC. 8. *Be it further enacted,* That if any person shall forge or counterfeit, or shall procure to be forged or counterfeited, or shall willingly aid or assist in forging or counterfeiting any gold or silver coin, current within this State, by the laws or usages thereof, or if any person, knowing of such forging and counterfeiting, shall willingly aid or assist in passing and rendering current, as true, any such forged or counterfeit coin, and for that purpose shall, at any one time, possess any number, not less than ten, of similar pieces of false money or coin, forged and counterfeited to the similitude of the gold or silver money or coin, current as aforesaid, with intent to utter the same, as true, knowing the same to be false, forged and counterfeit, every person so offending, in either of the particulars, aforesaid, who shall be duly convicted thereof in the Supreme Judicial Court, shall be punished by solitary imprisonment for a term, not exceeding one year, and by confinement afterwards to hard labour for and during his or her life.

Punishment for forging gold or silver coin—or knowingly aiding in passing it as true, &c.

or possessing such false pieces, with intent to pass them as true, &c.

SEC. 9. *Be it further enacted,* That if any person shall bring into this State, or shall possess within the same, any number of similar pieces of false money or coin, forged and counterfeited as aforesaid, knowing the same to be false, forged and counterfeit, with intent to utter and pass the same, as true; or if any person shall utter, pass or tender in payment, as true, any false money or coin, knowing the same to be false, being counterfeit, in the similitude of any gold or silver money, or coin current by law or usage, within this State, with intent to defraud any person or persons; every person, so offending, who shall be duly convicted thereof in the Supreme Judicial Court, shall be punished by solitary imprisonment for a term, not exceeding three months, and by confinement afterwards to hard labour for a term not exceeding three years; or by a fine not exceeding one thousand dollars, and by binding to the good behaviour for two years. And if after one conviction as aforesaid, the same per-

Punishment for bringing into State, or possessing in it, false coin, &c. with intent to pass, &c.

Punishment on a second conviction,

or on being convicted of said offence, in three several instances, at the same term.

Punishment for making, mending or possessing any mould, or engine for coining metals &c. or permitting such mould, &c. to be used.

Rewards to be paid from State treasury to prosecutors, on conviction of certain offences against this Act.

son shall be guilty a second time of the like offence, and shall be duly convicted thereof; or if any person before the Supreme Judicial Court, at the same term thereof, shall be charged and convicted of the said offence, in three several instances, then such person shall be adjudged to be a common utterer of counterfeit money, and shall be punished by solitary imprisonment for a term not exceeding one year, and by confinement to hard labour, for a term not less than two years and not exceeding ten years.

SEC. 10. *Be it further enacted*, That if any person shall cast, stamp, engrave, form, make or mend, or shall knowingly possess any mould, pattern, dye, puncheon, engine, press or other tool or instrument, devised, adapted or designed, for the coining and making any false and counterfeit money or coin, in the similitude of the gold and silver money or coin, current within this State, by the laws or usages thereof, with the intent to use and employ the same, or to cause or permit the same to be used and employed in coining and making any such false and counterfeit money and coin as aforesaid; every person so offending, shall be punished by solitary imprisonment for such term, not exceeding three months, and by confinement afterwards to hard labour for such term, not exceeding three years; or by a fine, not exceeding five hundred dollars, and by imprisonment in the common gaol for such term, not exceeding one year, as the Justices of the said Court, before whom the conviction may be, shall sentence and order, according to the aggravation of the offence.

SEC. 11. *Be it further enacted*, That for the prevention and discovery of certain of the offences aforesaid, there shall be allowed and paid at the public treasury, by the warrant of the Governor, with the advice and consent of the Council, to be granted upon the certificate of the Justice or Justices of the Supreme Judicial Court, before whom the conviction shall be, to the person or persons, who shall inform and prosecute against any other person or persons, who shall be thereupon charged and convicted, the following rewards, that is to say; for any conviction of the crime of forging and making any false and counterfeit certificate, bill or note, in the similitude of any certificate, bill or note, payable to the

bearer thereof, which hath been, or which shall be issued as aforesaid, for any debt of this State, or by or for any bank or banking company, within this State, by law established; or of the crime of forging and making any false and counterfeit coin, as aforesaid, for every person that shall be so convicted, the sum of sixty dollars: and for any conviction of the crime of possessing, with an intent to utter, or of knowingly uttering any such false and counterfeit certificate, bill, note, money or coin, the sum of forty dollars, for every person that shall be so convicted. And when it shall happen that two or more are the informers and prosecutors, in any one offence, the reward, thereupon to be allowed, shall be divided between them equally, or in such other proportions, as the Justice or Justices certifying as aforesaid, shall determine and appoint.

Case of more than one prosecutor in one offence—reward to be divided.

[Approved February 19, 1821.]

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CHAPTER XII.

An Act against Perjury and Subornation of Perjury.

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in Legislature assembled, That if any person, being lawfully required to depose the truth, in any proceeding in a course of justice, shall commit any manner of wilful perjury, every person so offending, and being thereof convicted before the Supreme Judicial Court, shall be punished by solitary imprisonment, for a term not exceeding three months, and by confinement afterwards to hard labour, for a term not less than two years, and not exceeding fifteen years.

Punishment of Perjury.

SEC. 2. *Be it further enacted,* That if any person shall commit subornation of perjury, by procuring another person to commit wilful and corrupt perjury as aforesaid, every person guilty of such subornation of perjury, and being thereof duly convicted, shall be liable to, and suffer the same punishment and disability, as in this act is provided for the punishment of wilful perjury.

Of subornation of perjury.

SEC. 3. *Be it further enacted,* That if any person shall wilfully and corruptly endeavour to incite or to procure

Of a corrupt endeavour to