

MAINE STATE LEGISLATURE

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THE
REVISED STATUTES

OF THE
STATE OF MAINE,

PASSED OCTOBER 22, 1840;

TO WHICH ARE PREFIXED

THE CONSTITUTIONS

OF THE

United States and of the State of Maine,

AND TO WHICH ARE SUBJOINED THE OTHER

PUBLIC LAWS OF 1840 AND 1841,

WITH AN

APPENDIX.

PRINTED AND PUBLISHED IN COMPLIANCE WITH A RESOLVE OF OCTOBER 22, 1840.

Augusta:

PUBLISHED BY WILLIAM R. SMITH & Co., PRINTERS TO THE STATE.

.....
1841.

CHAPTER 67.

OF TIMBER UPON RIVERS AND STREAMS, AND ON ADJACENT LANDS.

- SECT. 1. Penal forfeitures, for the unlawful conversion of logs, masts or spars.
2. Such unlawful conversion declared to be larceny.
 3. Penalties for cutting out, altering, or destroying marks.
 4. Double damages also recoverable, by the owner.
 5. What shall be presumptive evidence of guilt.
 6. Right of owner to search on the mill, boom or raft of another person. Penalty for obstructing.
 7. Logs in any boom, on Saco river, to be released on request.

- SECT. 8. Penalty, for neglect or refusal.
9. When logs of different owners are intermixed, how they may be driven. Lien for the expenses.
 10. Forfeiture of timber, lodged upon banks. Previous notice required.
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 12. Right of action, when such timber has been removed.
 13. Construction of this chapter, in reference to certain local laws.

Penal forfeitures, for the unlawful conversion of logs, masts or spars. 1831, 521, § 1. 1839, 370. 2 Greenl. 130. 3 Greenl. 202. 16 Maine, 67.

SECTION 1. If any person shall take, carry away, or otherwise convert to his own use, without the consent of the owner, any log, suitable to be sawed or cut into boards, clapboards, shingles, joists or other lumber, or any mast or spar, the property of another, whether the owner thereof be known or unknown, lying and being in any river, pond, bay, stream or inlet, or on, or near, the bank or shore thereof, within this state, he shall forfeit, for each and every such log, mast or spar, twenty dollars; to be recovered on complaint before any justice of the peace of the county, where the offence shall be committed; one half to the use of the state, and the other half to the use of the complainant; provided, that such person shall not, for the same offence, have been convicted and sentenced, under the provisions of the following section.

Such unlawful conversion declared to be larceny. 1831, 510, § 8. 1836, 243. 1839, 370.

SECT. 2. If any person shall, fraudulently and wilfully, take and convert to his own use, either by himself, or by another in his employment, any such log, mast or spar, lying or being, as described in the preceding section, for the purpose of being driven to a market, or a place of manufacture, he shall be deemed guilty of larceny, and punished for that offence, as provided in chapter, one hundred and fifty six; provided, he shall not have been convicted and sentenced, under the preceding section.

Penalties for cutting out, altering, or destroying marks. 1831, 521, § 1.

SECT. 3. If any person shall cut out, alter or destroy any mark, made on any such log, mast or spar, lying and being, as described in the first section, without the consent of the owner thereof, and with the intent to claim the same, he shall be liable to the penalty, provided in the first section; to be recovered in the same manner and to the same uses.

Double damages also recoverable by the owner. 1831, 521, § 1.

SECT. 4. Every person guilty of either of the offences described in the preceding sections, shall, whether convicted in a criminal prosecution therefor, or not, be liable to pay the owner of any such log, mast or spar, respecting which the offence was committed, double the value of the same; to be recovered in an action of debt.

What shall be presumptive evidence of guilt. 1831, 521, § 4.

SECT. 5. In any prosecution, under the preceding sections, if such log, mast or spar, shall be found in the possession of the defendant, with the marks cut out, or altered, or partly sawed or

manufactured, into lumber of any kind, or partly destroyed, not being his own property, it shall be considered, as presumptive evidence of his guilt; and the burden of proof shall be upon him to discharge himself.

SECT. 6. The owner of any such logs, masts or spars, may, at any time, by himself or his agent, enter, in a peaceable manner, upon any mill or mill-brow, boom, or raft of logs or other timber, in search of any such logs, mast[s] or spars, which he may have lost; and any person, who shall wilfully prevent, or obstruct, such search, shall forfeit, for each offence, not less than twenty, nor more than fifty dollars; to be recovered, in an action of debt, to the use of the person, by whom, or on whose account, such entry was claimed.

Right of owner to search on the mill, boom, or raft of another person. Penalty for obstructing.
1831, 521, § 6.

SECT. 7. If any boom, now or hereafter erected, across or partly across the Saco river, or any of the waters connected with the said river, shall be placed, or constructed, so as to prevent the free and usual passage of timber down such river, the owner, or occupier, of the said boom, at his own expense, shall release and turn out the timber, so detained, whenever requested to do so by the owner thereof; provided, it can be done with safety.

Logs in any boom, on Saco river, to be released, on request.
1831, 521, § 5.

SECT. 8. If the owner, or occupier, of such boom shall, for two days, after such request, if it can be done with safety, neglect or refuse to turn out and release the timber, so detained, he shall forfeit to the owner of the timber, the amount of all damages, by him sustained, to be recovered by an action on the case.

Penalty, for neglect or refusal.
1831, 521, § 5.

SECT. 9. Any person, whose timber, in any of the waters of this state, shall be so intermixed with the logs, masts or spars of another, that the same cannot be conveniently separated, for the purpose of being floated to the market, or place of manufacture, may drive all logs, masts and spars, with which his own are so intermixed, toward such market or place, when no special and different provision is made, by law, for driving such timber; and shall be entitled to a reasonable compensation, from the owner, to be recovered after demand, therefor, on the said owner or agent, if known, in an action on the case; and he shall have a prior lien on the same, until thirty days after the timber shall have arrived at its place of destination, in order to enable him to attach the said logs, masts and spars, in such action; and if the owner of such logs cannot be ascertained, the property may be libeled in the manner, provided in chapter, one hundred and thirty two, and so much of the same disposed of, as shall be necessary to defray the expenses thereof; the amount of which shall be determined by the court, before which the libel is heard.

When logs of different owners are intermixed, how they may be driven.
1831, 521, § 7.
9 Greenl. 21.

Lien for the expenses.

SECT. 10. All logs or other timber, carried by freshets, or otherwise lodged upon any lands, adjoining any of the waters within this state, shall be forfeited to the owner or occupier of such lands, after the same shall have so remained two years, if such lands shall, during that time, have been improved; otherwise after six years: provided, that the owner or occupier of such lands shall, within one year, after the same shall have been found so lodged, advertise, as near as practicable, the number of pieces of timber, the time when lodged, together with the marks thereon, and the

Forfeiture of timber, lodged upon banks.
1831, 521, § 2.

Previous notice required.

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place where found, three weeks, successively, in some public newspaper in the county, if any, otherwise in the paper published by the printer of the state.

Owner may remove the same at any time, on tender of the damages and expenses.
1831, 521, § 3.

SECT. 11. The owner of the said timber may enter on the said land, and remove the timber, at any time before the forfeiture, as provided in the preceding section; he previously having tendered to the owner or occupier of the land, a reasonable compensation for all damages, occasioned by the lodging, remaining or removal of said timber, and the expenses of advertising the same.

Right of action, when such timber has been removed.
1831, 521, § 3.

SECT. 12. If the timber shall have been removed by the owner, or otherwise, without such tender, the owner of the land shall be entitled to recover, in an action of trespass, all reasonable damages, occasioned by the lodging of such timber, its remaining on the land, or the removal of the same, and his expenses of advertising, if any.

Construction of this chapter, in reference to certain local laws.
1832, 3, § 7.

SECT. 13. The provisions, contained in this chapter, shall not be construed, as restraining, or varying, the operation of an act, passed on the eleventh day of February, in the year, eighteen hundred and thirty two, entitled, "an act, in addition to an act, to secure to the owners, their property in logs, masts, spars and other timber," nor of any other act now in force, having local application to any particular river, or other part, or district of this state.

CHAPTER 68.**OF THE CULTURE OF SILK.**

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| SECT. 1. Bounty on cocoons, raised in the state. | SECT. 3. Proof to be offered to town treasurer. |
| 2. Bounty on silk, reeled from such cocoons. | 4. State to refund to the town treasurer. |

Bounty on cocoons, raised in the state.
1836, 237, § 1.

SECTION 1. A bounty of five cents for every pound of cocoons, raised in this state, shall be paid from the treasury of the town, in which they were raised.

Bounty on silk, reeled from such cocoons.
1836, 237, § 1.

SECT. 2. A bounty of fifty cents, for every pound of silk, reeled from cocoons, raised in this state, shall be so paid to the person reeling the same.

Proof to be offered to town treasurer.
1836, 237, § 2.

SECT. 3. The treasurer of such town must be furnished with satisfactory proof, that such cocoons were raised, or reeled, in such town by the applicant; and the person, applying for either of such bounties, shall make oath, that no bounty had been received by any person for the cocoons or silk, so presented for a bounty.

State to refund to the town treasurer.
1836, 237, § 3.

SECT. 4. Every town treasurer shall keep an account of the money paid, by virtue of this act, and present the same, verified by his oath, to the legislature, next after the payment of any bounty, for allowance; and being found correct, the same shall be allowed and paid out of the state treasury.