Cleveland State Law Review

Volume 21 | Issue 1 Article 17

1972

Visitors' Refusal to Leave Premises

Joseph Gibson

Visitors' Refusal To Leave Premises

*Joseph Gibson**

"WHAT SHOULD WE DO? The visitors are causing trouble and they will not leave!" Today, people are confronted with this problem on a regular basis.[1] Welfare offices, public buildings, college campuses, shopping centers, and private businessmen are faced with the problem of how to handle the unwanted visitor.[1a]

Many factors have been blamed for this new, brazen attitude of remaining on another's property. Some fault the Supreme Court's rulings in *Brown v. Louisiana,*[1b] where court conviction of sit-in demonstrators at a public library, was reversed by holding that the conviction was a violation of the fourteenth amendment rights, and *Cox v. Louisiana*[2] where the Court decided that a state statute which regulated picketing was improper because of the discretion which it gave to local officials. Others lay the blame on a more permissive society which is breeding contempt for the power structure. The most logical explanation is a growing attempt to know and interpret what the Constitution means and what freedoms are enshrined in America today. The purpose of this paper, however, is not to examine the causes, but rather to examine what has been done with the people involved and under what theories.

The method used in the past was simply to throw the trespasser off the property. The only restraint was that the owner should use only whatever force was reasonably necessary.[3] The solutions today have lost this early simplicity and must be looked upon with concern.

Trespass Based On Race

The question of constitutionality in some cases has been a problem.[4] The passage of the Civil Rights Act in 1964 gave much concern to those people who used race as grounds to have someone thrown off their property. Many lower court decisions which upheld this right were later reversed as unconstitutional because of the racial aspect.[5] Once the judicial interpretation of the Civil Rights Act of 1964 became known, violations of this nature became minimal, and

---

*B.B.A., Kent State University; Fourth-year student at Cleveland State University College of Law.

[1] Comment, *Regulation of Demonstrations,* 80 HARV. L. REV. 1773 (1967).

[1a] Comment, *Right to Picket on Quasi-Public Property,* 25 WASH. & LEE L. REV. 53 (1969); Forkosch, *Picketing in Shopping Centers,* 26 WASH. & LEE L. REV. 250 (1969).

[1b] Brown v. Louisiana, 383 U.S. 131 (1966).

[2] Cox v. Louisiana, 379 U.S. 536 (1965).

[3] Brookside-Pratt Mining Co. v. Booth, 211 Ala. 268, 100 So. 240 (1924).

[4] Meany, *Constitutional Law—Civil Rights Demonstrations—Trespass Statutes,* 18 CASE W. RES. L. REV. 1396 (1967).

[5] Lombard v. Louisiana, 241 La. 958, 132 So.2d 860 (1962), *rev'd,* 373 U.S. 267 (1963); Gober v. City of Birmingham, 41 Ala. App. 313, 133 So.2d 697 (1962), *rev'd,* 373 U.S. 374 (1963); Blow v. North Carolina, 261 N.C. 463, 135 S.E.2d 14; 261 N.C. 467, 135 S.E.2d 17, *vacated and remanded,* 379 U.S. 684 (1965).

the lower courts began to follow the precedent. Consequently, the requesting of someone to leave based on race and their subsequent refusal to do so, is no longer held to be an action which is punishable as trespass.[6] Today, the appellate courts look to the reasoning behind the request to leave,[7] and will overrule a lower court conviction for trespass or disturbing the peace which is founded solely on racial discrimination.[8] Laymen are beginning to realize the consequences surrounding their forcing someone off the premises because of color. The area of growing concern is what to do with someone whose presence is no longer wanted because of his activities.

Trespass Based On Activities

Trespass is most often committed by the refusal to leave. In *Oettinger v. Stewart*,[9] the court said:

> A trespasser is a person who enters or *remains* upon land in possession of another without a privilege to do so created by possessor's consent or otherwise.[10]

The *Restatement of Torts* points out:

> If the possessor of the land has consented to the actor's presence on the land, his failure to leave after the expiration of the license is a trespass.[11]

These positions are part of a basic understanding that refusal to leave another's property upon his request gives cause for trespass or other similar offenses.

The private owner has not met the resistance from the courts as has the public property owner, but his position does remain dependent on warning to leave and the type of entrance. He can also be charged criminally if he exerts too much force in removing a trespasser from his property.[12]

Illegal entrance and intent to trespass have been proof of criminal trespass for many years and are looked upon as sufficient grounds to uphold a trespass conviction. The problem lies, therefore, in determining how legal entry becomes trespass.

Trespass And Legal Entry

Legal entry onto private property can be upheld based on implied or direct consent. Shopping centers which have numerous businesses are considered to be open to the public for such purposes as passing

---

[6] Civil Rights Act, 42 U.S.C.A. § 2000 (a) (1964).
[7] Hartfield v. Mississippi, 367 F.2d 362 (5th Cir. 1966).
[8] State v. Cobb, 262 N.C. 262, 136 S.E.2d 674 (1964).
[9] Oettinger v. Stewart, 24 Cal.2d 133, 148 P.2d 19 (1944).
[10] *Id.* at 136, 148 P.2d at 20.
[11] RESTATEMENT (SECOND) OF TORTS § 158(b) (1965).
[12] PROSSER, LAW OF TORTS (3rd. ed. 1964).

out handbills.[13] A Sears store, however, was determined to be private property, and refusal to leave made union organizers guilty of trespass.[14] Unlawful entry was not necessary to prosecute for trespass when union pickets refused to leave a discount food operation after receiving request to leave.[15] The refusal to grant permission to allow pickets at Newark Airport Eastern Airlines office made picketers guilty of trespass when they would not leave on the manager's request.[16] Entry in all of these cases was legal, based on the type of business present.

The Michigan courts saw fit to uphold a lower court conviction where the defendants were creating disturbances in a bank by sitting in front of tellers' windows. The court said that sidewalks and streets were public property, but the inside of businesses was not, and the owners had the right to request that protestors leave the premises.[17] In a similar case, the California courts held that public invitation to enter a public place was immaterial where there was an obvious plan on the part of the defendants to disrupt operations. In this case, the entry into the bank was the prohibitive conduct needed to fulfill the statute since there was an obvious plan to disrupt. Had this not been true, the original consent to enter could not have been terminated retroactively.[18]

In the preceding cases, the main point was one of the protestors' refusal to leave upon request; the original entry had the appearance of unauthorized entry since the intentions were against the interests of the owner. The question remains, what of the entry which is of no consequence to the owner, but later becomes offensive?

Trespass And Offensive Conduct

In *Rager v. McCloskey*, a deputy sheriff entered law offices on official business. When he could not find the party in question, he became abusive and was asked to leave. His refusal to leave was held as trespass.[19] When a gambling casino customer became abusive, he was asked to leave and refused. The court said that unauthorized entry and refusal to leave are of equal consequence when construing the trespass statute.[20] In a different situation, a woman had attempted to steal some dresses by taking them into the dressing room and concealing them on her person. A store detective became suspicious, investigated, and arrested her. No search and seizure violations were pres-

---

[13] State v. Miller, 280 Minn. 566, 159 N.W.2d 895 (1968).

[14] People v. Goduto, 21 Ill.2d 605, 174 N.E.2d 385 (1961).

[15] South Discount Food Inc. v. Retail Clerks Union Local 1552, 14 Ohio Misc. 188, 235 N.E.2d 143 (1968).

[16] State v. Kirk, 84 N.J. Super 151, 201 A.2d 102 (1964).

[17] People v. Weinberg, 6 Mich. App. 345, 149 N.W.2d 248 (1967).

[18] People v. Brown, 236 Cal. App. 2d Supp. 915, 47 Cal. Rptr. 662 (1965).

[19] Rager v. McCloskey, 305 N.Y. 75, 111 N.E.2d 214 (1953).

[20] Scott v. Justice's Court, 84 Nev. 9, 435 P.2d 747 (1968).

ent since one who enters the property of another as an invitee or licensee becomes a trespasser once it is shown that the purpose of entry was for the commission of a criminal offense against the owner.[21] A group of people who wished to see the Cardinal of the Archdiocese of Chicago decided to conduct a sit-in on the sixth floor, all of which was rented by the Archdiocese. This was held as trespass since this was private property, and their refusal to leave upon request made the people trespassers as of that time.[22]

The private homeowner and small businessman have been protected against legal entry which later has offensive results. Two young boys, 7 and 8 years old, were trespassers, though there was restricted or conditional consent given to their entry onto a property, when they started a fire in a garage, thereby exceeding the consent.[23] A home builder who had filed a mechanic's lien on the home of a customer was allowed by the owner to enter the premises, but the court said that he could be deemed a trespasser if he acted in an unreasonable manner while exercising his privilege to enter the property.[24]

The private property owner's right to have offensive persons who refuse to leave arrested for trespass was not upheld by the New York courts in *People v. Lawson,* where a person entered a real estate office for the purposes of signing a lease. Before he had done so, a second person entered the office. At this time, the first person demanded that the lease be offered to the second person. The owner demanded that both parties leave, but they refused to do so. The court held that this was not an intrusion on property since there was no unauthorized entry present.[25] It appears however, that the majority of cases would agree with the dissent, which felt that remaining on the premises after having been ordered lawfully to vacate gave sufficient grounds for conviction.

Private property still maintains the degree of privacy it has had, and unless an infringement on civil rights is present, the courts will enforce the right to tell people to leave. A subsequent refusal to leave will give rise to trespass charges. Public property, however, enters into the area of a person's right to be on the property and not having to leave. This is looked upon in a different vein.

Trespass of Public Property

Public officials are concerned with ensuring that arrests for refusal to leave public property will not be overruled as being unconstitutional. It is for this reason that many public offices have

---

[21] City of University Heights v. Conley, 20 Ohio Misc. 112, 252 N.E.2d 198 (1969).
[22] City of Chicago v. Rosser, 47 Ill.2d 10, 264 N.E.2d 158 (1970).
[23] Brown v. Dellinger, 355 S.W.2d 742 (Tex. Civ. App. 1962).
[24] Pedi v. Jagiencarz, 25 Ill. App. 2d 467, 167 N.E.2d 447 (1960).
[25] People v. Lawson, 16 N.Y.2d 552, 260 N.Y.S.2d 661, 208 N.E.2d 459 (1965).

adopted policies for their own protection. The Cuyahoga County welfare office in Cleveland, Ohio, has adopted policies allowing people to remain in the building until 11:00 P.M., though offices close at 5:00 P.M.[25a] Until recent years, a policy such as this would have been absurd rather than commonplace, as the trend of case law seems to indicate.

Adderley v. Florida was a major test of the right of public officials to prosecute people for trespass when they refuse to leave public property on which they claim a right to remain under the first and fourteenth amendments. The Supreme Court, Justice Black delivering the opinion, said that the jail property on which the protestors were demonstrating was within the control of the sheriff, and that he could arrest them for trespass after ordering them to disperse. The Court felt that the constitutional issues which *Adderley* claimed had been violated were not, in fact, violated by this arrest. The Court held that the United States constitution does not prohibit a state from controlling its own property as long as it does so in a non-discriminatory manner.[26]

The reasoning which the Supreme Court utilized in *Adderley* has been used to prosecute other "public" property trespasses. A sit-in demonstration at a police station in an attempt to meet with the police commissioner was held to be a trespass.[27] A protestor in a welfare office was found guilty of trespass charges, though he felt he had business to attend in the office. The court said that it was up to reasonable men to determine if he had a valid business reason to be there.[28] The refusal to leave a public building at 6:00 A.M. was held sufficient to convict a person of trespass who was talking to inductees in the armed services about their rights and the Vietnam War.[29] The question of the first and fourteenth amendments being violated was dispelled in another case where a federal district court held that physical presence in a building which is dedicated to specific public uses other than that of a public thoroughfare (Here a welfare office was the setting for a demonstration.), though this presence is for the purpose of communicating ideas, is not pure speech and not protected by the constitution, and is thus a trespass.[30]

The renovation by a group of clergymen of a slum dwelling owned by urban renewal, and their subsequent occupancy in the house was a trespass because the clergymen refused to leave the

---

[25a] Telephone interview with Thomas Romcea, Office Manager, Cuyahoga County Welfare Office, Cleveland, Ohio, on October 12, 1971.

[26] Adderley v. Florida, 385 U.S. 39 (1966).

[27] People v. Martinez, 43 Misc.2d 94, 250 N.Y.S.2d 28 (1964).

[28] Parrish v. Municipal Court, 258 Cal. App. 497, 65 Cal. Rptr. 862 (1968).

[29] Commonwealth v. Egleson, 355 Mass. 259, 244 N.E.2d 589 (1969).

[30] Hurley v. Hinckley, 304 F. Supp. 704 (D. Mass. 1969), *aff'd sub nom.* Doyle v. O'Brien, 396 U.S. 297 (1970).

property on request.[31] A sit-in at city council chambers was held to be trespass, since public property was designated to be the land of another within the meaning of the trespass statute.[32]

These cases uphold the public officials' right to make an arrest for trespass when they feel the need to do so. The majority of jurisdictions agree with this right. However, two recent cases indicate a new manner of thought which may well be a sign of the times when one remembers that the Supreme Court decision in *Adderley* was a 5 to 4 decision.[33]

Constitutional Applications To Trespass

A California case held that distribution of leaflets against the Vietnam War and the refusal to leave the Los Angeles Union Station upon request were not sufficient grounds to arrest for disturbing the peace. The opinion, written by Justice Traynor, stated that the defendants were within their rights by remaining where they were, since first amendment freedoms could not be infringed upon, as the lower courts had felt, on the premise that their actions in the terminal were not in the interest of the terminal.[34] The idea that public property could be deemed private property for purposes of the enforcement of trespass and similar offenses was questioned in *State v. Hanapole.* Here, protestors were at Columbia (South Carolina) Metropolitan Airport awaiting President Nixon and carrying packages and signs which they refused to give to local officials on request. They were then told to leave, and refused again. Their subsequent conviction of trespass was reversed, based on the grounds that the trespass statute applied only to private property, not to publicly owned airport property. Thus, the statute could not be applied to public property.[35]

These two cases indicate a leaning toward the extension of the first and fourteenth amendment privileges. The majority of cases still allow public officials to control their own property, but whether it will remain so is questionable.

Schools and Public Property Trespasses

Today, the focal point of much dissent is on our college campuses and in public schools. These institutions have not escaped the protest marches, sit-ins, and trespass offenses. School officials have been forced to test the court's interpretation of trespass statutes, which make the refusal to leave after a warning the basis for arrest. State legislators in Ohio have enacted measures which they feel will alle-

---

[31] People v. Johnson, 16 Mich. App. 745, 168 N.W.2d 913 (1969).
[32] City of Athens v. Bromall, 20 Ohio App.2d 140, 252 N.E.2d 298 (1969).
[33] Adderley v. Florida, 385 U.S. 39 (1966).
[34] *In re* Hoffman, 64 Cal. Rptr. 97, 434 P.2d 353 (1967).
[35] State v. Hanapole, 178 S.E.2d 247 (S.C. 1970).

viate some of the campus problems, but its effect on trespass problems remains in question.[35a]

In one case, students, who were in a building on the Berkeley campus, were guilty of trespass, since failure to leave public buildings after request to do so was not protected by the constitution.[36] Public school grounds were designated to be the property of another in accordance with the statute used to prosecute a person who had entered high school grounds without good cause and refused to leave at the request of the principal.[37] College students who were protesting, in a campus building, the presence of Marines at Career Carnival Day at the University of Michigan were asked to leave. They refused and were convicted of trespass for refusing to leave upon request. Officials had advised them to leave the signs and pamphlets outside, after which they were welcome to return. On appeal, the conviction was reversed because the "trespass after warning statute" calls for the owners or occupiers of the premises to object to certain individuals, which was not the case here in view of the fact that the people in question were able to return without signs and pamphlets.[38] This decision was in turn reversed and conviction reinstated with the court pointing out that signs and pamphlets were "red herrings," and only clouded the issue, which was whether or not the defendants refused to leave upon request. The court held that they did.[39]

A similar case was decided in Kentucky, the court saying that a student at the University of Kentucky, who was protesting the presence of Defense Intelligence Agency recruiting, was guilty of trespass for refusing to leave upon request.[40] Though he had been legally admitted earlier that day, the court said:

> The privilege of an enrolled student to use and occupy the property of a school is and should be subject to the will of its governing authorities. If he is told to stay out of a particular room, building or familiar trysting place, he enters it as a trespasser. Likewise, if he is directed to leave it he remains as a trespasser.[41]

The Illinois courts, following other states, recently decided that a school teacher, who was given his letter of dismissal and refused to leave, was guilty of trespass for his failure to do so. The court held that he had sufficient time with which to gather his belongings and his refusal to act made him guilty of criminal trespass.[42]

[35a] Rowland, *Colleges and Universities—Effect of House Bill No. 1219 on Controlling Campus Disorders*, 32 OHIO STATE L. REV. 198 (1971).

[36] *In re* Bacon, 240 Cal. App.2d 34, 49 Cal. Rptr. 322 (1966).

[37] Kitchens v. State, 221 Ga. 839, 147 S.E.2d 509 (1966).

[38] People v. Harrison, 13 Mich. App. 54, 163 N.W.2d 699 (1968).

[39] People v. Harrison, 383 Mich. 585, 178 N.W.2d 650 (1970).

[40] O'Leary v. Commonwealth, 441 S.W.2d 150 (Ky. Ct. App. 1969).

[41] *Id* at 157.

[42] People v. Spencer, 268 N.E.2d 192 (Ill. Ct. App. 1971).

The New Jersey courts have looked upon peaceful protestors as being within their rights and not punishable as trespassers. In one case, a teacher was conducting a silent protest in an area of the school parking lot and was not interfering with school activities. The teacher refused to leave on request and the court supported him, saying that mere entry on school property was not punishable as trespass since it was public property.[43]

The preceding cases have dealt with public property where the trespasser's initial presence was encouraged by the property owner. What of the person who enters onto property for his own benefit and then refuses to leave? Does the court look upon him with the same jaundiced eye?

Trespass By Licensee

An early Georgia case found a gardener who was hired for three years, but discharged after one year's service, to be a trespasser when he refused to leave the living quarters provided him by the employer.[44] A salesman who was selling a fly spraying device was told to leave the premises. Instead, he proceeded to demonstrate the machine and caused injury to the parties present. The court found him to be a trespasser, since his acts overstepped his original license.[45] In Pennsylvania, a rightful entry proved to be a valid defense against an action for trespass where a gas company had an easement across property and had entered this property in order to fix the gas line. However, the court granted leave to amend their complaint from trespass to assumpsit, adding that this was entirely due to the peculiarities of Pennsylvania rules of civil procedure.[46] An interesting situation led to rather questionable results in *Northern State Power Co. v. Franklin,* where an easement had been obtained to erect an electric transmission line. The line was constructed on the wrong section of property and a subsequent property owner requested the removal of the structure. The court held that consent to construction on one section is not consent for another and, where the land owner will allow entry on the land to remove the structure, the refusal to remove the structure, rather than the original entry, will support a charge of trespass.[47]

The licensee is on no firmer ground than the visitor. He must respond to the wishes of the owner and leave upon request. The type of warning needed to compel the intruder to leave the property must be examined since most cases require that a request to leave be made in order to support the trespass conviction. What type of warning must be given?

---

[43] State v. Besson, 110 N.J. Super. 528, 266 A.2d 175 (1970).
[44] Mackenzie v. Minis, 132 Ga. 323, 63 S.E. 900 (1909).
[45] Brabazon v. Joannes Bros. Co., 231 Wis. 426, 286 N.W. 21 (1939).
[46] Gedekoh v. Peoples Natural Gas Co., 183 Pa. Super. 511, 133 A.2d 283 (1957).
[47] Northern States Power Co. v. Franklin, 265 Minn. 391, 122 N.W.2d 26 (1963).

Warnings To Intruders

The intruder should be asked to leave by someone who has the authority to do so. In *State v. Clyburn,* the North Carolina court felt that refusal to leave after being asked to do so made the defendants trespassers ab initio.[48] Ohio has held that the status of business invitee can be changed to that of a trespasser in a case where the visitor remained on the land after a request to leave was given by the owner of the property. The court pointed out that any other decision would be ridiculous considering how helpless a businessman would be if, at closing time, a customer refused to leave.[49] Once the order to leave is ignored, the business invitee becomes a trespasser.

The manner in which the warning is given, and the way in which the warning is worded is also of importance. In a situation where the warning was given to an entire group of people and one person remained, the court upheld a conviction since the offender was part of the group; therefore the group warning to leave was sufficient.[50] In another case, a group announcement to leave stockyards, followed by a personal request from the sheriff, provided sufficient grounds to make an arrest when a number of people refused to leave.[51] A fifteen-year-old was convicted of trespass when she returned to a store from which, three months earlier, she had been evicted. In this case, a New York court interpreted the trespass statute to have been violated by unlawful entry or remaining after an order to leave.[52] This decision was reversed by New York's highest court with the reasoning that a mere reading of the trespass statute was insufficient to constitute lawful order not to enter the premises; a specific order not to return is necessary in order for there to be a violation.[53] Another decision from New York reversed a lower court conviction for trespass which had been based on the defendant's entrance into a real estate office and request for money.[54] The decision stated that since the entrance was lawful

> . . . a conviction could be had only if the prosecution established that (1) a lawful order not to remain was personally communicated to the defendant *and* (2) that he defied such a lawful order.[55]

Here, no previous warning had been given and no trespass conviction could be upheld.

The consensus from the case studies emphasizes one point quite graphically. That is, a proper warning must be given to the offender before he is removed from the premises. An improper warning, or one

---

[48] State v. Clyburn, 247 N.C. 455, 101 S.E.2d 295 (1958).
[49] State v. Carriker, 5 Ohio App.2d 255, 214 N.E.2d 809 (1964).
[50] Clemons v. City of Birmingham, 277 Ala. 447, 171 So.2d 456 (1965).
[51] State v. Quinnell, 277 Minn. 63, 151 N.W.2d 598 (1967).
[52] *In re* D., 58 Misc.2d 1093, 296 N.Y.S.2d 825 (1968).
[53] *In re* D., 33 App. Div.2d 1028, 308 N.Y.S.2d 262 (1970).
[54] People v. Brown, 25 N.Y.2d 374, 254 N.E.2d 755 (1969).
[55] *Id.* at 377, 254 N.E.2d 757.

which does not let the offender know exactly what is meant, may lead to the dismissal of the action to prosecute for trespass. After the warning is given, reasonably necessary force can be used to remove the trespasser.

In *Brookside-Pratt Mining Co. v. Booth*,[56] the Alabama court held that:

> [w]hile the entry by one person on the premises of another may be lawful, by reason of express or implied invitation to enter, his failure to depart, on the request of owner, will make him a trespasser and justify the owner in using reasonable force to eject him.[57]

In this case, reasonable force was held to be a pistol whipping and a hole shot in the trespasser's pants. While this appears rather harsh, the philosophy remains the same today, though our interpretation of reasonable force has mellowed over the years.

Injured Third Parties During Forcible Ejectments

In a tort action alleging a bar owner's scuffle with a customer as being the cause of a third party's injuries, the court found no proximate cause. In its reasoning, the court said that the bar owner had the right to evict an unmannerly customer and certainly had no way of knowing that the latter would shoot anyone.[58] Another bar owner case involved the physical removal of a patron and his subsequent injury by another customer. When the injured party sued the owner and assaultor as joint tortfeasors, the court decided that an owner could revoke the license he had extended and remove the customer bodily, and was not personally liable for the subsequent injuries where he had no knowledge of the intent of the assaultor.[59] A shooting in the foot with a shotgun after refusal to leave a parking lot was held to be reasonable force in a 1967 decision.[60] When an owner told a customer to leave his property after it became evident that he intended to try to kill another customer, the court upheld the businessman's right to kill the offending customer when he came at the owner with a knife despite an available escape route.[61] The court extended the exception to the retreat doctrine to include the "place of business of the person attacked[62]" In other words, a businessman need not try to escape before using whatever force necessary to defend himself.

---

[56] Brookside-Pratt Mining Co. v. Booth, 211 Ala. 268, 100 So. 240 (1924).
[57] *Id.* at 270, 100 So. at 241.
[58] Polando v. Vizzini, 58 Ohio L. Abs. 466, 97 N.E.2d 59 (1949).
[59] Ramirez v. Chavez, 71 Ariz. 239, 226 P.2d 143 (1951).
[60] Silas v. Bowen, 277 F. Supp. 314 (D.S.C. 1967).
[61] Commonwealth v. Johnston, 438 Pa. 485, 263 A.2d 376 (1970).
[62] *Id.* at 491, 263 A.2d at 380.

Conclusion

Trespassing, disturbing the peace, and similar offenses have plagued man throughout the years and no future utopian solution appears available. The courts have stood fast on the violations but their interpretation of the law is slowly changing. The prerequisites needed to have trespass when the entrance onto the property is legal have broadened so as to necessitate a great deal of concern on the part of the property owner. The property owner must now be sure he has given full consideration to his actions and those of the offending person before charging the visitor with trespass. Caution is the key word when you want to say, "Get out!"