

Statutes  
1878

THE  
GENERAL STATUTES  
OF THE  
STATE OF MINNESOTA,

As Amended by Subsequent Legislation.

PREPARED BY  
GEORGE B. YOUNG.

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FOURTH EDITION.

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WITH SUPPLEMENTS,  
CONTAINING ALL THE GENERAL LAWS IN FORCE UP TO THE END OF  
THE LEGISLATIVE SESSION OF 1883.

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CHAPTER XCV.

OFFENCES AGAINST PROPERTY.

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Note. See 1881 Sup't, p. 109.

§ 1. **Burning dwelling at night, how punished.** Whoever wilfully and maliciously burns, in the night-time, the dwelling-house of another, whereby the life of any person is destroyed, or, in the night-time, wilfully and maliciously sets fire to any other building owned by himself or another, by the burning whereof such dwelling-house is burned in the night-time, whereby the life of any person is destroyed, shall suffer the same punishment as is provided for the crime of murder in the second degree; but if the life of no person was destroyed, he shall be punished by imprisonment in the state prison not more than fourteen years, nor less than seven years; and if, at the time of committing the offence, there was no person lawfully in the dwelling-house so burnt, he shall be punished by imprisonment in the state prison not more than ten years, nor less than three years.

§ 2. **Burning dwelling in daytime, etc.** Whoever wilfully and maliciously burns, in the daytime, the dwelling-house of another, or any building adjoining such dwelling-house, and wilfully and maliciously sets fire to any building owned by himself or another, by the burning whereof such dwelling-house is burnt in the daytime, or, in the daytime, wilfully and maliciously sets fire to any building owned by himself or another, by the burning whereof such dwelling-house is burned in the night-time, shall be punished by imprisonment in the state prison not more than fifteen years, nor less than five years.

§ 3. **Burning buildings, etc., at night.** Whoever wilfully and maliciously burns, in the night-time, any meeting-house, church, court-house, town-house, college, academy, jail, or other building erected for public uses, or any ship, steamboat, or other vessel, or any banking-house, warehouse, store, manufactory or mill of another, or any barn, stable, shop or office of another, within the curtilage of any dwelling-house, or any other building, by the burning whereof any building mentioned in this section is burnt in the night-time, shall be punished by imprisonment in the state prison not more than fifteen years, nor less than five years.

§ 4. **Burning building etc., in daytime.** Whoever wilfully and maliciously burns, in the daytime, any building mentioned in the preceding section, the punishment for which, if burnt in the night-time, would be imprisonment in the state prison not more than fifteen years, nor less than five years, shall be punished by imprisonment in the state prison not more than eight years, nor less than four years.

§ 5. **Burning, or attempt to burn building, &c., at any time.** Whoever wilfully and maliciously burns, in the night-time or day-time, any banking-house, warehouse, store, manufactory, mill, barn, stable, shop, outhouse, or other building whatever of another, other than is mentioned in the third section of this chapter, or any bridge, lock, dam or flume, shall be punished by imprisonment in the state prison not more than eight years, nor less than four years; and whoever makes an unsuccessful attempt to commit either of the offences mentioned in this or the preceding sections of this chapter, shall be punished by imprisonment in the state prison for a term not exceeding five years, nor less than one year.

§ 6. **Burning grain, timber, etc.** Whoever wilfully and maliciously burns any pile or parcel of boards, timber, or other lumber, or any stack of hay, grain, or other vegetable product severed from the soil but not stacked, or any standing grain, grass, or other standing product of the soil, shall be punished by imprisonment in the state prison not more than two years, nor less than six months.

§ 7. **Preceding sections extend to married women.** The preceding sections shall severally extend to a married woman who may commit either of the offences therein described, though the property burnt or set fire to may belong partly or wholly to her husband.

§ 8. **Burning property to injure insurer.** Whoever wilfully burns any goods, wares, merchandise, or other chattels, or any dwelling-house, hotel, store, or other building, which is at the time insured against loss or damage by fire, with intent to injure the insurer, whether such person is the owner of the property burnt or not, shall be punished by imprisonment in the state prison not more than ten years, nor less than three years.

\*§ 9. **Obstructing the putting-out of fire, etc.** Whoever, within twenty-four hours prior or during the burning of a building or other property, wilfully and maliciously cuts or removes any bell-rope or telegraph wire in the vicinity of such building or property, or otherwise prevents an alarm being given, or cuts, injures or destroys an engine or hose, or other fire apparatus, in said vicinity, or otherwise wilfully and maliciously prevents or obstructs the extinguishing of any fire, shall be deemed guilty of the burning as accessory after the fact, and be punished by imprisonment in the state prison not exceeding seven years, or in

jail not exceeding three years, or by fine not exceeding one thousand dollars. (1874, c. 49, § 1.)

\*§ 10. **Penalty for stealing at fires.** Whoever steals in a building that is on fire, or steals any property removed in consequence of an alarm caused by a fire, shall be punished, if the value of the property exceeds the sum of one hundred dollars, by imprisonment in the state prison not exceeding five years, or fine not exceeding five hundred dollars; where the value of such property is one hundred dollars or less, by imprisonment in the county jail not exceeding two years, or by fine not exceeding two hundred dollars. (*Id.* § 2.)

\*§ 11. **Inquiry into supposed incendiarism—proceedings.** When property is destroyed by fire, and a complaint, within thirty days thereafter, is subscribed and sworn to by any person before any justice [police] court, or any municipal court, or any justice of the peace, alleging that reasonable grounds exist for believing that the fire was caused by design, and the mayor and chief engineer of fire department, or a majority of the aldermen or selectmen of the city or town, respectively, in which said property is situated, certify in writing that in their opinion the same is a proper case for investigation, such court or justice shall forthwith issue a warrant to the constable of the place where the property was destroyed, requiring him forthwith to summon six good and lawful men of the county to appear before the court or justice, at a time and place expressed in the warrant, to inquire when and by what means the fire originated, which warrant shall be served and returned in the manner prescribed by the General Statutes of the state of Minnesota for the service and return of other warrants; and the constable and jurors shall be subject to the penalties therein specified for similar neglect. If any person so summoned does not appear, the constable shall, by order of the justice or court, return some person from the bystanders to complete the number. (*Id.* § 3.)

\*§ 12. **Same—oath of jurors.** The justice or court shall, in view of the spot on which the property was destroyed, administer to the persons thus summoned or returned the following oath: You solemnly swear that you will diligently inquire and true presentment make in behalf of the state of Minnesota, when and by what means the fire which has here occurred was caused, and that you will return a true inquest according to your knowledge, and such evidence as shall be laid before you. So help you God. (*Id.* § 4.)

\*§ 13. **Same—witnesses may be subpoenaed.** The justice or court may issue subpoenas for witnesses, returnable forthwith at a time and place therein set forth. Their attendance may be enforced in like manner as if they had been subpoenaed in behalf of the state of Minnesota. (*Id.* § 5.)

\*§ 14. **Same—oath of witnesses.** An oath to the following effect shall be administered to such witnesses: You solemnly swear that the evidence which you shall give to the inquest concerning the origin of the fire of which inquiry is now to be made, shall be the truth, the whole truth, and nothing but the truth. So help you God. (*Id.* § 6.)

\*§ 15. **Same—testimony, how taken.** The testimony shall be reduced to writing by the presiding justice, or some person by his direction, and subscribed by the witnesses. (*Id.* § 7.)

\*§ 16. **Same—Inquisition of jury—filing.** The jury, after hearing the testimony and making all needful inquiry, shall draw up and deliver to the justice or court their inquisition under their hands, in which they shall find and certify when and by what means the fire was caused; and said inquisition and testimony, thus subscribed, shall, within one week thereafter, be filed by the magistrate with the clerk of the district court for the county. (*Id.* § 8.)

\*§ 17. **Same—process to arrest person charged.** If any person is charged by the inquest with having wilfully and maliciously caused said fire, and such person is not in custody, the justice or court before whom such inquisition is holden, shall issue process forthwith for his apprehension; and such warrant shall be made

returnable before [any] justice or court having jurisdiction of the case, who shall proceed therein in the same manner as required by justice or court in case of felony. (1874, c. 49, § 9.)

\*§ 18. **Fees—fees and expenses.** The fees of the magistrate and the expenses of the inquisition shall be the same as required for coroners' inquests. (*Id.* § 10.)

§ 19. (SEC. 9.) **Burglary in dwelling by person armed, etc.** Whoever breaks and enters any dwelling-house in the night-time, with intent to commit the crime of murder, rape, robbery, larceny, or any other felony, or, after having entered with such intent, breaks any such dwelling-house in the night-time, any person being then lawfully therein, and the offender being armed with a dangerous weapon at the time of such breaking or entering, or so arming himself in such house, or making an actual assault on any person lawfully therein, shall be punished by imprisonment in the state prison not more than twelve years, nor less than four years.

§ 20. (SEC. 10.) **Burglary in dwelling by person not armed.** Whoever breaks and enters any dwelling-house in the night-time, with such intent as is mentioned in the preceding section, or, having entered with such intent, breaks such dwelling-house in the night-time, the offender not being armed nor arming himself in such house with a dangerous weapon, nor making an assault upon any person then being lawfully therein, shall be punished by imprisonment in the state prison not more than five years, nor less than two years.

§ 21. (SEC. 11.) **Breaking and entering office, etc., at night.** Whoever breaks and enters, in the night-time, any office, shop or warehouse, not adjoining to or occupied with a dwelling-house, or any ship, steamboat or vessel, within the body of any county, with intent to commit the crime of murder, rape, robbery, larceny, or any other felony, shall be punished by imprisonment in the state prison not more than three years, nor less than one year.

§ 22. (SEC. 12.) **Entering, etc., any building with felonious intent.** Whoever enters in the night-time, without breaking, or breaks and enters in the daytime, any dwelling-house, or any out-house thereto adjoining and occupied therewith, or any office, shop or warehouse, or any ship, steamboat or vessel, within the body of any county, with intent to commit the crime of murder, rape, robbery, larceny, or other felony, shall be punished by imprisonment in the state prison not more than four years, nor less than six months; and every person who makes an unsuccessful attempt to commit either of the offences specified in this or the preceding six sections of this chapter, shall be punished by imprisonment in the state prison for a term not exceeding two years, nor less than six months.

§ 23. (SEC. 13.) **Larceny in dwelling-house, office, etc.** Whoever commits the crime of larceny in any dwelling-house, office, shop, bank or warehouse, ship, steamboat or vessel, or breaks and enters, in the night-time or daytime, any meeting-house, church, court-house, town-house, college, academy, or other public building erected for public use, and steals therein, shall be punished by imprisonment in the state prison not more than three years, nor less than one year, or by imprisonment in the county jail not more than one year, nor less than three months, or by fine not exceeding five hundred dollars.

§ 24. (SEC. 14.) **Larceny from the person.** Whoever commits the offence of larceny, by stealing from the person of another, shall be punished by imprisonment in the state prison not more than four years, nor less than two years, or by imprisonment in the county jail not more than two years, nor less than three months, or by fine not exceeding five hundred dollars.

§ 25. (SEC. 15.) **Larceny, how punished.** Whoever commits the crime of larceny, by stealing, of the property of another, any money, goods or chattels, or both [bank] note, bond, promissory note, bill of exchange, or other bill, order or certificate, or any book of accounts for or concerning money or goods due, or to become due, or to be delivered, or any deed or writing containing a convey-

ance of land or any other valuable contract in force, or any receipt, or release, or defeasance, or any writ, process or public record, if the value of the property stolen is one hundred dollars or over, shall be punished by imprisonment in the state prison not more than seven years, nor less than one year; if the value of the property stolen is less than one hundred dollars, and more than twenty dollars, he shall be punished by imprisonment in the state prison not more than three years, nor less than six months, or by imprisonment in the county jail not more than six months, nor less than three months, or by fine not exceeding three hundred dollars; and if the value of the property stolen does not exceed twenty dollars, he shall be punished by imprisonment in the county jail not more than three months, or by fine not exceeding one hundred dollars. (*As amended 1872, c. 75, § 1.*)

4 M. 261 [345]; 18 M. 518.

§ 26. (SEC. 16.) **Stealing railroad tickets is larceny.** Whoever steals, takes and carries away any railroad passenger-ticket or tickets, prepared for sale to passengers, previous to or after the sale thereof, being the personal property of any railroad company, or any other corporation or person, is guilty of larceny.

§ 27. (SEC. 17.) **Railroad tickets defined—value.** Railroad passenger-tickets of any railroad company, as well before the same are delivered or issued to its receivers or other agents for sale, as after, and whether indorsed or stamped by such receivers or other agents or not, are to be deemed railroad tickets within the meaning of the last section; and the prices authorized to be charged for such tickets on a sale thereof shall be deemed the value of such ticket or tickets, in all cases arising under said section.

§ 28. (SEC. 18.) **Receiving stolen goods etc.** Whoever buys, receives, or aids in the concealment of, stolen money, goods or property, knowing the same to have been stolen, shall be punished by imprisonment in the state prison not more than four years, nor less than one year, or by imprisonment in the county jail not more than two years, nor less than three months, or by fine not exceeding five hundred dollars.

§ 29. (SEC. 19.) **Same—jurisdiction of justices—penalty—appeal.** Every justice of the peace shall have jurisdiction, concurrent with the district court, of all offences of buying, receiving, or aiding in the concealment of, stolen goods or other property, in all cases in which they would have had jurisdiction of a larceny of the same goods or other property; and the punishment of buying, receiving, or aiding in the concealment of, such goods or other property, shall be the same as in the case of a larceny of the same goods or other property, with the same right of appeal on conviction.

§ 30. (SEC. 20.) **Same—receiver of may be tried before thief.** In any prosecution for the offence of buying, receiving, or aiding in the concealment of stolen money or other property known to have been stolen, it shall not be necessary to aver, nor on the trial prove, that the person who stole such property has been convicted.

§ 31. (SEC. 21.) **Stolen property to be restored to owner—exception.** The officer who arrests any person charged as a principal or accessory in any robbery or larceny shall use reasonable diligence to secure the property alleged to be stolen, and, after seizure, shall be answerable for the same; and he shall annex a schedule thereof to his return of the warrant; and, upon conviction of the offender, the stolen property shall be restored to the owner: *provided*, that when such property, alleged to be stolen, is held by such officer, and is by the county attorney of the proper county deemed necessary to be used as evidence upon the trial or examination of the person charged with the larceny, the said officer arresting such person charged shall, upon demand thereof by such county attorney, deliver such property alleged to be stolen into the possession of such county attorney, and take his receipt therefor; and such county attorney shall thereupon hold such alleged stolen property, and be

answerable for the same, in the place of such sheriff, and, upon conviction of the offender, shall restore the stolen property to the owner. (*As amended, 1867, c. 86, § 1.*)

§ 32. (SEC. 22.) **Embezzlement, etc., by officer, etc., of bank.** If any cashier or other officer, or any agent, clerk or servant, of any incorporated bank, embezzles, or fraudulently converts to his own use, or fraudulently takes or secretes, with intent to convert to his own use, any bullion, money, note, bill, obligation or security, or any other effects or property belonging to and in possession of such bank, or belonging to any person and deposited therein, he shall be deemed to have committed larceny in such bank.

§ 33. (SEC. 23.) **Embezzlement, etc., by any person—right to commission no defence.** If any officer, agent, clerk or servant of any incorporated company, or if any clerk, agent or servant of any private person, or of any copartnership, except apprentices and other persons under the age of sixteen years, or if any attorney-at-law, collector, or other person, who in any manner receives or collects money or any other property for the use of and belonging to another, embezzles, or fraudulently converts to his own use, or takes and secretes, with intent to embezzle and convert to his own use, without the consent of his employer, master, or the owner of the money or goods collected or received, any money or property of another, or which is partly the property of another and partly the property of such officer, agent, clerk, servant, attorney-at-law, collector, or other person, which has come to his possession or under his care in any manner whatsoever, he shall be deemed to have committed larceny; and, in a prosecution for such crime, it shall be no defence that such officer, agent, clerk, servant, attorney-at-law, or other person, was entitled to a commission out of such money or property, as commission for collecting or receiving the same for and on behalf of the owner thereof: *provided*, that it shall be no embezzlement on the part of such agent, clerk, servant, attorney-at-law, collector, or other person, to retain his reasonable collection fee on the collection. (*As amended 1876, c. 55, § 1.*)

§ 34. <sup>17 M. 76; 22 M. 41, 76.</sup> (SEC. 24.) **Embezzlement by carrier of goods, etc.** If any carrier or other person to whom any money, goods, or other property which is the subject of larceny, is delivered to be carried for hire, or if any other person who is intrusted with such property, embezzles, or fraudulently converts to his own use, or secretes, with intent to embezzle or fraudulently convert to his own use, any money, goods or property, either in the mass as the same were delivered, or otherwise, and before delivery of such money, goods or property at the places where or to the persons to whom they were to be delivered, he shall be deemed to have committed larceny.

§ 35. (SEC. 25.) **Embezzlement, etc., by warehousemen, etc.** Any warehouseman, storage, forwarding or commission merchant, or miller, or his agents, clerks or servants, who embezzles, or fraudulently converts to his or their own use, or fraudulently sells or otherwise disposes of for his or their own gain, profit or advantage, without the consent of the owner thereof, any grain, flour, pork, beef, wool, or other goods, wares or merchandise, which have been received by such warehouseman, miller, or storage, forwarding or commission merchant, to be stored for hire or for other purpose, shall be deemed to have committed larceny.

§ 36. (SEC. 26.) **Embezzlement of public moneys.** If any person having in his possession any money belonging to this state, or any county, town, city, or other municipal corporation, or school-district, or in which this state, or any county, town, city, village or other municipal corporation, or school-district, has any interest, or if any collector or treasurer of any town or county, or incorporated city, town or village, or school-district, or the treasurer or other disbursing officer of the state, or any other person holding any office under any law of

this state, or any officer of an incorporated company, who is by virtue of his office intrusted with the collection, safe-keeping, transfer or disbursement of any tax, revenue, fine or other money, converts to his own use, in any way or manner whatever, any part thereof, or loans, with or without interest, any portion of the money intrusted to him as aforesaid, or improperly neglects or refuses to pay over the same, or any part thereof, according to the provisions of law, he is guilty of embezzlement.

§ 37. <sup>22 M. 67.</sup> (SEC. 27.) Same—punishment—refusal to pay money lawfully demanded. Whoever is guilty of embezzling any money prohibited by this or the preceding section, not exceeding in amount the sum of one hundred dollars, shall be punished by imprisonment in the county jail not more than twelve months, nor less than three months; and whoever is convicted of embezzling a greater sum than one hundred dollars, shall be punished by imprisonment in the state prison not more than three years, nor less than one year, and by a fine in each case of twice the amount so embezzled; and if the court cannot determine, from the verdict of the jury or otherwise, the amount of the sum embezzled, it shall impose such fine as shall be adequate, and corresponding as nearly as may be with the penalty imposed by this section; and every refusal by an officer to pay any sum lawfully demanded, shall be deemed an embezzlement of the sum so demanded.

§ 38. <sup>22 M. 67.</sup> (SEC. 28.) Same—who deemed an accessory to defaulting officer. Any person demanding of an officer any sum of money which he may be entitled to demand and receive, and who is unable to obtain the same, by reason of the money having been embezzled as aforesaid, if he neglects or refuses, for thirty days after making such demand, to make complaint against such officer, is an accessory, and shall be punished by fine not exceeding one hundred dollars.

§ 39. (SEC. 29.) Refusal of officer to pay over public money, not embezzlement, when. The refusal of an officer to pay any demand in specie, where the sum so demanded was actually received by such officer, in good faith, in checks, drafts, certificates of deposit, or currency, which have depreciated in value, provided payment is tendered in the checks, drafts, certificates of deposit or currency, by such officer, or to pay any sum demanded of him when there is reasonable doubt as to his duty or authority to pay the same on such demand, or where such refusal is not with a wrongful intent, shall not be construed to be an embezzlement, according to the intent and meaning of the twenty-sixth and twenty-seventh sections of this chapter.

§ 40. (SEC. 30.) Certain officers to pay over same moneys received, when. Whoever is mentioned in the twenty-sixth section of this chapter shall pay over the same money that he received in the discharge of his duties, and shall not set up any amount as a set-off against any money so received; and all justices of the peace, clerks of the district courts, sheriffs and other officers, shall pay into the respective treasuries all the money collected on fines, within thirty days after said moneys are collected.

\*§ 41. Unlawful appropriation of public funds, how punished. That any county commissioner or other county officer of any county, or any officer of any town, village or school-district, who shall wilfully vote for the allowance or payment of any claim, or the appropriation of any moneys, or who shall wilfully aid, assist, co-operate, or in any wise be instrumental in the payment or disbursement of any moneys of any county, town, city, village or school-district, except as provided or authorized by law, shall be liable to indictment therefor, and, upon conviction thereof, shall be punished by imprisonment in the state prison for a term not exceeding two years, nor less than six months, or by fine not exceeding two thousand dollars, nor less than five hundred dollars; or in any

case the amount involved in such allowance, appropriation or payment shall not exceed the sum of twenty dollars, then the person so offending shall be punished by imprisonment in the county jail not exceeding six months, or by fine not exceeding five hundred dollars. (1877, c. 175, § 1.)

§ 42. (SEC. 31.) **Warehouseman, etc., making false receipt, etc.** If any warehouseman, miller, or storage, forwarding or commission merchant, or his agents, clerks, or servants, wilfully and fraudulently makes or utters any receipt, or other written evidence of the delivery into any warehouse, mill, store, or other building belonging to him, them, or his or their employers, of any grain, flour, pork, beef, wool, or other goods, wares or merchandise, which have not been so received or delivered into such mill, warehouse, store, or other building, previous to the making and uttering of such receipt or other written evidence thereof, shall be punished by imprisonment in the state prison not more than two years, not less than one year.

§ 43. (SEC. 32.) **Obtaining money, etc., by falsely personating another.** Whoever falsely personates or represents another, and in such assumed character receives any money or other property whatever, intended to be delivered to the party so personated, with intent to convert the same to his own use, is guilty of larceny.

§ 44. (SEC. 33.) **Obtaining money, etc., by false pretences.** Whoever, designedly, by any false pretence, or by any privy or false token, and with intent to defraud, obtains from any other person any money or goods, wares, merchandise, or other property, or obtains with such intent the signature of any person to any written instrument the false making whereof would be punishable as forgery, shall be punished by imprisonment in the state prison not more than five years, nor less than one year, or by fine not exceeding five hundred dollars, nor less than fifty dollars.

§ 45. (SEC. 34.) **Gross fraud, how punished.** Whoever is convicted of any gross fraud or cheat at common law shall be punished by imprisonment in the state prison not more than four years, nor less than one year, or by fine not exceeding one thousand dollars, nor less than fifty dollars.

§ 46. (SEC. 35.) **Fraudulent or malicious destruction of ship, etc.** Whoever wilfully casts away, burns, sinks, or otherwise destroys any ship, steamboat or vessel, within the body of any county, with intent to injure or defraud any owner of such vessel, steamboat or ship, or the owner of any property laden on board the same, or any insurer of such vessel or property, or of any part thereof, shall be punished by imprisonment in the state prison not more than ten years, nor less than three years.

§ 47. (SEC. 36.) **Equipping ship etc. with intent to destroy it, etc.** Whoever equips or fits out, or assists in lading, equipping and fitting out, any steamboat, ship or vessel, with the intent that the same shall be cast away, burnt, sunk, or otherwise destroyed, to injure or defraud any owner or insurer of such vessel, or of any property laden on board the same, shall be punished by imprisonment in the state prison not more than five years, nor less than two years, or by fine not exceeding five thousand dollars, nor less than one hundred dollars.

§ 48. (SEC. 37.) **Making false invoice of cargo.** If the owner of any ship, steamboat or vessel, or any property laden or pretended to be laden on board the same, or if any other person concerned in the lading or fitting out of such ship, steamboat or vessel, makes out or exhibits, or causes to be made out or 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 such vessel, with intent to injure or defraud any insurer of such vessel or property, or any part thereof, he shall be punished by imprisonment in the state prison not more than three years, nor less than one year, or by fine not more than five hundred dollars, nor less than one hundred dollars.

§ 49. (SEC. 38.) **Making false affidavit or protest.** If any master, or other officer or mariner of a ship, steamboat or vessel, makes or causes to be made, or swears

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

§ 50. (Sec. 39.) **Malicious killing or maiming horses, etc., punished.** Whoever wilfully and maliciously kills, maims or disfigures any horses, cattle or other beasts of another person, or wilfully and maliciously administers poison to any such beasts, or exposes any poisonous substance with intent that the same may be taken or swallowed by them, or wilfully or maliciously destroys or injures the personal property of another, in any manner, by any means not particularly mentioned or described in this chapter, shall be punished by imprisonment in the county jail not more than two years, nor less than three months, or by fine not exceeding five hundred dollars, nor less than fifty dollars.

<sup>1</sup> M. 226 [292].

§ 51. (Sec. 40.) **False representations concerning title to land.** Whoever falsely and fraudulently represents that he is the owner of any parcel of land or tract of land to which he has no title, and executes any deed of the same, with intent to defraud any person whatever, shall be punished by imprisonment in the state prison not more than two years, nor less than six months.

§ 52. (Sec. 41.) **Malicious injury to dams, etc.** Whoever wilfully and maliciously breaks down, injures, removes or destroys any dam, reservoir, canal or trench, or any gate, flume, flash-boards, or other appurtenances thereof, or of the wheels, mill gear or machinery of any mill, or wilfully or wantonly, and without color of right, draws off the water contained in any millpond, reservoir, canal or trench, shall be punished by imprisonment in the state prison not more than two years, nor less than six months, or by fine not exceeding four hundred dollars, nor less than fifty dollars.

§ 53. (Sec. 42.) **Malicious injury to bridge, road, telegraph post, etc.** Whoever wilfully or maliciously breaks down, injures, removes or destroys any public or toll-bridge, or railroad, or plank-road, or telegraph-posts or wires, or any turnpike or plank-road gate, or any lock, culvert, or embankment of any canal, or wilfully or maliciously makes any aperture or breach in any such embankment, with intent to destroy or injure the same, shall be punished by imprisonment in the state prison for not more than three years, nor less than six months, or by fine not exceeding six hundred dollars, nor less than fifty dollars.

\*§ 54. **Penalty for injuring or obstructing railroads.** Whoever shall wilfully and maliciously obstruct the passage of any carriage upon any railroad, or in any way injure such road or anything appertaining thereto, or any materials or implements for the construction and use thereof, and whoever shall be aiding and abetting in such trespass, shall forfeit to the use of the corporation, for every such offence, treble the amount of the damages which shall appear on the trial to have been sustained thereby. (1868, c. 57, § 1.)

See *ante*, c 94, §§ 63-64; *post* §§ 84-90.

§ 55. (Sec. 43.) **Malicious injury to trees, fences, &c., how punished.** Whoever wilfully and maliciously, or wantonly, and without cause, cuts down and destroys, or, by girdling, lopping or otherwise, injures any fruit-tree, or any other trees not his own, standing or growing for shade, ornament, or other useful purposes, or maliciously or wantonly breaks the glass, or any part of it, in any building not his own, or maliciously breaks down any fence belonging to or inclosing land not his own, or maliciously throws down or opens any bars, gate or fence, and leaves the same down or open, or maliciously and injuriously severs from

the freehold of another any produce thereof, or anything attached thereto, shall be punished by imprisonment in the county jail not more than one year nor less than three months, or by fine not exceeding two hundred dollars.

§ 56. (SEC. 44.) **Malicious injury to monuments, signs, etc.** Whoever wilfully and maliciously breaks down, injures, removes or destroys any monument erected for the purpose of designating the boundaries of any tract or lot of land, or any tree marked for that purpose, or so breaks down, injures, removes or destroys any milestone, mile-board, or guide-board, erected upon any highway or other public way, turnpike, railroad, or plank-road, or wilfully or maliciously defaces or alters the inscription on any such stone or board, or wilfully or maliciously mars or defaces any building, or any sign-board, or extinguishes any lamp, or breaks, destroys or removes any lamp or lamp-post, or any railing or post, erected on any bridge, sidewalk, street, highway, court or passage, shall be punished by fine not exceeding one hundred dollars, or by imprisonment in the county jail not more than six months.

§ 57. (SEC. 45.) **Wilful trespass on garden, orchard, etc.** Whoever wilfully commits any trespass by entering upon the garden, orchard, or other improved land of another, without permission of the owner thereof, and with intent to cut, take, carry away, destroy or injure the trees, grain, grass, hay, fruit or vegetables there growing or being, shall be punished by fine not exceeding fifteen dollars, nor less than three dollars.

§ 58. (SEC. 46.) **Jurisdiction of justices of the peace.** Every justice of the peace has concurrent jurisdiction, in his own county, with the district court, of all offences mentioned in the three preceding sections of this chapter, when the value of the trees, fruit, grain, or other property injured, destroyed, taken or carried away, or the injury occasioned by the trespass, does not exceed the sum of one hundred dollars; and in such case, the punishment shall be by fine not exceeding fifty dollars, nor less than five dollars.

§ 59. (SEC. 47.) **Girdling or cutting trees, etc.—carrying away earth, etc.** Whoever wilfully and without authority cuts down or destroys, or injures by girdling or otherwise, any trees growing or standing upon the private property of any individual, or cuts any timber or wood upon such property, or takes, carries or hauls away therefrom any timber or wood previously cut or severed from the freehold, or who wilfully and without authority digs or carries away any mineral, earth or stone from any such land, is guilty of a misdemeanor, and, upon conviction of any of the said offences before any justice of the peace, shall be punished by imprisonment in the county jail for a period of not more than ninety days, nor less than thirty days, or by fine not exceeding one hundred dollars, nor less than thirty dollars.

§ 60. (SEC. 48.) **Same—separate offences.** The cutting down wilfully of any tree, or the girdling or otherwise injuring any tree, wilfully, growing or standing upon the private property of any individual, or the wilful carrying away therefrom of any one quantity or load of timber, wood, earth, mineral or stone, shall constitute and be distinct and separate offences, and the party or parties so offending shall be punished for each of said offences in the manner prescribed in the foregoing section.

\*§ 61. **Unlawful taking of fruit, etc.** That if any person or persons in this state shall hereafter enter the enclosure of any person, without the leave or license of such owner, and pick, destroy or carry away the fruit, or any portion thereof, of any apple, pear, peach, plum, grape, or other fruit tree, bush or vine, or any vegetable products, such person shall be deemed guilty of a misdemeanor, and upon conviction thereof, may be fined any sum not less than ten nor more than fifty dollars, and imprisoned in the county jail for any period not exceeding thirty days. (1867, c. 33, § 1.)

\*§ 62. **Wilful injury to trees, vines, etc.—penalty.** That if any person or persons in this state shall wilfully and maliciously, and without lawful authority, cut down,

root up, sever, injure, peel, destroy, or carry away any fruit or ornamental tree or shrub, cultivated root, plant or vine, of whatever kind, or any fruit or other vegetable production, standing or growing on, or being attached to, the land of another, or shall wilfully, and without lawful authority, cut down, root up, destroy or injure, in any manner, or carry away, any fruit or ornamental tree, plant, shrub or vine, upon any street, lane, alley, public highway or public grounds, in any city, town or village in this state, such person or persons so offending shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine of not more than five hundred dollars, or by imprisonment in the county jail not exceeding three months, or both fine and imprisonment, at the discretion of the court having jurisdiction of the case, and shall, moreover, be liable in double the amount of damages to the party injured. (1867, c. 33, § 2.)

\*§ 63. Penalties under last two sections, how enforced. The penalties incurred by violation of this act may be enforced by indictment in any court having jurisdiction of misdemeanors in the county where the offence is committed, or the fine may be recovered in an action for debt before any justice of the peace of such county. (*Id.* § 3.)

\*§ 64. Injury to books in public libraries—penalties—damages. Any person who shall wilfully cut, mutilate, mark, tear, deface, or otherwise injure or destroy, in whole or in part, any book, map, document, picture, or written or engraved or printed paper, belonging to any public library or reading-room in this state, shall, upon conviction thereof before any city justice or justice of the peace having jurisdiction in criminal offences, be fined, for each and every such offence, a sum not less than ten nor more than one hundred dollars, and, in default of the payment of such fine, be committed to the county jail of the county in which the said offence was committed, not less than thirty nor more than ninety days. And such conviction shall not act as a bar to a civil suit against the party committing the injury or damage, to recover the value of the property so injured or destroyed, which suit may be brought by any competent officer of the library owning said property. (1875, c. 89, § 1.) § 67. See 1868 Sup't, p. 37.

\*§ 65. "Public library" defined. A "public library" shall, for the purposes of this act, be construed to mean any collection of books, documents or papers belonging to the state, or to any of its institutions, or to any incorporated society, association or literary institution, for the use of the public or of the members of said society or institution. (*Id.* § 2.)

§ 66. (SEC. 49.) Wilful false branding of animals. Whoever wilfully marks any of his horses, cattle, sheep or hogs with the same mark or brand previously recorded by any resident of the same county, and while the same mark is used by such resident, shall forfeit for every such offence five dollars, to be recovered before any justice of the peace of such county; whoever wilfully marks or brands the horses, cattle, sheep or hogs of any other person with his own brand or mark, shall forfeit for every such offence not less than ten nor more than fifty dollars, to be recovered before any justice of the peace of the proper county; and whoever wilfully destroys or alters any mark or brand upon any horses, cattle, sheep or hogs, the property of another, shall, on conviction thereof before any justice of the peace, forfeit and pay for every such offence a sum not less than ten nor over fifty dollars, and shall moreover pay to the party injured double damages.

§ 67. (SEC. 50.) Official burning of prairie grass—superintendent to be appointed. The county commissioners of each and every county invaded by grasshoppers within this state, shall, on or before the first day of April in each and every year, appoint some suitable person whose duty it shall be to superintend the burning of prairie grass in their respective counties, and in no case permit the burning of the same before the fifteenth day of May in each and every year. (*As amended 1877, c. 36, § 1.*)

\*§ 68. **Same—authority of superintendent.** Such superintendent shall have full power and control over the prairie grass in their respective counties as regards the preservation of the same, and may prohibit the burning of such grass on any prairie or grounds until such times as he shall deem such burning proper and necessary, in conformity with section one of this act. (1877, c. 36, § 2.)

\*§ 69. **Same—order for grass to be burned—penalty for non-compliance.** Such superintendent may, by verbal or written notice, order the grass upon any piece or parcel of land to be burned by the occupant thereon, or owner thereof, at the time of making such order; and any person or persons owning or occupying such lands, who shall neglect or refuse to burn such grass after receiving such notice, shall pay a fine of not more than ten dollars nor less than five dollars. (*Id.* § 3.)

\*§ 70. **Same—fees of superintendent.** The fees of such superintendent shall be fixed by the board of county commissioners of their respective counties: *provided*, such fees shall not exceed the sum of one hundred dollars in each year. (*Id.* § 4.)

\*§ 71. **Burning prairie, etc., without authority—penalty—enclosed land.** Whoever wilfully and intentionally, or negligently and carelessly, sets on fire, or causes to be set on fire, any woods, prairies, or other grounds, contrary to the provisions of this act, shall forfeit and pay a fine of not less than ten dollars, nor more than one hundred dollars, and, in default of the payment of said fine, shall be committed to the county jail for not less than thirty days, nor more than three months: *provided*, that nothing herein shall be so construed as to allow the grass upon enclosed land to be burned, without the consent of the owner or occupant. (*Id.* § 5.)

\*§ 72. **Same—penalties, how enforced.** The penalties provided in this act shall be recovered by action before any justice of the peace in the county where such offence is committed, upon complaint of any legal voter thereof. (*Id.* § 6.)

\*§ 73. **Smoking in buildings where notice is posted—defacing notices.** No person shall enter any mill, machine-shop, stable or other building, having with him a lighted pipe or cigar, or shall light or smoke any pipe or cigar therein, under a penalty of ten dollars: *provided*, that a notice, in plain, legible characters, is kept posted up in a conspicuous position over or near each principal entrance to such building or place of entrance, that no smoking is allowed therein. And if any person shall deface, destroy or remove any such notice, he shall forfeit and pay ten dollars for each offence. (1866, c. 34, § 1.)

\*§ 74. **Same—penalties, how enforced.** Any penalty incurred under the provisions of this act shall be recoverable before any justice of the peace of the town wherein the offence is committed, for the benefit of said town, upon the written complaint on oath of any person showing the commission of any such offence, in an action wherein such town shall be plaintiff. Such action shall be commenced by summons, and shall be prosecuted in the same manner as civil actions. (*Id.* § 2.)

\*§ 75. **Meandered lakes, etc., not to be drained.** No person or persons shall drain or attempt to drain any lake, pond or body of water in this state which has been meandered, and metes and bounds established, by the government of the United States, in the survey of the public lands. (1867, c. 40, § 1.)

\*§ 76. **Same—penalty for draining, etc.—damages.** Any person or persons who shall drain or cause to be drained, or shall attempt to drain in any manner, any lake or lakes, pond or bodies of water which shall have been meandered by the survey of the United States government, shall be considered guilty of a misdemeanor, and shall be punished by a fine not less than twenty-five dollars, and not exceeding five thousand dollars, and shall be also liable in a civil action for all damages sustained by private individuals by reason of such draining or attempting to drain any of the lakes, ponds or bodies of water aforesaid: *provided*, that the provisions of this act shall not prevent the reasonable use of said lakes, ponds or bodies of water as reservoirs for the ben-

efit of any kind of milling or manufacturing establishment, or for the purpose of driving logs, or for supplying any incorporated town or city with water. (1867, c. 40, § 2.)

\*§ 77. **Removing property from mortgaged real estate.** That no mortgagor or other person shall remove any building, fixture or fence, situate or being upon any real estate on which real estate any mortgage or mechanic's lien exists, either before or after the foreclosure of such mortgage, or sale in satisfaction of such lien, to the prejudice of any holder of such mortgage or lien, and with the intent to impair or lessen the value of such mortgage or lien, without first having procured the consent of the person owning or holding such mortgage or lien. Any person offending against the provisions of this section shall be punished by fine not exceeding five hundred dollars, or by imprisonment in the county jail not exceeding six months, or by both fine and imprisonment. (1869, c. 64, § 1.)

\*§ 78. **Same—court may order same replaced—may award damages.** Whenever any person shall remove any building, fixture or fence, in violation of the provisions of the first section of this act, from any real estate upon which there is a mortgage or lien, the district court of the county in which such real estate is situate shall have power to order such building, fixture or fence to be restored and replaced upon such real estate, and may compel the same by attachment and punishment as for contempt, and may, in the same action, give damages for such removal. (*Id.* § 2.)

\*§ 79. **Owner of dog which kills sheep, liable for damages.** The owner or possessor of any dog that shall kill, wound or worry any sheep or lamb, shall be liable for the value of such sheep or lamb to the owner thereof, without proving notice to the owner or possessor of such dog, or knowledge by him, that his dog was mischievous or disposed to kill sheep. (1873, c. 21, § 1.)

\*§ 80. **Same—penalty for keeping such dog—disposal of fine.** Any person keeping or harboring a dog or dogs that has bitten or worried any sheep or lambs, and having been notified of such fact, shall be liable to pay a fine of five dollars per day for every day thereafter that he shall keep, harbor or permit such dog or dogs to remain in or about his premises. Such fine, when collected, shall be paid over to the county treasurer of the county, for the benefit of the common-school fund of the county. (*Id.* § 2, as amended 1874, c. 51, § 1.)

\*§ 81. **Same—such dogs may be killed.** It is lawful for any person to kill, or cause to be killed, any dog or dogs which have been or shall be found injuring, fretting or killing any lambs or sheep within this state. (1867, c. 35, § 1.)

\*§ 82. **Wilfully injuring telegraph lines, etc.** Any person or persons who shall knowingly or wilfully injure, molest or destroy any telegraph line, or appurtenances belonging thereto, and any person who shall counsel or advise the injury, molestation or destruction of any of said lines or appurtenances thereunto belonging, shall be deemed guilty of a misdemeanor, and be punished by fine not exceeding one thousand dollars, or imprisonment not exceeding the term of two years, or both, at the discretion of the court having cognizance thereof. (1867, c. 22, § 1.)

\*§ 83. **Disclosing contents of telegrams.** If any operator, clerk, messenger-boy, or other person in the employ of any telegraph company in this state, shall reveal the contents of any private message to any other than the one to whom it is directed, or to his attorney or agent, such revelation shall be deemed a misdemeanor, and such person so offending shall be subject to a fine of one thousand dollars, or to imprisonment not exceeding the term of two years, or both, at the discretion of the proper court. (*Id.* § 2.)

\*§ 84. **Breaking down railroad gates, fences, etc.** That it shall be unlawful for any person, without lawful authority, to break down or carry away any part of any fence, bars or gates, or plank used for a crossing over any railroad track, or to

break down, destroy or injure any hedge, ditch, or other structures used or intended as a fence to enclose any railroad track. (1877, c. 98, § 1.)

\*§ 85. **Leaving railroad gates, etc., open.** It shall be unlawful for any person using any gate or bars, or opening the same for any purpose, at any railroad crossing, to permit any animal to stray upon any railroad track or right of way enclosed, or to leave such bars down or gate open so that animals might stray or go upon such railroad track, or to lead, drive or turn upon such track any animal, for the purpose of grazing, or any other purpose. (*Id.* § 2.)

\*§ 86. **Penalty for violating last two sections.** That any person guilty of offending against the provisions of the first and second sections of this act shall be guilty of a misdemeanor, and, on conviction, shall be fined not less than ten [dollars], nor more than fifty dollars, for each offence, and shall also be adjudged, in case such fine is not, then and there paid, to be imprisoned for a time, to be designated by the court, of not exceeding thirty days, in the common jail of the county. (*Id.* § 3.)

\*§ 87. **R. R. Cos. not liable when they furnish gate locks.** Whenever any gate shall be erected by any railroad company at any farm crossing, for the exclusive use of any owner of land, such company may provide a lock for the same, and deliver the key to such owner, or the tenant or the occupant of such land; and if such gates shall thereafter be opened, whereby cattle or other animals shall get upon such railroad track, and be injured or killed, unless maliciously or wantonly done by such railroad company or its employes, such company shall not be liable to the owner of such injured animals for such damage. (*Id.* § 4.)

\*§ 88. **Walking on railroad bridges.** It shall be unlawful for any person, without authority, on foot or with any animal or vehicle, to enter upon any railroad bridge or trestle in this state; and any person violating the provisions of this section shall be liable to pay a fine not more than fifty dollars, or to be imprisoned in the county jail not more than sixty days. (*Id.* § 5.)

\*§ 89. **Malicious injury to railroads.** It shall be unlawful for any person, without authority, to take away, loosen, displace, cut, break or injure any part of any railroad track, bridge, trestle, locomotive, car, or any railroad machinery or appurtenances; and any person violating the provisions of this section shall be liable to a fine of not more than one thousand dollars, or to be imprisoned in the state prison not more than one year, and, in addition, shall be liable to damages in favor of the company injured for any damage caused by any of said acts; or in case death or injury to any person is caused by the commission of any of the unlawful acts named in this section, the party offending, on conviction, shall be punished as provided by law for unlawfully or maliciously causing death, or such injury as may so occur to any person. (*Id.* § 6.)

\*§ 90. **Same—presumption of malice.** Any person offending against any of the provisions and sections of this act shall be deemed to have acted wilfully, maliciously, and without authority, unless he be an officer, or employe, or person acting under the authority, of the railroad company operating any such road, acting in the proper discharge of his duties. (*Id.* § 7.)

\*§ 91. **Wilful injury to property, how punished.** Any person who wilfully, carelessly or negligently, regardless of the safety or rights of others, injures another, or destroys, injures or damages the property of another person, without legal excuse or justification, shall be deemed guilty of a misdemeanor, and be punishable by fine or imprisonment, or both, in the discretion of the court or justice of the peace having jurisdiction thereof; but this act shall not be construed as applying to any such act which is already declared an offence by any statute or law now existing in this state. (1877, c. 135, § 1.)

\*§ 92. **Canada thistles a common nuisance.** That the weed known as Canada thistle is hereby declared to be a common nuisance for all the purposes of this act. (1872, c. 38, § 1.)

\*§ 93. **Same—penalty for allowing them to grow.** Any person or persons owning any lands within this state, or occupying or having control of any lands, whethe

within the plat of towns, villages or cities, or otherwise, within this state, knowingly permitting or suffering any Canada thistle or thistles to go to seed upon any land or lands thus owned, occupied, or under the control of such person or persons, shall be deemed guilty of maintaining and supporting a common nuisance, and, upon conviction thereof in any court having competent jurisdiction of the offence, shall be punished by fine not exceeding fifty dollars, nor less than five dollars, said fine to go into the town treasury where such thistle or thistles are permitted to grow. (1872, c. 38, § 2.)

\*§ 94. **Same—penalty for neglect to destroy them—duties of town supervisors—Expenses how paid.** In case any person or persons, railroad company or other incorporation, owning or occupying any lands within this state, or having any lands within this state under his or her or their control, as the case may be, shall refuse or neglect to destroy any Canada thistle or thistles, growing or standing upon any land or lands so owned, occupied or controlled, it shall be the duty of the town supervisors, or other person or persons having control of the public highways, streets or alleys where any such thistle or thistles may be found growing or standing, to immediately destroy or cause the same to be destroyed, and pay therefor at the same rate that is paid for road labor; and every supervisor or other person hereinbefore authorized to destroy said thistles shall keep a correct account of all moneys paid out for that purpose, and charge the same to the person or persons or incorporation owning, occupying or controlling the land or lands upon which such thistle or thistles was destroyed; and the person or persons or corporation owning, occupying or having control of such lands, shall be liable in a civil action for the amount so charged against them, and costs of suit; *provided*, that if any supervisor or other person, having, under the authority of this act, destroyed any Canada thistles, and is unable to find the owner of the land, or is unable to collect such money, the same shall be paid by the town authorities of the town, village or city where such thistles were destroyed; *and provided further*, that in case any railroad company becomes chargeable under the provisions of this section, the supervisors of the township where the same has become chargeable may certify to the same to the county attorney of their county, whose duty it shall be to bring and prosecute a civil action against the railroad company, for the amount so charged and costs of suits aforesaid. (*Id.* § 3.)

\*§ 95. **Same—prosecutions before justice of peace—duty of every person to destroy thistles.** Justices of the peace shall have jurisdiction, within their respective counties, of all violations of the provisions of this act; and it shall be competent for any person to complain of and prosecute any person or persons, railroad company or other corporation violating the same; and it is hereby made the duty of every person having knowledge of any Canada thistle or thistles growing or standing upon the land of another, to immediately destroy the same, or give the person owning or occupying such lands immediate notice thereof. (*Id.* § 4.)

\*§ 96. **Same—fines to go to town treasury.** All fines collected by any justice of the peace or any other person, under the provision of this act, shall be paid into the treasury of the proper town, village or city, within ten days after the same is collected. (*Id.* § 5.)

\*§ 97. **Same—appeal to district court.** Any person fined under the provisions of this act, feeling himself aggrieved, may appeal to the district court of the proper county, in the same manner and within the same time that appeals are allowed by law in justice court in other criminal actions. (*Id.* § 6.)

\*§ 98. **Penalty for picking cranberries before September first.** That if any person shall hereafter pick or gather cranberries on lands other than his own, in this state, before the first day of September in any year, such person shall be fined in the sum of ten dollars for each offence so committed. (1871, c. 31, § 1, *as amended 1876, c. 97, § 1.*)

\*§ 99. **Same—prosecutions—disposition of fines.** All prosecutions under the provisions

of this act shall be commenced within six months from the time such offence is committed, and the same shall be upon complaint, under oath, before any justice of the peace in the county where the offence is committed; and all fines imposed and collected under this act shall be paid, one-half to the complainant, and one-half into the treasury of the county where such conviction takes place, for the use of the common schools within such county. (1871, c. 31, § 2.)

## CHAPTER XCVI. FORGERY AND COUNTERFEITING.

## SECTION.

- 1-2. Forgery of records, contracts, etc.—uttering same.  
 3-4. Forgery of note, certificate, etc., of state—of bank-bill, draft, etc.  
 5-6. Possession of forged bank-bill, etc., with intent to pass—passing forged bank-bill, etc.  
 7. Making or having tools for counterfeiting, with intent, etc.  
 8. Fraudulently connecting parts of several bank-

## SECTION.

- notes, etc.  
 9. Fraudulently affixing signature of corporate officer to note, etc.  
 10. Indictment and proof of forgery, when sufficient.  
 11-13. Counterfeiting coin—possession of ten pieces with intent, etc.—of less than ten pieces, etc.—making or possessing tools, etc., for coining counterfeit money.

§ 1. Forgery of records, contracts, etc., how punished. Whoever falsely makes, alters, forges or counterfeits any public record, or any certificate, return or attestation of any clerk of a court, register, notary public, justice of the peace, or any other public officer, in relation to any matter wherein such certificate, return or attestation may be received as legal proof, or any charter, deed, will, testament, bond or writing obligatory, letter of attorney, policy of insurance, bill of lading, bill of exchange, promissory note, or any order, acquittance or discharge for money or other property, or any acceptance of a bill of exchange, indorsement or assignment of a bill of exchange or promissory note, or any accountable receipt for money, goods or other property, with intent to injure or defraud any person, shall be punished by imprisonment in the state prison not more than five years, nor less than two years, or by imprisonment in the county jail not more than two years, nor less than one year.

<sup>19 M. 98.</sup>

§ 2. Uttering forged record, deed, etc. Whoever utters and publishes as true, any false, forged or altered record, deed, instrument, or other writing mentioned in the preceding section, knowing the same to be false, forged or altered, with intent to injure or defraud as aforesaid, shall be punished by imprisonment in the state prison not more than five years, nor less than one year.

§ 3. Forgery of note, certificate, etc., of state. Whoever falsely makes, alters, forges or counterfeits any note, certificate, or other bill of credit, issued by any commissioner or other officer authorized to issue the same, for any debt of this state, with intent to injure or defraud as aforesaid, shall be punished by imprisonment in the state prison not more than seven years, nor less than three years.