

THE *J. Rogers*  
GENERAL STATUTES

OF THE

STATE OF MINNESOTA:

REVISED BY COMMISSIONERS APPOINTED UNDER AN ACT APPROVED FEBRUARY 17, 1868, AND  
ACTS SUBSEQUENT THERETO, AMENDED BY THE LEGISLATURE,  
AND PASSED AT THE SESSION OF 1866.

TO WHICH

THE CONSTITUTION OF THE UNITED STATES, THE ORGANIC ACT, THE  
ACT AUTHORIZING A STATE GOVERNMENT, AND THE  
CONSTITUTION OF THE STATE OF MINNESOTA,

ARE PREFIXED;

AND A LIST OF ACTS PREVIOUSLY REPEALED,

A GLOSSARY, AND INDEX, ARE ADDED.

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Edited and Published under the authority of Chapters 15 and 16 of  
the Laws of 1866.

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1872.

Administering poison with intent to kill or injure, how punished.

Assault with intent to commit felony, how punished. 6 Min. 279.

SEC. 44. Whoever mingles any poison with any food, drink or medicine, with intent to kill or injure any other person, or willfully poisons any spring, well or reservoir of water, with such intent, shall be punished by imprisonment in the state prison, not more than ten years, nor less than one year.

SEC. 45. Whoever assaults another, with intent to commit any burglary, robbery, rape, manslaughter, mayhem, or any felony, the punishment of which assault is not herein prescribed, shall be punished by imprisonment in the state prison, not more than three years, nor less than six months, or by fine not exceeding one thousand dollars, nor less than one hundred dollars.

1894-186

CHAPTER XCIV.

OFFENSES AGAINST PROPERTY.

SECTION

1. Burning dwelling in night-time, by which human life is destroyed, how punished—if life of no person is destroyed—punishment.
2. Burning dwelling, &c., in day time, how punished.
3. Burning church, &c., in night time, how punished.
4. Burning church, &c., in day time, how punished.
5. Burning store, mill, &c., how punished.
6. Burning boards, timber, &c., how punished.
7. Preceding sections shall extend to married women.
8. Burning property to injure insurer, how punished.
9. Burglary in dwelling, by person armed with dangerous weapon, with intent, &c., how punished.
10. Burglary in dwelling by person not armed, how punished.
11. Breaking and entering office, &c., with intent, &c., how punished.
12. Entering any building in day time or night time, with intent, &c., how punished.
13. Larceny in dwelling-house, &c., how punished.
14. Larceny from the person, how punished.
15. Larceny exceeding \$100 in value, how punished—larceny less than \$100, how punished.
16. Stealing railroad tickets is larceny.
17. Railroad tickets defined.
18. Receiving stolen goods, &c., how punished.
19. Justice of the peace to have jurisdiction, when.
20. Receiver may be tried before thief.
21. Officer making arrest, to secure property stolen.
22. Embezzlement by officer or agent of bank, deemed larceny.
23. Embezzlement by officer or agent of corporation, &c., deemed larceny.
24. Embezzlement by carrier of goods, &c., deemed larceny.
25. Embezzlement or fraudulent sale by warehousemen, et als., deemed larceny.
26. Conversion of, or neglect to pay over, public moneys, deemed embezzlement.

SECTION

27. Embezzlement, how punished.
28. Who deemed an accessory, and how punished.
29. Refusal of officer to pay over public money, not to be deemed embezzlement, when.
30. Certain officers to pay over same moneys received, when.
31. Warehousemen, et als., making false receipt, &c., how punished.
32. Obtaining money, &c., by falsely personating another, with intent, &c., deemed larceny.
33. Obtaining money, &c., by false pretenses, how punished.
34. Gross fraud, how punished.
35. Destroying ship, with intent, &c., how punished.
36. Equipping steamboat or ship, with intent to destroy it, &c., how punished.
37. Making or exhibiting false invoice of cargo, with intent, &c., how punished.
38. Making false affidavit or protest, with intent, &c., how punished.
39. Malicious killing or maiming horses, &c., how punished.
40. False representations concerning title to land, with intent, &c., how punished.
41. Malicious injury to dams, &c., how punished.
42. Malicious injury to bridge, road, telegraph post, &c., how punished.
43. Malicious injury to fruit trees, fence, &c., how punished.
44. Malicious injury to monument, guide board, &c., how punished.
45. Willful trespass on garden, orchard, &c., how punished.
46. Jurisdiction of justices of the peace in certain cases.
47. Willful injury to trees on private property, digging earth, &c., how punished.
48. Willful cutting of trees and carrying away wood, &c., shall be separate offenses.
49. Willfully marking horses, &c., with mark previously recorded and in use, how punished.
50. Willful or negligent setting on fire woods, prairies, &c., how punished—exceptions.
51. Penalties in last section, how recovered.

SECTION 1. Whoever willfully 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 willfully 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 offense 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.

Burning dwelling in night time by which human life is destroyed, how punished.

1854-186

If life of no person was destroyed—punishment.

SEC. 2. Whoever willfully and maliciously burns in the day time the dwelling house of another, or any building adjoining such dwelling house, and willfully and maliciously sets fire to any building owned by himself or another, by the burning whereof such dwelling house is burnt in the day time, or in the day time willfully 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.

Burning dwelling in day time, &c., how punished.

SEC. 3. Whoever willfully 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.

Burning church, &c., in night time, how punished.

SEC. 4. Whoever willfully and maliciously burns in the day time 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.

Burning church, &c., in day time, how punished.

SEC. 5. Whoever willfully 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 offenses 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.

Burning store, mill, &c., how punished.

SEC. 6. Whoever willfully 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.

Burning boards, timber, &c., how punished.

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

Preceding sections shall extend to married women.

# MINNESOTA STATUTES 1866

Burning property to injure insurer, how punished.

SEC. 8. Whoever willfully 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.

Burglary in dwelling by person armed with dangerous weapon, with intent, &c., how punished.

SEC. 9. 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.

Burglary in dwelling by person not armed, how punished.

SEC. 10. 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.

Breaking and entering office, &c., with intent, &c., how punished.

SEC. 11. 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.

Entering any building in day time or night time, with intent, &c., how punished.

SEC. 12. Whoever enters in the night time without breaking, or breaks and enters in the day time, 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 offenses 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.

Larceny in dwelling house, office, &c., how punished.

SEC. 13. 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 day time, 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.

Larceny from the person, how punished. 8 Min. 220.

SEC. 14. Whoever commits the offense 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.

Larceny of property exceeding \$100 in value, how punished. 4 Min. 345.

SEC. 15. Whoever commits the crime of larceny, by stealing of the property of another, any money, goods, or chattels, or 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,

1867-116  
1872 141

or to be delivered, or any deed or writing containing a conveyance of land, or any other valuable contract in force, or any receipt, release, or defeasance, or any writ, process, or public record, if the property stolen exceeds the value of one hundred dollars, shall be punished by imprisonment in the state prison, not more than three years, nor less than one year; and if the property stolen does not exceed the value of one hundred dollars, he shall be punished by imprisonment in the county jail, not more than two years, nor less than three months, or by fine not exceeding three hundred dollars.

Larceny less than \$100, how punished.

SEC. 16. 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.

Stealing railroad tickets is larceny.

SEC. 17. 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.

Railroad tickets defined.

SEC. 18. 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.

Receiving stolen goods, &c., how punished.

SEC. 19. Every justice of the peace shall have jurisdiction concurrent with the district court, of all offenses 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.

Justice of the peace to have jurisdiction, when.

SEC. 20. In any prosecution for the offense 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.

Receiver of stolen property may be tried before thief.

SEC. 21. The officer who arrests any person charged as 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.

Officer making arrest, to secure property stolen.

1867-13

SEC. 22. 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.

Embezzlement by officer or agent of bank, deemed larceny.

SEC. 23. 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, embezzles or fraudulently converts to his own use, or takes and secretes, with intent to embezzle and convert to his own use, without

Embezzlement by officer or agent of corporation, &c. deemed larceny.

consent of his employer or master, any money or property of another which has come to his possession, or is under his care by virtue of such employment, he shall be deemed to have committed larceny.

Embezzlement by carrier of goods, &c., deemed larceny.

SEC. 24. 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.

Embezzlement or fraudulent sale by warehouseman, et als., deemed larceny.

SEC. 25. 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.

Conversion of or neglect to pay over public moneys, deemed embezzlement.

SEC. 26. 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.

Embezzlement, how punished.

SEC. 27. 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.

Who deemed an accessory, and how punished.

SEC. 28. 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.

Refusal of an officer to pay over public money, not deemed embezzlement, when.

SEC. 29. 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 depreci-

ted 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.

SEC. 30. 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.

Certain officers to pay over same moneys received, when.

SEC. 31. If any warehouseman, miller, or storage, forwarding or commission merchant, or his agents, clerks, or servants, willfully 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 nor less than one year.

Warehouseman, et als. making false receipt, &c. how punished.

SEC. 32. 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.

Obtaining money &c., by falsely personating another, with intent, &c., deemed larceny.

SEC. 33. Whoever designedly, by any false pretense 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.

Obtaining money &c., by false pretenses, how punished.

SEC. 34. 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.

Gross fraud, how punished.

SEC. 35. Whoever willfully 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.

Destroying ship with intent, &c., how punished.

SEC. 36. 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.

Equipping steamboat or ship with intent to destroy it, &c., how punished.

SEC. 37. 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

Making or exhibiting false invoice

of cargo, with intent, &c., how punished.

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.

Making false affidavit or protest, with intent, &c., how punished.

SEC. 38. 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.

Malicious killing or maiming horses, &c., how punished. l Min 292.

SEC. 39. Whoever willfully and maliciously kills, maims or disfigures any horses, cattle or other beasts of another person, or willfully 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 willfully 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.

False representations concerning title to land, with intent, &c., how punished.

SEC. 40. 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.

Malicious injury to dams, &c., how punished.

SEC. 41. Whoever willfully 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 willfully 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.

Malicious injury to bridge, road, telegraph post, &c., how punished.

SEC. 42. Whoever willfully 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 willfully 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.

Malicious injury to fruit trees, fences, &c., how punished.

SEC. 43. Whoever willfully 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.

SEC. 44. Whoever willfully 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 willfully or maliciously defaces or alters the inscription on any such stone or board, or willfully 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.

Malicious injury to monuments, guide board, &c. how punished.

SEC. 45. Whoever willfully 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.

Willful trespass on garden, orchard, &c., how punished.

SEC. 46. Every justice of the peace has concurrent jurisdiction in his own county, with the district court, of all offenses 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.

Jurisdiction of justices of the peace

SEC. 47. Whoever willfully 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 willfully 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 offenses, 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.

Willful injury to trees on private property, digging earth, &c., how punished.

SEC. 48. The cutting down willfully of any tree or the girdling or otherwise injuring any tree, willfully, growing or standing upon the private property of any individual, or the willful carrying away therefrom of any one quantity or load of timber, wood, earth, mineral or stone, shall constitute, and be distinct and separate offenses, and the party or parties so offending, shall be punished for each of said offenses in the manner prescribed in the foregoing section.

Willful cutting of trees and carrying away wood, &c., to be separate offenses.

SEC. 49. Whoever willfully 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 offense, five dollars, to be recovered before any justice of the peace of such county; whoever willfully marks or brands the horses, cattle, sheep, or hogs of any other person with his own brand or mark, shall forfeit for every such offense, not less than ten, nor more than fifty dollars, to be recovered before any justice of the peace of the proper

Willful marking horses, &c., with mark previously recorded and in use, how punished.

county; and whoever willfully 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 offense a sum not less than ten, nor over fifty dollars, and shall moreover pay to the party injured double damages.

Willful or negligent setting on fire woods, prairies, how punished—exceptions.

SEC. 50. Whoever willfully and intentionally, or negligently and carelessly sets on fire, or causes to be set on fire any woods, prairies or other grounds, shall forfeit and pay a fine of not less than five 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; but this shall not extend to any person who sets on fire any woods or prairies adjoining his or her own farm or inclosure, for the necessary protection thereof from accident by fire, by giving to his or her neighbors one day's notice of such intention: *provided*, that in case the neighbors come together and participate in the burning of any woods, prairies or grounds, the notice aforesaid need not be given: *provided also*, that this section shall not be construed to take away any civil remedy which any person is entitled to for any injury done or received in consequence of such firing.

Penalties, how recovered.

SEC. 51. The penalties provided in the foregoing section shall be recovered by action before any justice of the peace in the county where such offense is committed, upon complaint of any legal voter thereof.

## CHAPTER XCVI.

### FORGERY AND COUNTERFEITING.

SECTION

1. Forgery of records, contracts, &c., how punished.
2. Uttering forged records, deeds, &c., how punished.
3. Forgery of note, certificate, &c., how punished.
4. Forgery of bank bill, draft, &c., how punished.
5. Having in possession counterfeit bill, draft, &c., with intent, &c., how punished.
6. Passing counterfeit note, bill, &c., how punished.
7. Making or having tools, &c., for counterfeiting, with intent, &c., how punished.

SECTION

8. Fraudulently connecting parts of several bank notes, &c., is forgery.
9. Fraudulently affixing signature to note, &c. deemed forgery.
10. Indictment for forgery is sufficient, when—what not deemed variance in such case.
11. Counterfeiting coin or having ten pieces in possession with intent, &c.; how punished.
12. Having in possession less than ten pieces with intent, &c., how punished.
13. Manufacturing tools for making counterfeit money, or having such tools in possession with intent, &c., how punished.

Forgery of records, contracts, &c., how punished.

SECTION 1. 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