

person or persons, in each county, whose duty it shall be to visit the premises of persons competing for premiums in such county, and make out an accurate report of the condition, mode of cultivation and propagation of the timber or hedge growing on the said premises, which report shall be made in accordance with instructions from said society, and shall be attested under oath or affirmation.

Entrance fee

SEC. 5. That said society shall cause an accurate account to be kept of all sums paid as premiums in accordance with this act, together with a list of persons competing for premiums, and to whom such premiums were paid, with the amount thereof, and shall annually, on or before the first Monday in February, make a true report of the same to the governor of the state; which report, together with a certificate of the correctness thereof, shall be signed by the president and secretary of said society.

To keep account

SEC. 6. This act shall take effect and remain in force from and after its passage.

Approved March 7, 1867.

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## CHAPTER XXXIII.

*An Act for the protection of fruit and ornamental trees, shrubs, vines and vegetable productions,*

March 7, 1867

SECTION 1.—Penalties for willful destruction.

2.—Further penalties.

3.—How penalties enforced.

4.—When act to take effect.

*Be it enacted by the Legislature of the State of Minnesota:*

SECTION 1. That if any person or persons in this

Penalties

state shall hereafter enter the enclosure of any person, without the leave or license of such owner, and pick, destroy, or carry away the fruit, or any portion thereof, of any apple, pear, peach, plum, grape, or other fruit tree, bush, or vine, or any vegetable products, such person shall be deemed guilty of a misdemeanor, and, upon conviction thereof, may be fined any sum not less than ten nor more than fifty dollars, and imprisoned in the county jail for any period not exceeding thirty days.

Further penalties

SEC. 2. That if any person or persons in this state shall wilfully and maliciously, and without lawful authority, cut down, root up, sever, injure, peel, destroy, or carry away, any fruit or ornamental tree, or shrub, cultivated root, plant, or vine, of whatever kind, or any fruit or other vegetable production, standing, or growing on, or being attached to the land of another, or shall wilfully, and without lawful authority, cut down, root up, destroy or injure, in any manner, or carry away any fruit or ornamental tree, plant, shrub, or vine, upon any street, lane, alley, public highway or public grounds, in any city, town or village in this state, such person or persons so offending shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not more than five hundred dollars, or by imprisonment in the county jail not exceeding three months, or both fine and imprisonment, at the discretion of the court having jurisdiction of the case, and shall, moreover, be liable double the amount of damages to the party injured.

Penalties, how :  
enforced

SEC. 3. The penalties incurred by violation of this act may be enforced by indictment in any court having jurisdiction of misdemeanors in the county where the offence is committed, or the fine may be recovered in an action for debt before any justice of the peace of such county.

SEC. 4. This act shall take effect and be in force from and after its passage.

Approved March 9, 1867.