

MAINE STATE LEGISLATURE

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THE
REVISED STATUTES

OF THE
STATE OF MAINE,

PASSED OCTOBER 22, 1840;

TO WHICH ARE PREFIXED

THE CONSTITUTIONS

OF THE

United States and of the State of Maine,

AND TO WHICH ARE SUBJOINED THE OTHER

PUBLIC LAWS OF 1840 AND 1841,

WITH AN

APPENDIX.

PRINTED AND PUBLISHED IN COMPLIANCE WITH A RESOLVE OF OCTOBER 22, 1840.

Augusta:

PUBLISHED BY WILLIAM R. SMITH & Co., PRINTERS TO THE STATE.

.....
1841.

CHAP. 156.

Punishment mitigated in certain cases, on restitution. 1821, 7, § 15.

Punishment of receivers, &c. on a second conviction. 1821, 7, § 14. 7 Pick. 177.

Receiver may be tried, though the principal be not convicted. 1821, 7, § 13. 3 Mass. 126.

On arrest of the person charged, the officer to secure the goods, &c. 1821, 7, § 17. 21 Pick. 156.

Jurisdiction of justices of the peace, in cases of larceny. 1821, 7, § 1.

SECT. 11. If any person, on being convicted of the offence described in the preceding section, and when the stealing of the property was a simple larceny, shall make satisfaction to the party injured, to the full value of the property stolen and not restored, he shall not be sentenced to imprisonment in the state prison.

SECT. 12. If any person, after having been convicted of the offence of buying, receiving, or aiding in the concealment of, stolen property, shall again be guilty and convicted of a like offence, or if any person, at the same term of the court, shall be convicted of the three distinct acts of buying, receiving or aiding in the concealment of stolen property, he shall be punished by imprisonment in the state prison, not more than ten years.

SECT. 13. In any prosecution for the offence of buying, receiving, or aiding in the concealment of stolen property, knowing it to be stolen, it shall not be necessary to aver, nor, on trial thereof, to prove, that the person, who stole such property, has been convicted.

SECT. 14. The officer, who shall arrest any person, charged as principal or accessory in any larceny, or with buying, receiving or concealing stolen property, shall secure the property alleged to have been stolen; and shall be answerable for the same; and shall annex a schedule thereof to his return; and, upon conviction of the offender, the stolen property shall be returned to the owner.

SECT. 15. Every justice of the peace, in his proper county, shall have concurrent jurisdiction of the offences mentioned in the first and tenth sections of this chapter; when the property alleged to have been stolen, received or concealed, known to be stolen, shall not exceed in value the sum of ten dollars; in which case, upon conviction before a justice of the peace, the punishment of a first offence shall be by fine, not exceeding ten dollars, and by imprisonment in the county jail, not more than two months; and, upon a second conviction, as aforesaid, for a like offence, committed after a previous conviction, the punishment shall be by fine, not exceeding twenty dollars, and by imprisonment in the county jail, not more than six months; saving to the person so convicted, the right of appeal as by law allowed.

CHAPTER 157.**OF FORGERY AND COUNTERFEITING.**

SECT. 1. Forgery of records and processes, attestations and certificates, deeds and other instruments in writing.

2. Uttering the same, as true.

3. Forgery of public securities.

4. Forgery of bank notes.

5. Having ten or more forged public securities, or forged bank notes, at one time.

6. Having any in possession, with intent to pass them, as true.

SECT. 7. Uttering them, as true.

8. Punishment, on repetition of the last mentioned offences.

9. Making, mending or possessing instruments or materials, with intent to use the same in forgeries.

10. What testimony admissible to prove forgery of bank notes.

11. Evidence of the falsity of pretended public securities.

SECT. 12. False certificates of acknowledgment, or proof of deeds.

13. Fraudulently connecting parts of different notes or instruments together. Alterations.

14. Fraudulent obliterations, deemed forgery.

15. Fictitious signatures, as officers of corporations, deemed forgery.

16. Counterfeiting gold or silver coin, or having ten or more pieces of false money, with intent, &c.

SECT. 17. Having any such in possession, or uttering with intent, &c.

18. Punishment on repetition of the offence.

19. Making or having instruments for counterfeiting, with intent to use.

20. Counterfeiting foreign coins for exportation.

21. Rewards to prosecutors, on conviction and sentence.

SECTION 1. If any person, with intent to defraud, shall falsely make, alter, forge or counterfeit any public record, or any process issued or purporting to be issued by any competent court, magistrate or officer, or any pleading or proceeding filed or entered in any court of law or equity, any attestation or certificate of any public officer or other person, in relation to any matter wherein such attestation or certificate is required by law, or may be received or be taken as legal proof, 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, or any order, acquittance, discharge or accountable receipt for money or other valuable thing, or any acceptance of any bill of exchange, or order, or any indorsement or assignment of any bill of exchange, promissory note or order, or of any debt or contract, or any other instrument in writing, being or purporting to be the act of another, by which any pecuniary demand or obligation, or any right or interest in or to any property whatever shall be, or shall purport to be created, increased, transferred, conveyed; discharged or diminished, he shall be punished by imprisonment in the state prison, not less than two years, nor more than ten years.

Forgery of records and processes, attestations and certificates, deeds and other instruments in writing.
1821, 11, § 1.
10 Mass. 181.
2 Greenl. 365.

SECT. 2. If any person shall utter and publish, as true, any record, process, certificate, deed, will, or any other instrument or writing mentioned in the preceding section, knowing the same to be false, altered, forged or counterfeit, with intent to defraud; he shall be punished by imprisonment in the state prison, not less than two years, nor more than ten years.

Uttering the same as true.
1821, 11, § 1.
11 Mass. 156.

SECT. 3. If any person, with intent to defraud, shall falsely make, alter, forge or counterfeit any note, certificate, bill of credit, or other instrument, being public security for money or other property, issued, or purporting to be issued by authority of this state, or any other of the United States or any territory thereof, or any indorsement or other writing, purporting to transfer the right or interest of any holder of such public security, he shall be punished by imprisonment in the state prison for life, or any term of years.

Forgery of public securities.
1821, 11, § 2.

SECT. 4. If any person, with intent to defraud, shall falsely make, alter, forge or counterfeit any bank bill or promissory note, payable to the bearer thereof, or to the order of any person, issued or purporting to be issued by any bank or banking company, established within this state, or in any of the United States, and signed in behalf of such bank or banking company, he shall be punished by imprisonment in the state prison, for life or any term of years.

Forgery of bank notes.
1821, 11, § 2.

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Having ten or more forged public securities, or forged bank notes at one time.
1821, 11, § 2.
2 Mass. 132, 138.
8 Mass. 59, 107.
7 Pick. 137.
21 Pick. 523.

SECT. 5. If any person shall have in his possession, at one time, ten or more of any such forged or counterfeit public securities, as are mentioned in the third section of this chapter, or ten or more of any bank bills or notes in the similitude of the bank bills or notes, payable to the bearer or to the order of any person, issued or purporting to have been issued by any bank or banking company, established within this state or any part of the United States, or in any foreign province, state or government, with intent to utter and pass such public securities, bank bills or notes, as true or false, knowing the same to be forged or counterfeit, he shall be punished by imprisonment in the state prison, for life or any term of years.

Having any in possession, with intent to pass them as true.
1821, 11, § 4.

SECT. 6. If any person shall have in his possession any public security, bank bill or note before mentioned in this chapter, with intent to utter and pass the same as true or false, knowing the same to be forged or counterfeit, he shall be punished by imprisonment in the state prison, not more than three years, or by fine, not exceeding one thousand dollars, and imprisonment in the county jail, not more than one year.

Uttering them as true.
1821, 11, § 3.

SECT. 7. If any person shall utter or tender in payment as true, any public security, bank bill or note before mentioned in this chapter, knowing the same to be forged or counterfeit, with intent to defraud, he shall be punished as provided in the preceding section.

Punishment, on repetition of the last mentioned offences.
1821, 11, § 3.

SECT. 8. If any person, having been convicted of the offence described in the preceding section, shall afterwards be guilty and convicted of a like offence, or if any person, at the same term of the court, shall be convicted of three such distinct offences, he shall be punished by imprisonment in the state prison, not less than three years, and not more than ten years.

Making, mending, or possessing instruments or materials, with intent to use the same in forgeries.
1821, 11, § 7.

SECT. 9. If any person shall make, mend, engrave or mould, or begin to make, mend, engrave or mould, any plate, block, press, or tool or instrument, or make or provide any paper or other material, designed and adapted for the making of any false, forged or counterfeit public security, bank bill or note, before mentioned in this chapter, or shall have in his possession any such plate or block, engraved in any part, or any press, tool, or other instrument, adapted and designed for the purpose aforesaid, with intent to use the same, or to permit the same to be used for that purpose; he shall be punished by imprisonment in the state prison, not more than three years, or by fine, not exceeding five hundred dollars, and imprisonment in the county jail, not more than one year.

What testimony admissible to prove forgery of bank notes.
1821, 11, § 5.

SECT. 10. In prosecutions for any offence in relation to bank bills or notes, described in this chapter, the testimony of the president or cashier of any bank may be dispensed with, if he reside out of the state, or more than forty miles from the place of trial; and any other witness, acquainted with the signature of such officers, or having knowledge of the difference between the true and counterfeit bills of such bank, may be admitted, as a witness, to prove that the same are forged or counterfeit.

Evidence of the falsity of pretended public securities.
1821, 11, § 6.

SECT. 11. In prosecutions for forging, altering or counterfeiting any public security, issued under the authority of the United States or of any state or territory, or for uttering and publishing the same, or being possessed thereof, with intent to utter and pass the same,

the certificate under oath of the secretary of the treasury, or treasurer of the United States, or of the secretary or treasurer of any state or territory, on whose behalf such public security purports to be issued, of the tenor of the true bill of credit or other public security alleged to be forged or altered, shall be admitted in evidence, for the purpose of proving the same to be forged or altered.

SECT. 12. If any officer or magistrate, legally authorized to take the proof or acknowledgment of any conveyance of real estate, or of any other instrument, which by law may be recorded, shall, wilfully and falsely, certify, that any such instrument or conveyance was acknowledged by any party thereto, when, in truth, no such acknowledgment was made, or that the same was proved, when, in truth, no such proof was made, he shall be deemed guilty of forgery, and shall be punished, as provided in the first section.

False certificates of acknowledgment or proof of deeds.

SECT. 13. If any person shall fraudulently connect together different parts of several genuine bank bills, notes or other instruments in writing, so as to produce one instrument, or shall alter any note or instrument in writing, in a matter that is material, with intent to defraud, the same shall be deemed forgery in like manner, as if such note, bill or instrument had been forged and counterfeited, and the offender shall be punished accordingly.

Fraudulently connecting parts of different notes or instruments together. Alterations. 10 Mass. 34.

SECT. 14. The total erasure or obliteration of any record, process, certificate, deed, will or any other instrument in writing, mentioned in this chapter, with intent to defraud, shall be deemed forgery; and the offender shall be punished in like manner, as if the same had been forged and counterfeited.

Fraudulent obliterations, deemed forgery.

SECT. 15. If any fictitious or pretended signature, purporting to be the signature of any officer or agent of any corporation, shall be fraudulently affixed to any instrument in writing, purporting to be a draft, note, or other evidence of debt, issued by such corporation, with intent to pass the same as true, it shall be deemed forgery, though no such person may ever have been an officer or agent of such corporation, or ever have existed; and the offence shall be punished, as provided in the first section of this chapter.

Fictitious signatures, as officers of corporations deemed forgery. 2 Mass. 77.

SECT. 16. If any person shall forge or counterfeit any gold or silver coin, current in this state, or shall have in his possession, at one time, ten or more pieces of false money or coin, current, as aforesaid, with intent to pass the same as true or false, knowing the same to be forged and counterfeit, he shall be punished by imprisonment in the state prison, for life or any term of years.

Counterfeiting gold or silver coin, or having ten or more pieces of false money with intent, &c. 1821, 11, § 8. 21 Pick. 523.

SECT. 17. If any person shall bring into this state, or have in his possession, at one time, any number of pieces, less than ten, of such false or counterfeit coin, knowing the same to be false or counterfeit, with intent to utter or pass the same as true or false; or if any person shall utter or pass, or tender in payment, any such coin, knowing it to be false or counterfeit, with intent to defraud any person, he shall be punished by imprisonment in the state prison, not more than three years, or by fine, not exceeding one thousand dollars, and imprisonment in the county jail, not more than one year.

Having any such in possession, or uttering, &c. with fraudulent intent. 1821, 11, § 9.

SECT. 18. If any person, having been convicted of either of the offences mentioned in the preceding section, shall afterwards be

Punishment, on repetition of the offence. 1821, 11, § 9.

CHAP. 157. guilty and convicted of a like offence, or if any person, at the same term of the court, shall be convicted of three such distinct offences, he shall be punished by imprisonment in the state prison, not less than three years, nor more than ten years.

Making, or having instruments for counterfeiting with intent to use.
1821, 11, § 10.
2 Mass. 128.

SECT. 19. If any person shall cast, stamp, engrave, make or mend, or shall have in his possession any mould, die, press or other instrument or tool, adapted and designed for the forging or counterfeiting of any coins before mentioned, with intent to use the same, or to permit the same to be used for that purpose, he shall be punished by imprisonment in the state prison, not more than three years, or by a fine, not exceeding five hundred dollars, and imprisonment in the county jail, not more than one year.

Counterfeiting foreign coins for exportation.

SECT. 20. If any person shall forge or counterfeit any gold or silver coin of any foreign government or country with intent to export the same, to injure or defraud any foreign government or the subjects thereof, he shall be punished by imprisonment in the state prison, not more than ten years.

Rewards to prosecutors, on conviction and sentence.
1821, 11, § 11.

SECT. 21. There shall be paid to the person, who shall inform and prosecute in the cases hereinafter mentioned, the following rewards; that is to say: the sum of sixty dollars for each person convicted and sentenced for either of the offences of forging or counterfeiting any public security, bank bill, or note or any coin, as described in the third, fourth and sixteenth sections of this chapter; and the sum of forty dollars for each person convicted and sentenced for either of the offences of possessing with intent to utter, or of knowingly uttering any such public security, bank bill, note or coin as described in the fifth, sixth, seventh, sixteenth and seventeenth sections: which rewards shall be paid out of the treasury of the state, by warrant of the governor, with advice of the council, to be granted on certificate of the judge or court before whom the conviction shall be had; and, where there shall be two or more informers and prosecutors for the same offence, the said reward shall be divided between them equally, or in such proportions as said judge or court shall determine.

CHAPTER 158.

OF OFFENCES AGAINST PUBLIC JUSTICE.

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| <p>SECT. 1. Definition and punishment of perjury.</p> <p>2. Subornation of perjury.</p> <p>3. The like attempt, when perjury is not committed.</p> <p>4. Proceedings by any court, on presumption of perjury before such court.</p> <p>5. Witnesses in such case recognized, and papers detained.</p> <p>6. Bribery of public officers.</p> | <p>SECT. 7. Acceptance of bribes, &c. by such officers.</p> <p>8. Corrupt solicitation of influence to procure places of trust.</p> <p>9. Acceptance of rewards for using such influence.</p> <p>10. Bribery of jurors, referees, masters in chancery, appraisers or auditors.</p> <p>11. Acceptance of bribes by such persons.</p> |
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