

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.

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1841.

CHAPTER 161.

OF CHEATING BY FALSE PRETENCES, GROSS FRAUDS AND CONSPIRACY.

- SECT. 1. Cheating by false pretences.
 2. Parties to fraudulent conveyances, or to the use thereof.
 3. Suppression of last wills and testaments.
 4. Gross frauds at common law.
 5. Fraudulent destruction of vessels.
 6. Fitting them out for such purpose.

- SECT. 7. Making false bills of lading and other exhibits of property, shipped.
 8. False affidavits and protests.
 9. Persons burning their own property to defraud insurers.
 10. Conspiracy to prosecute an innocent person.
 11. Conspiracies in other cases.

SECTION. 1. If any person, designedly and by any false pretence, or by any privy or false token, and with intent to defraud, shall obtain from another any money, goods or other property, or shall so obtain the signature of any person to any written instrument, the false making of which would be punishable as forgery, he shall be punished by imprisonment in the state prison, not more than seven years, or by fine, not exceeding five hundred dollars, and imprisonment in the county jail, not more than one year.

Cheating by false pretences. 1821, 13, § 1. 4 Pick. 177. 21 Pick. 515.

SECT. 2. Any person, knowingly being a party to any conveyance or assignment of any estate or interest in lands, goods or things in action, or of any rents or profits arising therefrom, or being a party to any charge on such estate, interest, rents or profits, made or created, with intent to defraud prior or subsequent purchasers, or to hinder, delay or defraud creditors or other persons, and every person, being privy to, or knowing of such fraudulent conveyance, assignment or charge, who shall willingly put the same in use, as having been made in good faith, shall be punished by a fine, not exceeding one thousand dollars, and imprisonment in the county jail, not more than one year.

Parties to fraudulent conveyances, or to the use thereof. 1835, 195, § 13.

SECT. 3. If any person, having in his possession, or under his control, any last will and testament of a person deceased, shall wilfully suppress, secrete, deface or destroy the same, with intent to injure or defraud any devisee, legatee or other person, he shall be punished by imprisonment in the state prison, not more than seven years, or by fine, not exceeding one thousand dollars, and imprisonment in the county jail, not more than one year.

Suppression of last wills and testaments.

SECT. 4. Every person, who shall be convicted of any gross fraud or cheat at common law, shall be punished as provided in the preceding section.

Gross frauds at common law. 1821, 13, § 2.

SECT. 5. If any person shall wilfully cast away, burn, sink or otherwise destroy any ship or vessel within any county in this state, with intent to injure or defraud any owner of such vessel, or the owner of any property laden on board the same, or any insurer of such vessel or property, or of any part thereof, he shall be punished by imprisonment in the state prison, for life or any term of years, not less than five years.

Fraudulent destruction of vessels. 1821, 14, § 1.

SECT. 6. If any person shall lade, equip or fit out or assist in lading, equipping or fitting out any ship or vessel, with intent that the same shall be wilfully cast away, burnt, sunk or otherwise destroyed, to injure or defraud any owner or insurer of such vessel,

Fitting them out for such purpose. 1821, 14, § 2.

CHAP. 161. or of any property laden on board of the same, he shall be punished by imprisonment in the state prison, not more than twenty years, or by fine, not exceeding five thousand dollars, and imprisonment in the county jail, not more than one year.

Making false bills of lading, and other exhibits of property shifted.
1821, 14, § 3.

SECT. 7. If any owner of any ship or vessel, or any property laden or pretended to be laden on board of the same, or if any other person, concerned in the lading or fitting out such ship or vessel, shall make out or exhibit, or cause to be made out and exhibited, any false or fraudulent invoice, bill of lading, bill of parcels or other false estimates of any goods or property laden, or pretended to be laden, on board of such vessel, with intent to injure or defraud any insurer of such vessel or property, or of any part thereof, he shall be punished by imprisonment in the state prison, not more than ten years, or by fine, not exceeding five thousand dollars, and imprisonment in the county jail, not more than one year.

False affidavits and protests.
1821, 14, § 4.

SECT. 8. If any master, other officer or mariner of any ship or vessel, shall make or cause to be made, or shall swear to any false affidavit or protest, or if any owner, or other person concerned in such vessel, or in the goods or property laden on board such vessel, shall procure any such false affidavit or protest to be made, or shall exhibit the same with intent to injure, deceive or defraud any insurer of such vessel, or of the goods or property laden on board of the same, he shall be punished by imprisonment in the state prison, not exceeding ten years, or by a fine, not exceeding five thousand dollars, and imprisonment in the county jail, not more than one year.

Persons burning their own property, to defraud insurers.

SECT. 9. If any owner of any building, goods or other property, insured against loss or damage by fire, or if any other person in possession thereof, or in any other way concerned or interested therein, shall wilfully burn or cause to be burnt any such building or other property, with intent to defraud the insurer, he shall be punished by imprisonment in the state prison, not more than twenty years.

Conspiracy to prosecute an innocent person.
2 Mass. 536.

SECT. 10. If any two or more persons shall conspire, confederate and agree together, with intent falsely, fraudulently and maliciously to cause or procure another person to be indicted or in any way impleaded or prosecuted for an offence of which he is innocent, whether such person shall be so impleaded, indicted or prosecuted or not, they shall be deemed guilty of a conspiracy; and every such offender shall be punished by imprisonment in the state prison, not more than five years, or by a fine, not exceeding one thousand dollars, and imprisonment in the county jail, not more than one year.

Conspiracies in other cases.
2 Mass. 329, 536.
5 Mass. 106.
6 Mass. 74.
15 Maine, 100.
3 Pick. 33.

SECT. 11. If any two or more persons shall conspire, confederate and agree together, with the fraudulent or malicious intent wrongfully and wickedly to injure the person, character, business, or property of another individual, or to do any illegal act, injurious to the public trade, health, morals or police, or to the administration of public justice, or to commit any felony, or crime punishable by imprisonment in the state prison, they shall be deemed guilty of conspiracy, and every such offender, and every person who shall be convicted of conspiracy at common law, 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. CHAP. 161.

CHAPTER 162.

OF MALICIOUS MISCHIEF AND TRESPASSES ON PROPERTY.

- SECT. 1. Maliciously killing or injuring horses or cattle.
2. Injuries to dams, canals, machinery, ponds, engines, &c.
3. Bridges and roads.
4. Booms, rafts, vessels, &c.
5. Trees and shrubs.
6. Fences, gates or bars.
7. Produce on lands, and things attached thereto.
8. Monuments, marked trees, mile stones, guide boards, sign boards, lamps and lamp posts.
9. Timber, or wood standing; earth or stone; produce on lands; goods on wharves or landing places.

- SECT. 10. Stones and gravel, taken by surveyors of highways, excepted.
11. Trespases on gardens, orchards, or improved lands, with intent to take, carry away, &c.
12. Passing through gardens, &c. after prohibition.
13. Wilful injuries to buildings, fixtures, goods or valuable papers of another.
14. Limitation of prosecutions.
15. Jurisdiction of justices of the peace.

SECTION 1. If any person shall, wilfully, maliciously or cruelly, kill, wound, maim or disfigure the horses, cattle, or any other beast of another, or shall, wilfully and maliciously, administer poison to any such animal, or shall expose any poisonous substance, with intent that the same should be taken and swallowed by them, he shall be punished by imprisonment in the state prison, not more than four years, or by fine, not exceeding five hundred dollars, and imprisonment in the county jail, not more than one year.

Maliciously killing or injuring horses or cattle.
1821, 4, § 4.

SECT. 2. If any person shall maliciously or wantonly break down, injure, remove or destroy any dam, reservoir, canal, trench or any of the appurtenances thereof, or any of the gear or machinery of any mill or manufactory, or shall maliciously or wantonly draw off the water from any mill pond, reservoir, canal or trench, or destroy, injure or render useless any engine or the apparatus thereto belonging, prepared and kept for the extinguishment of fires, 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.

Injuries to dams, canals, machinery, ponds, engines &c.
1821, 27.

SECT. 3. If any person shall, wilfully and maliciously, break down, injure, remove or destroy any public or toll bridge, or rail road, or place any obstruction on such bridge, rail road or any public road, with intent that any person or property passing on the same, should be injured thereby, 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.

Bridges and roads.

SECT. 4. If any person shall, wilfully or maliciously, without the consent of the owner, cut away, let loose, injure or destroy, any

Booms, rafts, vessels, &c.
1834, 98, § 1.