

pute between employers and workmen, shall not be indictable as a conspiracy, if such act, committed by one person, would not be punishable as an offense; nothing in this section shall affect the law relating to riot, unlawful assembly, breach of the peace, or any offense against any person or against property.

This section referred to in deciding that a labor union, such as the United Mine Workers of America, is suable in the federal courts and their funds subject to execution. *United Mine Workers v. Coronado Coal Co.*, 259 U. S. 386.

For cases involving the common law crime of conspiracy, see *Garland v. State*, 112 Md. 90; *Lanasa v. State*, 109 Md. 605.

### Counterfeiting and Forgery.

An. Code, sec 41. 1904, sec. 35. 1888, sec. 32. 1799, ch. 75. 1809, ch. 138, sec. 6. 1890, ch. 550. 1900, ch. 590. 1902, ch. 419.

44. Any person who shall falsely make, forge or counterfeit, or cause or procure to be falsely made, forged or counterfeited, or willingly aid or assist in falsely making, forging, altering or counterfeiting any deed, will, testament or codicil, bond, writing obligatory, bill of exchange, promissory note for the payment of money or property, endorsement or assignment of any bond, writing obligatory, bill of exchange, promissory note for the payment of money or property, acquittance or receipt for money or property, or any acquittance or receipt either for money or for property, with intention to defraud any person whomsoever, or shall utter or publish as true any false, forged, altered or counterfeited deed, will, testament or codicil, bond, writing obligatory, bill of exchange, promissory note for the payment of money or property, or endorsement, or assignment of any bond, writing obligatory, bill of exchange, promissory note for the payment of money or property, acquittance or receipt for money or property, shall be deemed a felon, and on being convicted thereof shall be sentenced to the penitentiary for not less than one nor more than ten years.

A check is a bill of exchange, and a forgery of the endorsement thereon is a felony and punishable under this section. Indictment cannot be amended without the concurrence of the grand jury, save in matters of form—see sec. 550, etc. *Hawthorne v. State*, 56 Md. 534 (decided prior to act, 1890, ch. 550). And see *Laird v. State*, 61 Md. 309.

A certificate of indebtedness known as city stock is a bond within meaning of this section, and an endorsement of such certificate with fraudulent intent may be a forgery under this section though the certificate upon its face is transferable only at the mayor's office in person or by attorney. Where indictment is for both forgery and uttering certificate knowing it to be forged, as proof of guilty knowledge, state may show that about time of forgery charged in indictment traverser had uttered similar forged instruments. *Bishop v. State*, 55 Md. 139. And see *Bell v. State*, 57 Md. 108.

In indictment for forging and uttering a forged note, certain proof as to the existence and loss of the note held sufficient to authorize introduction of parol evidence as to its contents. Effect of traverser's going upon the stand but failing to deny certain accusations. *Brashears v. State*, 58 Md. 563.

An acquittal of forging or uttering a particular paper will not preclude state from proving fact of possession or uttering of such paper in another prosecution against same party for a crime of same character; effect of such acquittal. *Bell v. State*, 57 Md. 116. And see *Bloomer v. State*, 48 Md. 529.

Where a man signs a check under an assumed or fictitious name, with an intent to defraud, a forgery is committed. *Lyman v. State*, 136 Md. 43.

As to indictments for forgery, see sec. 558.