

MAINE STATE LEGISLATURE

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THE
REVISED STATUTES

OF THE
STATE OF MAINE,

PASSED OCTOBER 22, 1840;

TO WHICH ARE PREFIXED

THE CONSTITUTIONS

OF THE

United States and of the State of Maine,

AND TO WHICH ARE SUBJOINED THE OTHER

PUBLIC LAWS OF 1840 AND 1841,

WITH AN

APPENDIX.

PRINTED AND PUBLISHED IN COMPLIANCE WITH A RESOLVE OF OCTOBER 22, 1840.

Augusta:

PUBLISHED BY WILLIAM R. SMITH & Co., PRINTERS TO THE STATE.

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1841.

fine, not exceeding one thousand dollars, and imprisonment in the county jail, not more than one year. CHAP. 161.

CHAPTER 162.

OF MALICIOUS MISCHIEF AND TRESPASSES ON PROPERTY.

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| <p>SECT. 1. Maliciously killing or injuring horses or cattle.</p> <p>2. Injuries to dams, canals, machinery, ponds, engines, &c.</p> <p>3. Bridges and roads.</p> <p>4. Booms, rafts, vessels, &c.</p> <p>5. Trees and shrubs.</p> <p>6. Fences, gates or bars.</p> <p>7. Produce on lands, and things attached thereto.</p> <p>8. Monuments, marked trees, mile stones, guide boards, sign boards, lamps and lamp posts.</p> <p>9. Timber, or wood standing; earth or stone; produce on lands; goods on wharves or landing places.</p> | <p>SECT. 10. Stones and gravel, taken by surveyors of highways, excepted.</p> <p>11. Trespases on gardens, orchards, or improved lands, with intent to take, carry away, &c.</p> <p>12. Passing through gardens, &c. after prohibition.</p> <p>13. Wilful injuries to buildings, fixtures, goods or valuable papers of another.</p> <p>14. Limitation of prosecutions.</p> <p>15. Jurisdiction of justices of the peace.</p> |
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SECTION 1. If any person shall, wilfully, maliciously or cruelly, kill, wound, maim or disfigure the horses, cattle, or any other beast of another, or shall, wilfully and maliciously, administer poison to any such animal, or shall expose any poisonous substance, with intent that the same should be taken and swallowed by them, he shall be punished by imprisonment in the state prison, not more than four years, or by fine, not exceeding five hundred dollars, and imprisonment in the county jail, not more than one year.

Maliciously killing or injuring horses or cattle.
1821, 4, § 4.

SECT. 2. If any person shall maliciously or wantonly break down, injure, remove or destroy any dam, reservoir, canal, trench or any of the appurtenances thereof, or any of the gear or machinery of any mill or manufactory, or shall maliciously or wantonly draw off the water from any mill pond, reservoir, canal or trench, or destroy, injure or render useless any engine or the apparatus thereto belonging, prepared and kept for the extinguishment of fires, he shall be punished by imprisonment in the state prison, not more than three years, or by a fine, not exceeding five hundred dollars, and imprisonment in the county jail, not more than one year.

Injuries to dams, canals, machinery, ponds, engines &c.
1821, 27.

SECT. 3. If any person shall, wilfully and maliciously, break down, injure, remove or destroy any public or toll bridge, or rail road, or place any obstruction on such bridge, rail road or any public road, with intent that any person or property passing on the same, should be injured thereby, he shall be punished by imprisonment in the state prison, not more than three years, or by fine, not exceeding five hundred dollars, and imprisonment in the county jail, not more than one year.

Bridges and roads.

SECT. 4. If any person shall, wilfully or maliciously, without the consent of the owner, cut away, let loose, injure or destroy, any

Booms, rafts, vessels, &c.
1834, 98, § 1.

CHAP. 162. boom or raft of logs or other lumber, or any vessel, gondola, scow or other boat, fastened to any place, of which he is not the owner or legal possessor, he shall be punished by fine, not exceeding five hundred dollars, and imprisonment in the county jail, not more than one year; and shall also forfeit to the use of the person, so injured, double the amount of damages by him thereby sustained, to be recovered in an action of trespass.

Trees and shrubs.
1821, 33, § 1, 7.
3 Greenl. 177.

SECT. 5. If any person shall, maliciously or wantonly, cut down or destroy, or, by topping, girdling or otherwise, shall injure any fruit tree or other tree or shrub, not his own, standing or growing for ornament or use, or,

Fences, gates or bars.
1821, 33, § 1, 7.

SECT. 6. Shall, maliciously or wantonly, break down, mar, deface or injure any fence, belonging to or inclosing lands not his own, or throw down or open any gates or bars, not his own, and leave them open, or,

Produce on lands, and things attached thereto.
1821, 33, § 1, 7.

SECT. 7. Maliciously or wantonly injure, destroy or sever from the land of another, any produce thereof, or any thing attached thereto, he shall be punished by imprisonment in the county jail, not more than one year, and by fine, not exceeding one hundred dollars.

Monuments, marked trees, mile stones, guide boards, sign boards, lamps and lamp posts.
1821, 33, § 2.
1821, 120, § 5.

SECT. 8. If any person shall, wilfully and maliciously, take down, injure or remove any monument erected, or any tree marked, as a boundary of any tract of land or of any town, or shall destroy, deface or alter the marks of any such monument or tree, made for the purpose of designating such boundary, or injure or deface any mile stone or guide board, erected on any public way, turnpike or rail road, or shall, maliciously or wantonly, remove, deface or injure any sign board, or break or remove any lamp or lamp post, or extinguish any lamp on any bridge, street, way or passage, he shall be punished by imprisonment in the county jail, not more than one year, and by fine, not exceeding one hundred dollars.

Timber or wood standing; earth or stone; produce on lands; goods on wharves or landing places.
1821, 33, § 1, 6.
5 Greenl. 409.

SECT. 9. If any person shall wilfully commit any trespass, by cutting down or destroying any timber or wood standing or growing on the land of another, or by carrying away timber and wood being on such land, or by digging up or carrying away any earth or stone, or by taking and carrying away, from such land, any grass, hay, corn, grain, fruit or other vegetables, or carrying away from any wharf or landing place, any goods whatever, in which he has no interest, he shall be punished by imprisonment in the county jail, not more than two months, and by fine, not exceeding fifty dollars.

Stones and gravel, taken by surveyors of highways, excepted.
1821, 13, § 1.

SECT. 10. The preceding section shall not be construed to extend to prohibit any surveyor of highways from taking stones and gravel from any uninclosed lands for repairing the highways; provided, that the town, for whose use the same may be taken and applied; as aforesaid, shall be liable to make compensation to the owner of such land, as is provided in the twenty fifth chapter.

Trespasses on gardens, orchards or improved lands, with intent to take, carry away, &c.
1821, 33, § 5.

SECT. 11. If any person shall wilfully commit any trespass, by entering upon the garden, orchard or improved land of another, with intent to take, carry away, destroy or injure the trees, shrubs, grain, grass, hay, fruit or vegetables there being, he shall be punished by a fine, not exceeding twenty dollars, or imprisonment in the county jail, not more than thirty days.

Passing through

SECT. 12. If any person shall wilfully enter and pass over or

through any garden, yard, or other improved field, after having been expressly forbidden so to do by the owner or occupant thereof, he shall be punished by a fine, not exceeding five dollars, or imprisonment in the county jail, not more than ten days.

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gardens, &c. after prohibition.

SECT. 13. If any person shall, wilfully or maliciously, injure, destroy or deface any building or fixture attached thereto, not having the consent of the owner thereof, or, wilfully or maliciously, destroy, injure or secrete any goods or chattels, or valuable papers of another, he shall be punished by imprisonment in the county jail, not more than one year, or by a fine, not exceeding five hundred dollars; and shall also be liable to the party injured, in a sum equal to three times the value of the property, so destroyed or injured, in an action of trespass.

Wilful injuries to buildings, fixtures, goods, or valuable papers of another. 1825, 312.

SECT. 14. All prosecutions for offences mentioned in this chapter, after the fourth section, shall be commenced within four years from the time the offence shall have been committed.

Limitation of prosecutions. 1825, 312, § 2.

SECT. 15. Every justice of the peace, in his proper county, shall have jurisdiction of the offences described in this chapter, after the fourth section, where the property so destroyed, or the injury occasioned by the trespass, shall not be alleged to exceed the sum of ten dollars, in which case the punishment shall be by fine, not exceeding ten dollars, or imprisonment in the county jail, not more than thirty days; saving to the party convicted the right of appeal, according to law.

Jurisdiction of justices of the peace

CHAPTER 163.

OF OFFENCES AGAINST THE PUBLIC HEALTH, SAFETY AND POLICY.

SECT. 1. Selling unwholesome provisions.
2. Adulterating food or liquors.

SECT. 3. Selling or giving away preparations for fireworks, or setting fire to them, in towns.
4. Lotteries.

SECTION 1. If any person shall sell any diseased, corrupted or unwholesome provisions, whether for meat or drink, knowing the same to be such, without making it known to the buyer, he shall be punished by imprisonment in the state prison, not more than five years, or by fine, not exceeding one thousand dollars, and imprisonment in the county jail, not more than one year.

Selling unwholesome provisions. 1821, 23.

SECT. 2. If any person shall fraudulently adulterate, for the purpose of sale, any substance intended for food, or any wine, spirits, malt liquor or other liquor intended for drink, in such manner as to render the same injurious to health, he shall be punished, as provided in the preceding section.

Adulterating food or liquors.

SECT. 3. If any person shall sell, offer for sale or give away any fireworks, called crackers, squibs, rockets or other fireworks, or shall set fire to, or throw the same in any town or city, without the license of the selectmen of such town, or the mayor or aldermen of such city, he shall be punished by a fine, not exceeding ten dollars,

Selling or giving away preparations for fireworks, or setting fire to them in towns. 1821, 26.