

# MAINE STATE LEGISLATURE

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# FORTY-EIGHTH LEGISLATURE.

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HOUSE.

No. 35.

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## STATE OF MAINE.

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IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED AND SIXTY-NINE.

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AN ACT to amend chapter one hundred and twenty-seven of the revised statutes, relating to malicious mischiefs and trespasses on property.

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*Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows :*

SECTION 1. Section five of chapter one hundred and  
2 twenty-seven of the revised statutes is hereby amended  
3 by inserting after the word "land," in the third line  
4 thereof, the words "vineyard or any field or en-  
5 closure," and after the word "another," in the fourth  
6 line thereof, the words "wherein is cultivated any  
7 domestic fruit whatever, and which is kept for such  
8 purpose ;" so that said section as amended shall read  
9 as follows :

10 *Sect. 5.* Whoever wilfully commits any trespass,  
11 or knowingly authorizes or employs another to do so,

12 by entering the garden, orchard, pasture, cranberry  
13 ground or improved land, vineyard or any field or  
14 enclosure of another, wherein is cultivated any domes-  
15 tic fruit whatever, and which is kept for such purpose,  
16 with intent to take, carry away, destroy or injure the  
17 trees, shrubs, grain, grass, hay, fruits, vegetables,  
18 turf or soil thereon, shall be punished by a fine not  
19 exceeding twenty dollars, and imprisonment not more  
20 than thirty days.

SECT. 2. Section nine of said chapter is hereby  
2 amended by inserting after the word "thereto," in  
3 the second line thereof, the words "or cuts down,  
4 destroys, or in any way injures any tree, shrub or vine  
5 within any enclosure or field wherein is cultivated any  
6 domestic fruit whatever, or shall injure any building,  
7 trellis, frame-work, or any appurtenance belonging to  
8 or upon any such field or enclosure;" so that said  
9 section as amended shall read as follows :

10 *Sect. 9.* Whoever wilfully and maliciously destroys,  
11 injures or defaces any building or fixture attached  
12 thereto, or cuts down, destroys, or in any way injures  
13 any tree, shrub or vine, within any enclosure or field  
14 wherein is cultivated any domestic fruit whatever, or  
15 shall injure any building, trellis, frame-work or any  
16 appurtenance belonging to or upon any such field or  
17 enclosure, without consent of the owner ; or destroys,

18 injures, takes or secretes any goods, chattels or valu-  
19 able papers of another, shall be punished by imprison-  
20 ment less than one year, or by fine not exceeding five  
21 hundred dollars; and also be liable to the party  
22 injured, in an action of trespass, for three times the  
23 amount of injury so done.

SECT. 3. Said chapter is hereby further amended  
2 by adding thereto the following section :

3     *Sect. 11.* It shall be lawful for the owner of any  
4 orchard, fruit-garden, vineyard, or any field or en-  
5 closure, wherein is cultivated any fruit whatever, or  
6 for any person employed in the cultivation of, or right-  
7 fully in the possession of any such field or enclosure,  
8 to arrest and convey before any magistrate of the  
9 county wherein such arrest is made, any person who  
10 may be found violating any or either of the provisions  
11 of sections five and nine of this chapter.

STATE OF MAINE.

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IN HOUSE OF REPRESENTATIVES, }  
February 10, 1869. }

Reported from the Committee on Judiciary by Mr. REED of  
Portland, and printed under the Joint Rules.

S. J. CHADBOURNE, *Clerk.*