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GENERAL STATUTES

OF THE

STATE OF MINNESOTA.

PREPARED BY THE COMMISSIONERS APPOINTED TO REVISE
THE STATUTES OF THE STATE, BY ACT OF THE
LEGISLATURE, PASSED FEBRUARY 17, 1863.

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CHAPTER XCV.

OFFENSES AGAINST PROPERTY.

c90 c. s. p. 708, Sect. 1.

1 SECTION 1. Whoever wilfully and maliciously burns in
 2 the night time the dwelling house of another, whereby the
 3 life of any person is destroyed, or in the night time wilful-
 4 ly and maliciously sets fire to any other building owned by
 5 himself or another, by the burning whereof such dwelling
 6 house is burned in the night time, whereby the life of any
 7 person is destroyed, shall suffer the same punishment as is
 8 provided for the crime of murder in the second degree; but
 9 if the life of no person was destroyed, he shall be punished
 10 by imprisonment in the state prison not more than fourteen
 11 years nor less than seven years; and if at the time of com-
 12 mitting the offense there was no person lawfully in the
 13 dwelling house so burnt, he shall be punished by imprison-
 14 ment in the state prison not more than ten years nor less
 15 than three years.

c. s. p. 708, Sect. 2.

1 SECT. 2. Whoever wilfully and maliciously burns in the
 2 day time the dwelling house of another, or any building ad-
 3 joining such dwelling house, and wilfully and maliciously
 4 sets fire to any building owned by himself or another, by
 5 the burning whereof such dwelling house is burnt in the day
 6 time, or in the day time wilfully and maliciously sets fire to
 7 any building owned by himself or another, by the burning
 8 whereof such dwelling house is burnt in the night time,
 9 shall be punished by imprisonment in the state prison not
 10 more than fifteen years nor less than five years.

c. s. p. 708, Sect. 3.

1 SECT. 3. Whoever wilfully and maliciously burns in
 2 the night time any meeting house, church, court house,
 3 town house, college, academy, jail or other building erect-
 4 ed for public uses, or any ship, steamboat, or other vessel,
 5 or any banking house, warehouse, store, manufactory, or
 6 mill of another, or any barn, stable, shop or office of anoth-
 7 er, within the curtilage of any dwelling house, or any oth-
 8 er building, by the burning whereof any building mention-
 9 ed in this section is burnt in the night time, shall be pun-
 10 ished by imprisonment in the state prison not more than fif-
 11 teen years, nor less than five years.

1 SECT. 4. Whoever wilfully and maliciously burns in the
 2 day time any building mentioned in the preceding section,

3 the punishment for which if burnt in the night time would
 4 be imprisonment in the state prison not more than fifteen C. S. p. 708, Sect. 4. *c 90*
 5 years nor less than five years, shall be imprisonment in the
 6 state prison not more than eight years nor less than four
 7 years.

1 SECT. 5. Whoever wilfully and maliciously burns in the
 2 night time or day time, any banking house, ware-
 3 house, store, manufactory, mill, barn, stable, shop, out- C. S. p. 708, Sect. 5.
 4 house, or other building whatever of another, other than is
 5 mentioned in the third section of this chapter, or any bridge,
 6 lock, dam or flume, shall be punished by imprisonment in
 7 the state prison not more than eight years nor less than
 8 four years; and whoever makes an unsuccessful attempt to
 9 commit either of the offenses mentioned in this or the pre-
 10 ceding sections of this chapter, shall be punished by im-
 11 prisonment in the state prison for a term not exceeding five
 12 years nor less than one year.

1 SECT. 6. Whoever wilfully and maliciously burns
 2 any pile or parcel of boards, timber or other lumber, or C. S. p. 709, Sect. 6.
 3 any stack of hay, grain or other vegetable product sever-
 4 ed from the soil but not stacked, or any standing grain,
 5 grass, or other standing product of the soil, shall be pun-
 6 ished by imprisonment in the state prison not more than
 7 two years, nor less than six months.

1 SECT. 7. The preceding sections shall severally extend
 2 to a married woman who may commit either of the C. S. p. 709, Sect. 7.
 3 offenses therein described, though the property burnt
 4 or set fire to may belong partly or wholly to her
 5 husband.

1 SECT. 8. Whoever wilfully burns any goods, wares, mer-
 2 chandise, or other chattels, or any dwelling house, hotel,
 3 store or other building, which is at the time insured against C. S. p. 709, Sect. 8.
 4 loss or damage by fire, with intent to injure the insurer, Amended.
 5 whether such person is the owner of the property burnt or
 6 not, shall be punished by imprisonment in the state prison
 7 not more than ten years nor less than three years.

1 SECT. 9. Whoever breaks and enters any dwelling house
 2 in the night time, with intent to commit the crime of mur-
 3 der, rape, robbery, larceny, or any other felony, or after
 4 having entered with such intent, breaks any such dwelling C. S. p. 709, Sect. 9.
 5 house in the night time, any person being then lawfully
 6 therein, and the offender being armed with a dangerous
 7 weapon at the time of such breaking or entering, or so
 8 arming himself in such house, or making an actual assault
 9 on any person lawfully therein, shall be punished by im-

10 imprisonment in the state prison not more than twelve years
11 nor less than four years.

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C. S. p. 709, Sect. 10.

1 SECT. 10. Whoever breaks and enters any dwelling
2 house in the night time with such intent as is mentioned in
3 the preceding section, or having entered with such intent,
4 breaks such dwelling house in the night time, the offender
5 not being armed nor arming himself in such house with a
6 dangerous weapon, nor making an assault upon any person
7 then being lawfully therein, shall be punished by imprison-
8 ment in the state prison not more than five years, nor less
9 than two years.

C. S. p. 709, Sect. 11.

1 SECT. 11. Whoever breaks and enters in the night time
2 any office, shop, or warehouse, not adjoining to or occupied
3 with a dwelling house, or any ship, steamboat, or vessel,
4 within the body of any county, with intent to commit the
5 crime of murder, rape, robbery, larceny, or any other felo-
6 ny, shall be punished by imprisonment in the state prison
7 not more than three years nor less than one year.

C. S. p. 709, Sect. 12.

1 SECT. 12. Whoever enters in the night time without
2 breaking, or breaks and enters in the day time, any dwell-
3 ing house, or any out-house thereto adjoining and occupied
4 therewith, or any office, shop, or warehouse, or any ship,
5 steamboat, or vessel, within the body of any county, with
6 intent to commit the crime of murder, rape, robbery, lar-
7 ceny or other felony, shall be punished by imprisonment in
8 the state prison not more than four years nor less than six
9 months; and every person who makes an unsuccessful at-
10 tempt to commit either of the offenses specified in this or
11 the preceding six sections of this chapter, shall be punished
12 by imprisonment in the state prison for a term not exceed-
13 ing two years nor less than six months.

C. S. p. 710, Sect. 13.

1 SECT. 13. Whoever commits the crime of larceny in any
2 dwelling house, office, shop, bank or warehouse, ship,
3 steamboat or vessel, or breaks and enters in the night time
4 or day time, any meeting house, church, court house, town
5 house, college, academy, or other public building erected
6 for public use, and steals therein, shall be punished by im-
7 prisonment in the state prison not more than three years
8 nor less than one year, or by imprisonment in the county
9 jail not more than one year nor less than three months, or
10 by fine not exceeding five hundred dollars.

C. S. p. 710, Sect. 14.

1 SECT. 14. Whoever commits the offense of larceny, by
2 stealing from the person of another, shall be punished by
3 imprisonment in the state prison not more than four years,
4 nor less than two years, or by imprisonment in the county

5 jail not more than two years, nor less than three months,
6 or by fine not exceeding five hundred dollars.

1 SECT. 15. Whoever commits the crime of larceny, by
2 stealing of the property of another, any money, goods, or
3 chattels, or any bank note, bond, prommissory note, bill of C. S. p. 710, Sect. 15 C 90
4 exchange, or other bill, order, or certificate, or any book of
5 accounts, for or concerning money or goods due or to be-
6 come due, or to be delivered, or any deed or writing con-
7 taining a conveyance of land, or any other valuable con-
8 tract in force, or any receipt, release, or defeasance, or any
9 writ, process, or public record, if the property stolen ex-
10 ceeds the value of one hundred dollars, shall be punished
11 by imprisonment in the state prison, not more than three
12 years, nor less than one year; and if the property stolen
13 does not exceed the value of one hundred dollars, he shall
14 be punished by imprisonment in the county jail, not more
15 than two years, nor less than three months, or by fine not
16 exceeding three hundred dollars.

1 SECT. 16. Whoever steals, takes and carries away any
2 railroad passenger ticket, or tickets, prepared for sale to New.
3 passengers previous to or after the sale thereof, being the
4 personal property of any railroad company, or any other
5 corporation or person, is guilty of larceny.

1 SECT. 17. Railroad passenger tickets of any railroad
2 company, as well before the same are delivered or issued to
3 its receivers or other agents for sale, as after, and whether New.
4 endorsed or stamped by such receivers or other agents or
5 not, are to be deemed railroad tickets within the meaning
6 of the last section and the prices authorized to be charged
7 for such tickets on a sale thereof, shall be deemed the value
8 of such ticket or tickets in all cases arising under said sec-
9 tion.

1 SECT. 18. Whoever buys, receives, or aids in the con-
2 cealment of stolen money, goods, or property, knowing the
3 same to have been stolen, shall be punished by imprison- C. S. p. 710, Sect. 17.
4 ment in the state prison, not more than four years, nor less
5 than one year, or by imprisonment in the county jail not
6 more than two years, nor less than three months, or by fine
7 not exceeding five hundred dollars.

1 SECT. 19. Every justice of the peace shall have jurisdic-
2 tion concurrent with the district court, of all offenses of buy- C. S. p. 710, Sect. 18.
3 ing, receiving or aiding in the concealment of stolen goods
4 or other property, in all cases in which they would have had
5 jurisdiction of a larceny of the same goods or other pro-
6 perty; and the punishment of buying, receiving, or aiding

7 in the concealment of such goods or other property, shall be
8 the same as in the case of a larceny of the same goods or
9 other property, with the same right of appeal on con-
10 viction.

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C. S. p. 710, Sect. 19.

1 SECT. 20. In any prosecution for the offense of buying,
2 receiving or aiding in the concealment of stolen money or
3 other property known to have been stolen, it shall not be
4 necessary to aver, nor on the trial prove that the person
5 who stole such property, has been convicted.

C. S. p. 711, Sect. 20.

1 SECT. 21. The officer who arrests any person charged
2 as principal or accessory in any robbery or larceny, shall
3 use reasonable diligence to secure the property alleged to
4 be stolen, and after seizure, shall be answerable for the
5 same; and he shall annex a schedule thereof to his return
6 of the warrant, and upon conviction of the offender, the
7 stolen property shall be restored to the owner.

C. S. p. 711, Sect. 22.

1 SECT. 22. If any cashier or other officer, or any agent,
2 clerk, or servant of any incorporated bank, embezzles or
3 fraudulently converts to his own use, or fraudulently
4 takes or secretes, with intent to convert to his own use, any
5 bullion, money, note, bill, obligation or security, or any
6 other effects or property belonging to and in possession of
7 such bank, or belonging to any person and deposited there-
8 in, he shall be deemed to have committed larceny in such
9 bank.

C. S. p. 711, Sect. 23.

1 SECT. 23. If any officer, agent, clerk, or servant of any
2 incorporated company, or if any clerk, agent or servant of
3 any private person, or of any copartnership, except appren-
4 tices and other persons under the age of sixteen years, em-
5 bezzles or fraudulently converts to his own use, or takes
6 and secretes, with intent to embezzle and convert to his own
7 use, without consent of his employer or master, any money
8 or property of another which has come to his possession, or
9 is under his care by virtue of such employment, he shall be
10 deemed to have committed larceny.

C. S. p. 711, Sect. 24.

1 SECT. 24. If any carrier or other person to whom any
2 money, goods or other property, which is the subject of
3 larceny, is delivered to be carried for hire, or if any other
4 person who is intrusted with such property, embezzles or
5 fraudulently converts to his own use, or secretes with intent
6 to embezzle or fraudulently convert to his own use, any money
7 goods or property, either in the mass as the same were de-
8 livered, or otherwise, and before delivery of such money,
9 goods or property, at the places where or to the persons to
10 whom they were to be delivered, he shall be deemed to
11 have committed larceny.

1 SECT. 25. Any warehouseman, storage, forwarding or C. S. p. 711, Sect. 25. *c 90*
 2 commission merchant or miller, or his agents, clerks or
 3 servants, who embezzles or fraudulently converts to his or
 4 their own use, or fraudulently sells or otherwise disposes of
 5 for his or their own gain, profit or advantage, without the
 6 consent of the owner thereof, any grain, flour, pork, beef,
 7 wool, or other goods, wares or merchandise, which have
 8 been received by such warehouseman, miller, or storage,
 9 forwarding or commission merchant, to be stored for hire
 10 or for other purpose, shall be deemed to have committed
 11 larceny.

1 SECT. 26. If any person having in his possession any
 2 money belonging to this state, or any county, town, city or C. S. p. 711, Sect. 26.
 3 other municipal corporation, or school district, or in which
 4 this state, or any county, town, city, village or other muni-
 5 cipal corporation, or school district, has any interest, or if
 6 any collector or treasurer of any town or county, or incor-
 7 porated city, town or village, or school district, or the
 8 treasurer or other disbursing officer of the state, or any
 9 other person holding any office under any law of this state,
 10 or any officer of an incorporated company, who is by virtue
 11 of his office intrusted with the collection, safe keeping,
 12 transfer or disbursement of any tax, revenue, fine or other
 13 money, converts to his own use, in any way or manner
 14 whatever, any part thereof, or loans, with or without inter-
 15 est, any portion of the money intrusted to him as aforesaid,
 16 or improperly neglects or refuses to pay over the same, or
 17 any part thereof, according to the provisions of law, he is
 18 guilty of embezzlement.

1 SECT. 27. Whoever is guilty of embezzling any money
 2 prohibited by this or the preceding section, not exceeding in C. S. p. 712, Sect. 27.
 3 amount the sum of one hundred dollars, shall be punished by
 4 imprisonment in the county jail not more than twelve months,
 5 nor less than three months; and whoever is convicted of
 6 embezzling a greater sum than one hundred dollars, shall
 7 be punished by imprisonment in the state prison, not more
 8 than three years nor less than one year, and by a fine in
 9 each case, of twice the amount so embezzled; and if the
 10 court cannot determine from the verdict of the jury or oth-
 11 erwise, the amount of the sum embezzled, it shall impose
 12 such fine as shall be adequate and corresponding as nearly
 13 as may be, with the penalty imposed by this section; and
 14 every refusal by an officer, to pay any sum lawfully de-
 15 manded, shall be deemed an embezzlement of the sum so
 16 demanded.

1 SECT. 28. Any person demanding of an officer any sum C. S. p. 712, Sect. 28.
 2 of money which he may be entitled to demand and receive,

3 and who is unable to obtain the same, by reason of the
4 money having been embezzled as aforesaid, if he neglects
5 or refuses for thirty days after making such demand, to
6 make complaint against such officer, is an accessory, and
7 shall be punished by fine not exceeding one hundred dollars.

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C. S. p. 712, Sect. 29.

1 SECT. 29. The refusal of an officer to pay any demand
2 in specie, where the sum so demanded was actually receiv-
3 ed by such officer, in good faith, in checks, drafts, certifi-
4 cates of deposit, or currency which have depreciated in val-
5 ue, provided payment is tendered in the checks, drafts,
6 certificates of deposit, or currency by such officer, or to pay
7 any sum demanded of him, when there is reasonable doubt
8 as to his duty or authority to pay the same, on such de-
9 mand, or where such refusal is not with a wrongful intent,
10 shall not be construed to be an embezzlement, according to
11 the intent and meaning of the twenty-sixth and twenty-sev-
12 enth sections of this chapter.

C. S. p. 712, Sect. 30.

1 SECT. 30. Whoever is mentioned in the twenty-sixth
2 section of this chapter, shall pay over the same money that
3 he received in the discharge of his duties, and shall not set
4 up any amount as a set-off against any money so received,
5 and all justices of the peace, clerks of the district courts,
6 sheriffs, and other officers, shall pay into the respective
7 treasuries, all the money collected on fines, within thirty
8 days after said moneys are collected.

C. S. p. 712, Sect. 31.

1 SECT. 31. If any warehouseman, miller or storage, for-
2 warding or commission merchant, or his agents, clerks, or
3 servants, wilfully and fraudulently makes or utters any re-
4 ceipt, or other written evidence of the delivery into any ware-
5 house, mill, store or other building belonging to him, them,
6 or his; or their employers, of any grain, flour, pork, beef,
7 wool or other goods, wares or merchandise, which have not
8 been so received or delivered into such mill, warehouse,
9 store or other building, previous to the making and utter-
10 ing of such receipt or other written evidence thereof, shall be
11 punished by imprisonment in the state prison not more than
12 two years nor less than one year.

C. S. p. 713, Sect. 32.

1 SECT. 32. Whoever falsely personates or represents
2 another, and in such assumed character receives any money
3 or other property whatever, intended to be delivered to the
4 party so personated, with intent to convert the same to his
5 own use, is guilty of larceny.

C. S. p. 713, Sect. 33.

1 SECT. 33. Whoever designedly, by any false pretense
2 or by any privy or false token, and with intent to defraud,
3 obtains from any other person any money or goods, wares,

4 merchandize or other property, or obtains with such intent
 5 the signature of any person to any written instrument, the
 6 false making whereof would be punishable as forgery, shall
 7 be punished by imprisonment in the state prison not more
 8 than five years, nor less than one year, or by fine not ex-
 9 ceeding five hundred dollars, nor less than fifty dollars.

1 SECT. 34. Whoever is convicted of any grōss fraud or
 2 cheat at common law, shall be punished by imprisonment C. S. p. 713, Sect. 34. c90
 3 in the state prison not more than four years nor less than
 4 one year, or by fine not exceeding one thousand dollars,
 5 nor less than fifty dollars.

1 SECT. 35. Whoever wilfully casts away, burns, sinks or
 2 otherwise destroys any ship, steamboat or vessel, within C. S. p. 713, Sect. 35.
 3 the body of any county, with intent to injure or defraud any
 4 owner of such vessel, steamboat or ship, or the owner of
 5 any property laden on board the same, or any insurer of
 6 such vessel or property, or of any part thereof, shall be
 7 punished by imprisonment in the state prison not more than
 8 ten years nor less than three years.

1 SECT. 36. Whoever equips, or fits out, or assists in la-
 2 ding, equipping, and fitting out any steamboat, ship or ves- C. S. p. 713, Sect. 36.
 3 sel, with the intent that the same shall be cast away, burnt,
 4 sunk, or otherwise destroyed, to injure or defraud any own-
 5 er or insurer of such vessel, or of any property laden on
 6 board the same, shall be punished by imprisonment in the
 7 state prison not more than five years, nor less than two
 8 years, or by fine not exceeding five thousand dollars, nor
 9 less than one hundred dollars.

1 SECT. 37. If the owner of any ship, steamboat or vessel,
 2 or any property laden or pretended to be laden on board
 3 the same, or if any other person concerned in the lading or C. S. p. 713, Sect. 37.
 4 fitting out of such ship, steamboat or vessel, makes out or
 5 exhibits, or causes to be made out or exhibited, any false or
 6 fraudulent invoice, bill of lading, bill of parcels, or other
 7 false estimates of any goods or property laden or pretended
 8 to be laden on board such vessel, with intent to injure or
 9 defraud any insurer of such vessel or property, or any part
 10 thereof, he shall be punished by imprisonment in the state
 11 prison not more than three years, nor less than one year,
 12 or by fine not more than five hundred dollars, nor less than
 13 one hundred dollars.

1 SECT. 38. If any master, or other officer or mariner of C. S. p. 713, Sect. 38.
 2 a ship, steamboat or vessel, makes or causes to be made, or
 3 swears to any false affidavit or protest, or if any owner or
 4 other person concerned in such vessel, or in the goods or

5 property laden on board of such vessel, procures any such
6 false affidavit or protest to be made, or exhibits the same
7 with intent to injure or deceive or defraud any insurer of such
8 ship, steamboat or vessel, or of the goods or property la-
9 den on board the same, or any other person, he shall be
10 punished by imprisonment in the state prison not more than
11 five years nor less than two years, or by fine not exceeding
12 one thousand dollars, nor less than one hundred dollars.

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C. S. p. 714, Sect. 39.

1 SECT. 39. Whoever wilfully and maliciously kills,
2 maims or disfigures any horses, cattle or other beasts of
3 another person, or wilfully and maliciously administers
4 poison to any such beasts, or exposes any poisonous sub-
5 stance with intent that the same may be taken or swallowed
6 by them, or wilfully and maliciously destroys or injures the
7 personal property of another, in any manner, by any means
8 not particularly mentioned or described in this chapter,
9 shall be punished by imprisonment in the county jail not
10 more than two years, nor less than three months, or by fine
11 not exceeding five hundred dollars, nor less than fifty dol-
12 lars.

C. S. p. 714, Sect. 40.

1 SECT. 40. Whoever falsely and fraudulently represents that
2 he is the owner of any parcel or tract of land to which he
3 has no title, and executes any deed of the same, with intent
4 to defraud any person whatever, shall be punished by im-
5 prisonment in the state prison not more than two years, nor
6 less than six months.

C. S. p. 714, Sect. 41.

1 SECT. 41. Whoever wilfully and maliciously breaks
2 down, injures, removes or destroys any dam, reservoir, ca-
3 nal or trench, or any gate, flume, flash boards, or other
4 appurtenances thereof, or of the wheels, mill gear or ma-
5 chinery of any mill, or wilfully or wantonly, and without
6 color of right, draws off the water contained in any mill-
7 pond, reservoir, canal or trench, shall be punished by im-
8 prisonment in the state prison, not more than two years
9 nor less than six months, or by fine not exceeding four hun-
10 dollars, nor less than fifty dollars.

C. S. p. 714, Sect. 42.

1 SECT. 42. Whoever wilfully or maliciously breaks down,
2 injures, removes or destroys any public or toll bridge, or
3 railroad, or plank road, or telegraph posts or wires, or any
4 turnpike or plank road gate, or any lock, culvert, or em-
5 bankment of any canal, or wilfully or maliciously makes
6 any aperture or breach in any such embankment, with in-
7 tent to destroy or injure the same, shall be punished by im-
8 prisonment in the state prison, for not more than three years,
9 nor less than six months, or by fine not exceeding six hun-
10 dred dollars, nor less than fifty dollars.

1 SECT. 43. Whoever wilfully and maliciously or wanton-
 2 ly and without cause, cuts down and destroys, or by gird- C. S. p. 714, Sect. 43. *c90*
 3 ling, lopping, or otherwise, injures any fruit tree, or any
 4 other trees not his own, standing or growing for shade, or
 5 nament or other useful purposes, or maliciously or wanton-
 6 ly breaks the glass, or any part of it, in any building not
 7 his own, or maliciously breaks down any fence belonging
 8 to or inclosing land not his own, or maliciously throws down
 9 or opens any bars, gate or fence, and leaves the same down
 10 or open, or maliciously and injuriously severs from the free-
 11 hold of another any produce thereof, or anything attached
 12 thereto, shall be punished by imprisonment in the county
 13 jail, not more than one year, nor less than three months, or
 14 by fine not exceeding two hundred dollars.

1 SECT. 44. Whoever wilfully and maliciously breaks
 2 down, injures, removes, or destroys any monument erected
 3 for the purpose of designating the boundaries of any tract C. S. p. 714, Sect. 44.
 4 or lot of land, or any tree marked for that purpose, or so
 5 breaks down, injures, removes, or destroys any milestone,
 6 mile board, or guide board, erected upon any highway, or
 7 other public way, turnpike, or railroad, plank road, or wil-
 8 fully or maliciously defaces or alters the inscription on any
 9 such stone or board, or wilfully or maliciously mars or de-
 10 faces any building, or any sign board, or extinguishes any
 11 lamp, or breaks, destroys, or removes any lamp or lamp
 12 post, or any railing or post, erected on any bridge, side
 13 walk, street, highway, court or passage, shall be punished
 14 by fine, not exceeding one hundred dollars, or by imprison-
 15 ment in the county jail not more than six months.

1 SECT. 45. Whoever wilfully commits any trespass by C. S. p. 715, Sect. 45.
 2 entering upon the garden, orchard, or other improved land
 3 of another without permission of the owner thereof, and
 4 with intent to cut, take, carry away, destroy, or injure the
 5 trees, grain, grass, hay, fruit or vegetables there growing,
 6 or being, shall be punished by fine, not exceeding fifteen
 7 dollars nor less than three dollars.

1 SECT. 46. Every justice of the peace has concurrent
 2 jurisdiction in his own county; with the district court, of C. S. p. 715, Sect. 46.
 3 all offenses mentioned in the three preceding sections of this
 4 chapter, when the value of the trees, fruit, grain, or other
 5 property injured, destroyed, taken, or carried away, or the
 6 injury occasioned by the trespass does not exceed the sum
 7 of one hundred dollars, and in such case, the punishment
 8 shall be by fine, not exceeding fifty dollars, nor less than
 9 five dollars.

1 SECT. 47. Whoever wilfully and without authority, cuts

c 50 1860—p. 218, Sect. 1.

2 down or destroys, or injures by girdling or otherwise, any
 3 trees growing or standing upon the private property of any
 4 individual, or cuts any timber or wood upon such property,
 5 or takes, carries or hauls away therefrom, any timber or wood
 6 previously cut or severed from the freehold, or who wil-
 7 fully and without authority digs or carries away any min-
 8 eral, earth or stone from any such land, is guilty of a mis-
 9 demeanor, and upon conviction of any of the said offenses,
 10 before any justice of the peace, shall be punished by im-
 11 prisonment in the county jail for a period of not more than
 12 ninety days nor less than thirty days, or by fine not exceed-
 13 ing one hundred dollars nor less than thirty dollars.

c 50 1860—p. 219, Sect. 2.

1 SECT. 48. The cutting down wilfully of every tree or
 2 the girdling or otherwise injuring any tree wilfully, grow-
 3 ing or standing upon the private property of any individual,
 4 or the wilful carrying away therefrom of any one quantity
 5 or load of timber, wood, earth, mineral or stone, shall con-
 6 stitute, and be distinct and separate offenses, and the
 7 party or parties so offending, shall be punished for each of
 8 said offenses in the manner prescribed in the foregoing
 9 section.

c 22 c. S. p. 248, Sect. 2.

1 SECT. 49. Whoever wilfully marks any of his horses,
 2 cattle, sheep, or hogs with the same mark or brand previous-
 3 ly recorded by any resident of the same county, and while
 4 the same mark is used by such resident, shall forfeit for
 5 every such offense, five dollars, to be recovered before any
 6 justice of the peace of such county; whoever wilfully marks
 7 or brands the horses, cattle, sheep, or hogs of any other
 8 person with his own brand or mark, shall forfeit for every
 9 such offense, not less than ten, nor more than fifty dollars,
 10 to be recovered before any justice of the peace of the pro-
 11 per county; and whoever wilfully destroys or alters any
 12 mark or brand upon any horses, cattle, sheep, or hogs, the
 13 property of another, shall, on conviction thereof, before any
 14 justice of the peace, forfeit and pay for every such offense
 15 a sum not less than ten, nor over fifty dollars, and shall
 16 moreover pay to the party injured double damages.

c 72 1860—p. 255, Sect. 1.

1 SECT. 50. Whoever wilfully and intentionally, or neg-
 2 ligently and carelessly sets on fire, or causes to be set on
 3 fire any woods, prairies or other grounds, shall forfeit and
 4 pay a fine of not less than five dollars nor more than one
 5 hundred dollars, and in default of the payment of said fine
 6 shall be committed to the county jail for not less than thir-
 7 ty days nor more than three months; but this shall not ex-
 8 tend to any person who sets on fire any woods or prairies
 9 adjoining his or her own farm or enclosure, for the neces-
 10 sary protection thereof from accident by fire, by giving to

11 his or her neighbors one days' notice of such intention;
 12 *Provided*, That in case the neighbors come together and
 13 participate in the burning of any woods, prairies or grounds,
 14 the notice aforesaid need not be given; *Provided, also*,
 15 That this section shall not be construed to take away any
 16 civil remedy which any person is entitled to for any
 17 injury done or received in consequence of such firing.

1- SECT. 51. The penalties provided in the foregoing section
 2 shall be recovered by action before any justice of the peace C. S. p. 715, Sect. 51. c 90
 3 in the county where such offense is committed, upon com-
 4 plaint of any legal voter thereof.

CHAPTER XCVI.

FORGERY AND COUNTERFEITING.

1 SECTION 1. Whoever falsely makes, alters, forges, or
 2 counterfeits any public record, or any certificate, return or C. S. p. 716, Sect. 1. c 91
 3 attestation of any clerk of a court, register, notary public,
 4 justice of the peace, or any other public officer. in relation
 5 to any matter wherein such certificate, return, or attestation
 6 may be received as legal proof, or any charter, deed, will,
 7 testament, bond, or writing obligatory, letter of attorney;
 8 policy of insurance, bill of lading, bill of exchange, prom-
 9 issory note, or any order, acquittance, or discharge for
 10 money or other property, or any acceptance of a bill of ex-
 11 change, indorsement, or assignment of a bill of exchange or
 12 promissory note, or any accountable receipt for money,
 13 goods or other property, with intent to injure or defraud
 14 any person, shall be punished by imprisonment in the state
 15 prison not more than five years nor less than two years, or
 16 by imprisonment in the county jail not more than two
 17 years nor less than one year.

1 SECT. 2. Whoever utters and publishes as true, any
 2 false, forged, or altered record, deed, instrument, or other C. S. p. 717, Sect. 2.
 3 writing mentioned in the preceeding section, knowing the
 4 same to be false, forged, or altered, with intent to injure
 5 or defraud as aforesaid, shall be punished by imprisonment
 6 in the state prison not more than five years nor less than
 7 one year.

1 SECT. 3. Whoever falsely makes, alters, forges or coun- C. S. p. 717, Sect. 3.
 2 terfeits any note, certificate, or other bill of credit issued by
 3 any commissioner or other officer authorized to issue the