

MAINE STATE LEGISLATURE

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L A W S

OF THE

STATE OF MAINE;

TO WHICH ARE PREFIXED

THE

CONSTITUTION OF THE U. STATES

AND OF SAID STATE,

IN TWO VOLUMES,

WITH AN APPENDIX.

.....
VOL. I.
.....

Published according to a resolve of the State, passed
March 8, 1821.

BRUNSWICK.

Printed by J. Griffin, for the State.

.....
1821.

in case of any conviction, on which the convict shall be punished by solitary imprisonment and confinement to hard labour, the Court before whom such conviction may be had, shall order such punishment to be by solitary imprisonment so far as the situation of the prison, the state of the convict, and the circumstances and aggravation of the offence shall render proper.

Regulations respecting solitary imprisonment.

[Approved March 19, 1821.]

CHAPTER XXXII.

An Act respecting Conditional Pardons.

WHEREAS in the course of human events it sometimes happens that crimes for which the perpetrators are legally sentenced to suffer the punishment of death, are attended with alleviating circumstances:

BE it enacted by the Senate and House of Representatives, in Legislature assembled, That whenever any person, who has been, or shall hereafter be sentenced by the Justices of the Supreme Judicial Court, to suffer the punishment of death, shall make application to the Governor for pardon, and the Governor shall think proper, by and with the advice and consent of the Council, to grant such pardon, on condition that the person thus sentenced be imprisoned or confined to hard labour during his or her natural life, or for a certain term of years, in the condition of such pardon to be expressed, the Governor be, and hereby is authorized in order to carry the same into effect, to issue his warrant or warrants, directed to all proper officers; and the said officers shall be holden to serve, execute and obey the same, in the same manner as if such imprisonment or confinement had been the punishment awarded in the original sentence.

Governor with advice of Council may grant conditional pardons.

[Approved February 28, 1821.]

CHAPTER XXXIII.

An Act to prevent and punish Trespasses.

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in Legislature assembled, That if any person shall cut down, destroy or carry away any tree or trees what-

Description of trespasses—

ever; placed or growing for use, shade or ornament; or any timber; wood or underwood, standing, lying or growing on land not his own; not having the consent of the owner thereof; or shall throw down or open any bars or gates, fence or fences, and leave the same down or open; or shall injure, mar or deface any fence or fences, belonging to, or enclosing lands not his own; or shall dig up or carry away any stones, ore, gravel, clay, sand, turf or mould, roots, fruit, or plants; or cut down or carry away any sedge, grass, hay or corn, wherein he hath no interest, standing, lying or being on any land not his own; or shall take or carry away from any wharf or landing place, whereof he is not a proprietor or owner, any goods whatever, wherein he hath no interest, without the leave of some person who has interest therein; or shall break the glass, or any part of it, in any building not his own; the person so offending, shall forfeit and pay for each tree or stick of timber so cut down, destroyed or carried away; and for each and every other offence, a fine not less than one dollar, nor more than seven dollars, to the use of the State, to be recovered on complaint before any Justice of the Peace in the county where the offence shall be committed, and shall be liable to answer in damages to the party injured: *Provided*, That nothing in this Act shall be construed, to prohibit the surveyors of highways from taking stones and gravel from uninclosed lands for the repairing of the highways.

Penalty for committing—

liable also in damages to party injured.

Proviso as to surveyors of highways.

Penalty for destroying mile stones or monuments.

SEC. 2. *Be it further enacted*, That if any person shall wilfully break, deface or destroy any mile stone or public monument, unless properly authorized so to do, the person so offending shall forfeit and pay for each offence, a fine not less than seven dollars, nor more than fifty dollars to the use aforesaid, to be recovered on indictment before the Circuit Court of Common Pleas in the county where the offence shall be committed, and be further liable to answer in damages as aforesaid.

Penalty for committing any of the above offences secretly, by night, or in disguise.

SEC. 3. *Be it further enacted*, That any person who shall commit any of the offences abovementioned; secretly, in the night time, or in disguise, shall forfeit and pay a fine to the use of the State, not less than ten dollars, nor more than sixty dollars for each offence, to be recovered on indictment,

SEC. 4. *Be it further enacted,* That when any trespasses shall be committed on any buildings or enclosures belonging to any county, town or parish, the county, town and parish Treasurer, for the time being, shall be and hereby are severally authorized to sue for the damage done to the public building or enclosures of their county town or parish respectively; and where any public buildings are owned partly by the town and partly by the county, in that case the county or town Treasurer, whoever may first institute an action, may prosecute for damages thus sustained. And where any public building is owned by any school district the town Treasurer may sue therefor in manner aforesaid.

Counties, towns and parishes may sue for damage done to their buildings or property.

SEC. 5. *Be it further enacted,* That if any person shall enter upon any grass land, orchard or garden without permission from the owner thereof, with intent to cut, destroy, take or carry away, any grass, hay, fruit or vegetables, with intent to injure or defraud such owner, each person so offending shall forfeit and pay, for every such offence a sum not less than two dollars, nor more than ten dollars to the use of the State, to be recovered on complaint before any Justice of the Peace of the County in which the offence shall be committed; and the persons so offending shall also be liable in damages to the party injured.

Penalty for entering on another's grass land, orchard, &c. without leave with intent to destroy fruits, grass, &c.

how recovered.

SEC. 6. *Be it further enacted,* That if any person having entered upon any grass land, orchard or garden, shall take therefrom, without permission of the owner thereof, and with the intent to injure and defraud such owner, any grass, hay, fruit, vegetable or shrub, cultivated thereon for ornament or use, such person so offending shall forfeit and pay for each offence, to the use of the State, a sum not less than five, nor more than fifty dollars, to be recovered by indictment or information before the Circuit Court of Common Pleas, in the county where such offence shall be committed, and the person so offending, shall be also liable to the party injured, in a sum equal to three times the value of such grass, hay, fruit, vegetable or shrub, to be recovered by action of the case in any Court of competent jurisdiction.

Penalty for a person carrying away from any orchard or grass land, without leave of owner, any grass, fruit, &c.

liable also in damages.

SEC. 7. *Be it further enacted,* That any person, who having entered upon any grass land, field or orchard, shall, without permission of the owner thereof, and with the intent

Penalty for cutting or mutilating fruit, or ornamental, or shade trees.

to injure him, break, bruise, cut, mutilate, injure or destroy, any fruit tree, tree for ornament or shade, or shrub cultivated thereon, for ornament or use, and which shall be standing or growing thereon, such person so offending, shall forfeit and pay to the use of the State, a sum not less than ten dollars, nor more than one hundred dollars, to be recovered by indictment or information, in manner as is provided in the second section of this Act.

how recovered.

Penalty for committing such wrongs on Lord's day or by night.

Limitation of prosecutions.

SEC. 8. *Be it further enacted*, That if any person shall commit any of the trespasses mentioned in this Act, on the Lord's day or in the night time, that is to say, between sun-setting and sunrising, he shall be liable to double the penalties and forfeitures, the same to be prosecuted for, and recovered in manner as before provided; and all prosecutions for breaches of this Act, shall be commenced within one year from the time the offence shall be committed, or the penalties or forfeitures shall have accrued, and not afterwards.

[Approved March 19, 1821.]

CHAPTER XXXIV.

An Act to prevent the waste and destruction of Timber and Cord Wood.

Persons seized of freehold estate or remainder or reversion in fee simple or fee tail may apply to Supreme Judicial Court for leave to cut timber and cord wood.

Notice to be ordered.

Court may appoint persons to examine & report.

SEC. 1. *BE it enacted by the Senate and House of Representatives, in Legislature assembled*, That any person seized of a freehold estate, or of a remainder or reversion in fee simple, or fee tail, in a lot or tract of wood land or timber land in this State, whereon the trees shall have come to an age and growth fit to be cut, may prefer a petition to the Supreme Judicial Court, holden in any county, representing the state and condition of such trees, and praying that the same may be felled and sold, and the proceeds thereof invested for the use of the persons interested in such wood land; and the said Court may thereupon order due notice to be given to all persons known to be interested therein, to appear and show cause, if any they have, why the prayer of such petition should not be granted; and after hearing the parties, if any shall appear, may appoint one or more persons to examine said wood land, or timber land, and if