

MAINE STATE LEGISLATURE

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THE
REVISED STATUTES

OF THE
STATE OF MAINE,

PASSED JANUARY 25, 1871;

TO WHICH ARE PREFIXED
THE CONSTITUTIONS

OF THE
UNITED STATES AND OF THE STATE OF MAINE:

WITH AN APPENDIX.

BY AUTHORITY OF THE LEGISLATURE.



PORTLAND:
PUBLISHED BY BAILEY & NOYES.

CHAPTER 127.

MALICIOUS MISCHIEFS AND TRESPASSES ON PROPERTY.

- SEC. 1. Maliciously killing or injuring domestic animals.
2. Unlawful taking of a horse, saddled or harnessed.
3. Unlawful taking of any animal, boat or vehicle.
4. Injuries to dams, canals, machinery, ponds, engines, telegraph fixtures, public bridges, and placing obstructions on bridges and roads.
5. Penalty for injuring or cutting loose, booms, rafts, vessels, or boats, and civil action for double damages.
6. Penalty for mooring vessels or rafts to buoys.
7. Malicious injuries to trees, shrubs, fences, gates, bars, or produce, or things attached to land.
8. Penalty for advertising on rocks or fences without leave.
9. Trespases to gardens, orchards, or improved lands with intent to take and carry away trees, vegetables or soil.
10. Passing through gardens or fields after prohibition.
11. Injuries to fruit gardens, how punished.
12. Owners or occupants may arrest offenders.
13. Trespass on timber or wood standing; earth or stone; produce on lands; goods on wharves or landing places.
14. Monuments, marked trees, mile stones, guide boards, sign boards, lamps and lamp-posts.
15. Willful injuries to buildings, fixtures, goods or valuable papers of another.
16. Penalty for placing obstructions on any traveled roads.
17. Limitation of prosecutions, and jurisdiction of trial justices.

TRANSPORTATION OF BAGGAGE.

- SEC. 18. Penalty for willful destruction or injury of baggage.
19. Jurisdiction of trial justices.

SEC. 1. Whoever willfully or maliciously kills, wounds, maims, disfigures, or poisons any domestic animal, or exposes any poisonous substance with intent that the life of any such animal should be destroyed thereby, shall be punished by imprisonment not more than four years, or by fine not exceeding five hundred dollars.

Maliciously killing or injuring domestic animals. R. S. c. 127, § 1.

SEC. 2. Any person who unlawfully, willfully, and with intent to injure the owner, takes away any horse, saddled, or harnessed, or attached to any vehicle, and standing in any highway or other place, shall be punished therefor, by a fine not exceeding one hundred dollars, or imprisonment in the county jail not more than three months.

Penalty for unlawful taking of a saddled or a harnessed horse. 1861, c. 37.

SEC. 3. Whoever in any other case, willfully and mischievously takes or uses any boat or vehicle, or takes, drives, rides, or uses any horse, ox, or other draft animal, the property of another, without the

Penalty for unlawful taking of property or animals.

CHAP. 127. consent of the owner, or person having the legal custody, care and control of the same, shall be punished by fine not exceeding three hundred dollars, or by imprisonment for a term not exceeding one year; but this and the preceding sections do not apply to any case of taking the property of another with intent to steal the same, nor when such property is taken under a claim of right, or with the presumed consent of the owner, or person having the legal control thereof.

Injuries to dams, canals, machinery, ponds, engines, telegraph fixtures, public bridges, and placing obstructions on bridges and roads.
R. S. c. 127, § 2.
30 Me. 182.

SEC. 4. Whoever willfully or maliciously injures, removes or destroys any dam, reservoir, canal, trench, or their appurtenances, or the gear or machinery of any mill or manufactory; draws off the water from any mill pond, reservoir, canal, or trench; destroys or injures any engine or its apparatus for the extinguishment of fire, or any posts, glass caps, wires, or other materials used in the construction and operation of any telegraph; removes, injures, or destroys any public or toll bridge, or places any obstruction on such bridge or on any public road, with intent to injure any persons or property passing thereon, shall be punished by imprisonment not more than three years, or by fine not exceeding five hundred dollars.

Penalty for injuring or cutting loose booms, rafts, vessels, or boats, and civil action for double damages.
R. S. c. 127, § 3.

SEC. 5. Whoever willfully or maliciously, without consent of the owner, cuts away, lets loose, injures, or destroys any boom, raft of logs, or other lumber, vessel, gondola, scow or other boat, fastened to any place of which he is not the owner or legal possessor, shall be punished by fine not exceeding five hundred dollars, and imprisonment less than one year; and shall also be liable to the person injured in an action of trespass for double the damages by him sustained.

Penalty for mooring vessels or rafts to buoys or beacons, or removing them; how recoverable.
1859, c. 58.

SEC. 6. Any person who moors any vessel, boat, scow, or raft, to any buoy or beacon, placed by the United States in any of the navigable waters of this state, or shall in any manner make the same fast thereto, shall forfeit and pay fifty dollars: and any person who shall willfully destroy any such buoy or beacon, shall forfeit one hundred dollars, and be imprisoned in the common jail three months. Said forfeitures may be recovered by complaint or action of debt, before any court competent to try the same; one half to the plaintiff or informer, and the other half to the county in which the trial is had.

Malicious injuries to trees, fences, gates, produce, or things attached to land.
R. S. c. 127, § 4.
3 Me. 177.
5 Me. 409.

SEC. 7. Whoever willfully and maliciously cuts down, destroys, or otherwise injures any shrub or tree for ornament or use; breaks, injures or defaces any fence; throws down or opens any gates or bars; injures, destroys, or severs from the land of another, any produce thereof or thing attached thereto, such articles not being his own, shall be punished by imprisonment less than one year, and by fine not exceeding one hundred dollars.

Advertising on fences, rocks, &c., without permission.

SEC. 8. Whoever advertises his wares or occupation by painting notices of the same on, or affixing them to fences or other private property, or on rocks or other natural objects, without the consent of

the owner, or if in the highway or any other public place, without the permission of the mayor of cities, selectmen of towns, or assessors of plantations, shall be punished by fine of ten dollars for each offence, to be recovered on complaint, one half to the prosecutor, and one half to the town in which the offence is committed.

CHAP. 127.
Penalty.
1865, c. 289,
§§ 1, 2.

SEC. 9. Whoever willfully commits any trespass, or knowingly authorizes or employs another to do so, by entering the garden, orchard, pasture, cranberry ground, or improved land, of another, with intent to take, carry away, destroy, or injure the trees, shrubs, grain, grass, hay, fruit, vegetables, turf or soil thereon, shall be punished by a fine not exceeding twenty dollars, and imprisonment not more than thirty days.

Trespasses on
improved
lands, &c.
R. S. c. 127, § 5.

SEC. 10. Whoever willfully enters and passes over any garden, yard or other improved field, after being expressly forbidden so to do by the owner or occupant thereof, shall be punished by fine not exceeding five dollars, or imprisonment not more than ten days.

Passing
through gar-
dens or fields
after prohibi-
tion.
R. S. c. 127,
§ 6.

SEC. 11. Whoever, at any time, enters any orchard, fruit garden, vineyard, or any field or enclosure, kept for the purpose of cultivating any domestic fruit therein, without the consent of the owner or occupant thereof, and with the intent to take, injure, or destroy anything there growing; and whoever willfully cuts down, injures or destroys any tree, shrub, or vine, within any of the places before named, or injures any building, trellis, frame work, or any appurtenance belonging to or upon any of said places, shall be punished, on conviction thereof, by a fine of twenty dollars and costs, and imprisonment not less than thirty days, and in default of payment of said fine and costs, he shall be further imprisoned at the rate of two days for each dollar of said fine and costs. All fines imposed by this section, when collected, shall be paid to the overseers of the poor, for the use of the poor of the town where such conviction is had.

Injuries to
fruit gardens,
how punished.
1869, c. 49.
§§ 1, 2, 4.

SEC. 12. The owner of any such place, or any person employed in the cultivation of, or rightfully in the possession thereof, may arrest any person found violating any of the provisions of the preceding section, and carry him before any magistrate having jurisdiction of the offence, within the county where the arrest is made.

The owner or
occupant may
arrest offend-
er.
1869, c. 49, § 3.

SEC. 13. If any person, except a highway surveyor acting within the scope of his lawful authority, willfully commits any trespass by cutting, destroying, or carrying away any timber or wood, on the land of another; by digging up, taking, and carrying away therefrom any earth, stone, grass, corn, grain, fruit, hay, or other vegetables, or carrying away from any wharf or landing place any goods in which he has no interest, he shall be punished by imprisonment not more than two months, and by fine not exceeding fifty dollars.

Trespass on
timber, or
wood stand-
ing, &c.
R. S. c. 127, § 7.
5 Me. 409.

CHAP. 127. SEC. 14. Whoever willfully and maliciously injures or removes any monument erected, or tree marked as a boundary of any land or town; destroys, defaces, or alters the marks thereon, made for the purpose of designating such boundary; injures or defaces any mile stone or guide board erected on any public way or railroad; removes, defaces, or injures any sign board, lamp, or lamp post; or extinguishes any lamp on any bridge, street, way, or passage, shall be punished by imprisonment less than one year and by fine not exceeding one hundred dollars.

Injuries to monuments, guide boards, lamps, &c.
R. S. c. 127, § 8.

Willful injuries to buildings, fixtures, goods or valuable papers of another.
1866, c. 51,
R. S. c. 127, § 9.
12 Me. 214.
21 Me. 341.
30 Me. 475,
484.
33 Me. 146,
361.

Penalty for placing obstructions on any travelled road.
1863, c. 175.

Limitations of prosecutions, and jurisdiction of trial justices.
R. S. c. 127,
§ 10.

SEC. 15. Whoever willfully and maliciously destroys, injures, or defaces any building or fixture attached thereto, without consent of the owner; or destroys, injures, or secretes, any goods, chattels, or valuable papers, of another, shall be punished by imprisonment less than one year, or by fine not exceeding five hundred dollars; and also be liable to the party injured, in an action of trespass, for the amount of injury so done, and for a further sum, not exceeding, in all, three times such amount, as the jury shall deem reasonable.

SEC. 16. Whoever places any rocks, stones, or other obstructions, in the travelled roads of this state and leaves them there, shall be subject to a fine of one dollar for each offence, to be recovered on complaint, to the use of the town where the offence is committed.

SEC. 17. All prosecutions for offences hereinbefore described, except such as are set forth in sections one, four and five, must be commenced within four years after the commission thereof; and trial justices shall have jurisdiction thereof when the property destroyed, or injury done, is not alleged to exceed ten dollars in value, and in that case the punishment shall be by fine not exceeding ten dollars and imprisonment not more than thirty days, unless otherwise specially provided.

TRANSPORTATION OF BAGGAGE.

Baggage destroyed or injured wantonly, punishment.
1869, c. 20, § 1.

SEC. 18. When baggage masters, express agents, stage drivers, hackmen, or any other person whose duty it is to handle, remove, or take care of trunks, valises, boxes, packages or parcels, while loading, transporting, unloading, delivering, or storing the same, whether or not in the employ of railroad, steamboat, or stage companies, shall wantonly, or recklessly, injure or destroy the same, they shall be punished by imprisonment less than one year or by fine not exceeding one hundred dollars; and the persons so offending may be prosecuted by the owner of such property so destroyed or injured, or by his authorized agent within one year from the day of committing the offence, one half of the fine to be paid to such owner, and the other half to the county in which the offence was committed.

Jurisdiction of trial justices.
1869, c. 20, § 2.

SEC. 19. Trial justices have jurisdiction thereof, when the property destroyed or injury done is not alleged to exceed twenty dollars.