

MAINE STATE LEGISLATURE

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FOURTH REVISION.

THE
REVISED STATUTES

OF THE

STATE OF MAINE,

PASSED AUGUST 29, 1883, AND TAKING EFFECT JANUARY 1, 1884.

BY THE AUTHORITY OF THE LEGISLATURE.



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CHAP. 119. burglary, shall be dealt with as provided in section twelve of chapter R.S., c. 119, § 7. one hundred and twenty-five.

Breaking and entering a dwelling or other building, vessel or railroad car, with intent to commit a felony. 1877, c. 152, § 1. —punishment.

SEC. 8. Whoever, with intent to commit a felony, breaks and enters in the day time, or enters without breaking in the night time, any dwelling-house, or breaks and enters any office, bank, shop, store, warehouse, vessel, railroad car of any kind, or building in which valuable things are kept, any person being lawfully therein and put in fear, shall be punished by imprisonment for not less than one nor more than ten years, but if no person was lawfully therein and put in fear, by imprisonment for not more than five years, or by fine not exceeding five hundred dollars. (a)

Dwelling-house, defined. R.S., c. 119, § 9.

SEC. 9. Any permanent building or edifice, usually occupied by any person by lodging therein at night, is a dwelling-house, although such occupant is absent for a time, leaving furniture or goods therein, with an intention to return; but no building shall be deemed a dwelling-house or part of it, unless connected with, or occupied as part of the dwelling-house.

CHAPTER 120.

LARCENY, AND RECEIVING STOLEN GOODS.

- SEC. 1. Larceny, defined and punished.
2. Larceny in a dwelling-house, or breaking and entering any other building, railroad car or vessel, by night or by day. Punishment.
 3. Larceny in a building on fire, or of property removed on account of fire.
 4. Larceny from the person of another. Punishment.
 5. Common thief, described and punished.
 6. Larceny, by falsely personating another, described and punished.
 7. Larceny, by embezzlement, or fraudulent conversion. Punishment.
 8. In prosecutions of cashier or other officer for embezzlement, what is a sufficient allegation in the indictment. What evidence is admissible, and what is sufficient.
 9. Embezzlement of property, intrusted to be carried, is larceny. Embezzlement, by insurance or other agent is larceny.
 10. Public officers are forbidden to have pecuniary interest in any public contract. Such contracts are void. Punishment.
 11. Knowingly buying, receiving, or aiding to conceal stolen property.
 12. Officers shall secure stolen property, and restore it to the owner, on conviction of the thief.
 13. Court may make compensation to prosecutor and officer.
 14. Action for stolen property, without conviction of the thief.

Larceny, defined and punished. R.S., c. 120, § 1. 17 Me., 195. 19 Me., 228, 400. 21 Me., 18. 62 Me., 285. 66 Me., 441. 72 Me., 468.

SEC. 1. Whoever steals, takes, and carries away, of the property of another, money, goods, or chattels, or any writ, process, public record, bond, bank bill or note, promissory note, bill of exchange, order, certificate, book of accounts, conveyance of real estate, valuable contract, receipt, release, defeasance, or instrument in writing whereby any demand, right, or obligation, is created, increased, diminished, or extinguished, is guilty of larceny; and shall be punished, when the value of the property exceeds one hundred dollars, by imprisonment for not less

(a) 25 Me., 502; 32 Me., 584; 36 Me., 225.

than one, nor more than five years; otherwise, by imprisonment for not more than two years or by fine not exceeding one hundred dollars. CHAP. 120.

SEC. 2. Whoever, without breaking, commits larceny in the night time, in a dwelling-house, or building adjoining and occupied therewith, or breaks and enters any office, bank, shop, store, warehouse, barn, stable, vessel, railroad car of any kind, court house, jail, meeting-house, college, academy, or other building for public use or in which valuable things are kept, and commits larceny therein, shall be punished by imprisonment for not less than one nor more than fifteen years; and when the offence is committed in the day time, by imprisonment for not more than six years, or by fine not exceeding one thousand dollars.

Larceny by night in a dwelling-house, or at any time breaking and entering certain other buildings, vessel, or railroad car. 1877, c. 152, § 2. —punishment.

SEC. 3. Whoever commits larceny in a building on fire, or steals property removed on account of an alarm of fire, shall be punished by imprisonment for not more than five years, or by fine not exceeding five hundred dollars.

Larceny in a building on fire, or of property removed at a fire. R.S., c. 120, § 3. Larceny from the person. R.S., c. 120, § 4.

SEC. 4. Whoever commits larceny from the person of another, shall be punished by imprisonment for not more than six years, or by fine not exceeding five hundred dollars.

Common thief, described and punished. R.S., c. 120, § 5.

SEC. 5. Whoever, after being convicted of larceny as principal or as accessory before the fact, is again convicted thereof, or is convicted of three distinct larcenies at the same term of court, shall be deemed a common thief, and be punished by imprisonment for not less than four, nor more than fifteen years.

SEC. 6. Whoever falsely personates or represents another, and thereby receives anything intended to be delivered to the party personated, with intent to convert the same to his own use, is guilty of larceny and shall be punished accordingly.

Larceny, by falsely personating another. R.S., c. 120, § 6.

SEC. 7. If an officer, agent, clerk, or servant of a person, co-partnership or corporation, not an apprentice nor less than sixteen years of age, embezzles or fraudulently converts to his own use, or takes and secretes with intent to do so, without consent of his employer or master, any property of another in his possession or under his care, by virtue of his employment; or, if a public officer, collector of taxes, or an agent, clerk or servant of a public officer or tax collector, embezzles or fraudulently converts to his own use, or loans or permits any person to have or use for his own benefit without authority of law, any money in his possession or under his control by virtue of his office or employment by such officer, he is guilty of larceny and shall be punished accordingly; and whoever knowingly receives from a public officer, collector of taxes, or his clerk, servant or agent, with intent to convert the same to his own use without authority of law, any money in the possession or under the control of such officer by virtue of his office, is guilty of larceny and shall be punished accordingly. But the foregoing provisions in relation to public officers, collector of taxes, their clerks, servants or agents, shall not apply to deposits by such officer in any bank, nor to any advances made towards the salary of such officer, nor to any person in the employment of the State or to whom the State is indebted, if the sums advanced do not exceed the sum due him.

Larceny, by embezzlement or fraudulent conversion of property. 1883, c. 191. 62 Me., 108. 69 Me., 28, 364. 70 Me., 265.

—the receiver liable.

—proviso.

CHAP. 120.

Prosecutions for embezzling, or fraudulently converting money, etc., by cashier or other officer. 1879, c. 151.

—what is a sufficient allegation in the indictment.

—what evidence may be given at the trial.

—what evidence is sufficient to maintain the charge in the indictment.

Larceny, by one intrusted with property. R.S., c. 120, § 8. See § 1. 33 Me., 131.

—insurance, or other agent, appropriating money to his own use, is guilty of larceny. 1878, c. 58.

Public officers are forbidden to have pecuniary interest in public contracts, &c. 1880, c. 237. —such contracts are void.

—penalty.

Buying, receiving, or aiding to conceal stolen property. R.S., c. 120, § 9. 29 Me., 334. —restoration of the stolen property.

—subsequent conviction.

Officer to secure and

SEC. 8. In prosecutions for embezzling, fraudulently converting to one's own use, or taking and secreting with intent so to embezzle or fraudulently convert, the bullion, money, notes, bank notes, checks, drafts, bills of exchange, obligations or other securities for money, of any person, bank, incorporated company, or co-partnership, by a cashier or other officer, clerk, agent or servant of such person, bank, incorporated company or co-partnership, it is sufficient to allege generally in the indictment an embezzlement, fraudulent conversion, or taking with such intent, of money to a certain amount, without specifying any particulars of such embezzlement; and at the trial, evidence may be given of such embezzlement, fraudulent conversion, or taking with such intent, committed within six months before the time stated in the indictment; and it is sufficient to maintain the charge in the indictment, and is not a variance, if it is proved that any bullion, money, note, bank note, check, draft, bill of exchange or other security for money, of such person, bank, incorporated company or co-partnership, of whatever amount, was fraudulently embezzled, converted or taken with such intent, by such cashier or other officer, clerk, servant, agent, within such period of six months.

SEC. 9. If a person intrusted with any property, the subject of larceny, to be carried, embezzles or fraudulently converts the same to his own use, he is guilty of larceny and shall be punished accordingly. And any insurance agent, or agent of any corporation doing business in the state, who appropriates to his own use any money, or substitute for money, received by him as such agent, or refuses or neglects to pay over and deliver the same to the party entitled to receive it, for thirty days after written demand upon him therefor, is guilty of larceny, and shall be punished accordingly.

SEC. 10. No trustee, superintendent, treasurer, or other person holding a place of trust in any state office or public institution of the State, shall be pecuniarily interested directly or indirectly in any contracts made in behalf of the State or of the institution in which he holds such place of trust, and any contract made in violation hereof is void; and if such officer or person receives any drawbacks, presents, gratuities or secret discounts to his own use on account of such contracts, or from the profits in any materials, supplies, or labor, furnished or done for the State or such institution, he shall be punished by imprisonment for not more than a year, or by fine not exceeding five hundred dollars.

SEC. 11. Whoever buys, receives, or aids in concealing stolen property, knowing it to be stolen, shall be punished by imprisonment for not more than five years, or by fine not exceeding five hundred dollars. And the conviction of the person, who stole the property, need not be averred or proved. If the stealing was simple larceny, and the person restores or makes satisfaction to the party injured for the full value of such property, he shall not be sentenced to the state prison. If after conviction, he is again convicted of a like offence, or if he is convicted of three such distinct offences at the same term of court, the imprisonment shall not be for less than one, nor more than ten years.

SEC. 12. The officer, who arrests a person charged with an offence

under this chapter, shall secure the property alleged to have been stolen, be answerable for it, and annex a schedule of it to his return; and, upon conviction of the offender, the property stolen shall be restored to the owner.

CHAP. 120.

keep stolen property for the owner. R. S., c. 120, § 10.

SEC. 13. The court, other than a municipal or police court or trial justice, upon conviction before it of burglary, robbery, or larceny, and when there is no conviction by reason of the death of the offender, or of his escape without their fault, may allow to the prosecutor, and to the officer who has secured or kept the property, a fair compensation for their actual expenses, time, and trouble in arresting the offender, and securing the property stolen.

Court may make compensation to the prosecutor and officer. R. S., c. 120, § 11.

SEC. 14. An action, for the recovery of property stolen, may be maintained by the owner against the person liable therefor, although the thief is not convicted.

Action for stolen property. R. S., c. 120, § 12. 67 Me., 77. 68 Me., 236.

CHAPTER 121.

FORGERY AND COUNTERFEITING, AND FRAUDULENT STOCKS.

FORGERY AND COUNTERFEITING.

- SEC. 1. Forgery of, and publishing as true, forged records and written instruments.
2. Forgery or counterfeiting of public securities, bank bills and coin, and having ten such in possession with intent to pass them.
3. Bringing into the state, or having in possession, any such coins or bank bills with intent to pass them.
4. A person convicted, being again convicted, or convicted of three distinct offences at the same term of the court.
5. Counterfeiting coin of foreign countries for exportation.
6. Manufacture or possession of implements for counterfeiting.
7. Total erasures and fraudulent connections of instruments.
8. Testimony, to prove public securities and bank bills to be counterfeits.

FALSE CERTIFICATES, AND FALSE ISSUES AND TRANSFERS OF STOCKS.

- SEC. 9. Forgery, by false certificates and fictitious signatures.
10. Making or issuing false certificates of stock, or pledging genuine, without authority.

REWARDS TO INFORMERS AND PROSECUTORS.

- SEC. 11. Rewards for conviction of forgers and counterfeiters.

FORGERY AND COUNTERFEITING.

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 assign-

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