

MAINE STATE LEGISLATURE

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THE
REVISED STATUTES

OF THE
STATE OF MAINE,

PASSED APRIL 17, 1857;

TO WHICH ARE PREFIXED

THE CONSTITUTIONS

OF THE
UNITED STATES AND OF THE STATE OF MAINE:

WITH AN

APPENDIX.

PUBLISHED BY AUTHORITY OF THE LEGISLATURE.

BANGOR:
WHEELER & LYNDE.

1857.

FISH IN MOOSEHEAD LAKE.

CHAP. 40.

SEC. 53. All persons are hereby prohibited from taking any fish from Moosehead lake, or from its coves, creeks, or inlets, with seines or nets, under a penalty not exceeding ten dollars for each offence, one half thereof to the prosecutor, and the other half to the state.

Nets and seines prohibited. Penalty, and how recovered. 1856, c. 201.

CHAPTER 41.

SURVEY AND SALE OF WOOD, BARK, COAL, HOOPS, STAVES AND LUMBER.

WOOD AND BARK.

- SEC. 1. Towns may regulate sale and measure of wood. Dimensions of a cord of wood.
2. Penalty for selling wood or bark before survey unless otherwise agreed.
3. How cord wood, brought by water, shall be piled and measured, and penalty for carrying it from wharf before measured.
4. Ticket stating quantity and name of driver, required before wood carried from wharf; penalty for carrying away without ticket, refusing to exhibit it, or to have the wood re-measured.
5. Penalty for fraudulent stowage of wood, bark or charcoal.

CHARCOAL.

6. How charcoal may be measured and sold.
7. Coal baskets to be sealed; dimensions thereof.
8. Penalty for measuring coal in baskets of less dimensions, or not sealed.
9. Seizure of unlawful baskets.
10. Penalty for measurer refusing to give certificate. Penalties, how recovered and appropriated.

BOARDS, PLANK AND OTHER LUMBER.

11. Towns to elect surveyors of boards, plank, timber, joist, shingles, clapboards, staves, hoops, and two or more cullers of staves and hoops. Municipal officers may appoint surveyors of logs. All to be sworn.
12. All boards, plank, timber and joist to be surveyed before delivery on sale. Mode of measuring and marking same, and allowances. What kind of pine boards are merchantable, and what may be shipped out of the United States.

SHINGLES AND CLAPBOARDS.

13. Dimensions and quality of shingles Nos. 1, 2, and 3.
14. How shingles shall be split or sawed and packed. Forfeiture of shingles if deficiency of five in any bundle of No. 1, or if offered for sale before they are surveyed and branded.
15. Dimensions and quality of clapboards.

STAVES AND HOOPS.

16. Dimensions and quality of staves, and how enumerated.
17. Dimensions and quality of hogshead hoops; how packed and enumerated; and forfeiture of deficient bundles.
18. The articles herein before named, not to be offered for sale, before they are surveyed and branded and certificate given, under a penalty of two dollars a thousand. Forfeiture for master of vessel unlawfully exporting same, for first and second offence, and appropriation thereof.

CHAP. 41.

- SEC. 19. Master or owner to produce surveyor's certificate before clearance, and affidavit thereto.
20. Penalty of surveyor or culler to neglect or refuse oath of office, and for neglecting or practising fraud in his official duties.
21. Penalty and forfeitures, how recovered.

Logs.

22. Duty of surveyors of logs.

WOOD AND BARK.

Dimensions of a cord of wood.
14 Maine, 404.
1841, c. 1, § 7.
1855, c. 149, § 2.

SEC. 1. Towns may, by an ordinance, regulate the measure and sale of wood, coal, and bark therein, and the location of teams hauling the same; and enforce it by reasonable penalties. All cord wood exposed to sale shall be four feet long including half the scarf; and well and closely laid together; a cord of wood or bark shall measure eight feet in length, four feet in width, and four feet in height, or otherwise contain one hundred and twenty-eight cubic feet; and the measurer shall make due allowance for refuse or defective wood, and bad stowage.

Penalty for selling wood or bark before survey.

R. S., c. 60, § 2.

SEC. 2. If any fire wood or bark, brought into any town by land, is sold and delivered, unless otherwise agreed to by the purchaser, before it is measured by a sworn measurer, and a ticket signed by him and given to the driver, stating the quantity the load contains, the name of the driver, and the town in which he resides, such wood or bark shall be forfeited, and may be libeled and disposed of according to law.

How cord wood, brought by water, shall be measured, &c.

R. S., c. 60, § 3, 4.

SEC. 3. All cord wood, brought by water into any town for sale, shall be corded on the wharf or land, on which it is landed, in ranges, making up in height what is wanting in length; then it shall be so measured and a ticket given to the purchaser, who shall pay the stated fees; and no such wood shall be carried away by any wharfinger or carter, before it has been so measured, under a penalty of one dollar for every load.

Ticket stating quantity and name of driver, required, &c.

R. S., c. 60, § 5.

SEC. 4. Every person, carrying any fire wood from a wharf or landing for sale, shall be furnished by the owner or seller of it with a ticket stating the quantity and name of the driver; and if such fire wood is carried away without such ticket, or any driver refuses to exhibit such ticket to any sworn measurer on demand, or does not consent to have the same measured, if in the opinion of the measurer the ticket certifies a greater quantity of wood than the load contains, such wood shall be forfeited, and may be seized, and libeled by said measurer according to law.

Penalty for fraudulent stowage.

R. S., c. 60, § 7.

SEC. 5. When any wood, bark, or charcoal, is sold by the cord, foot, or load, which is stowed in such a manner as to prevent the surveyors from examining the middle of the load, and it appears on delivery, that it was stowed with a fraudulent intent of obtaining payment for a greater quantity than there was in fact, the seller or owner thereof shall pay ten dollars for the use of the county, with costs of prosecution.

CHARCOAL.

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SEC. 6. Any charcoal, brought into a town for sale, may be measured and sold by the cord or foot, estimating the cord at ninety-six bushels, when the purchaser and seller may agree to the same; and the measurers before named shall be measurers of charcoal also.

How charcoal may be measured and sold.
R. S., c. 60, § 8.

SEC. 7. All baskets for measuring charcoal brought into a town for sale, shall be sealed by the scaler of the town where the person using them usually resides, and shall contain two bushels and be of the following dimensions, viz.: nineteen inches in breadth in every part thereof, and seventeen inches and a half deep, measuring from the top of the basket to the highest part of the bottom; and in measuring charcoal for sale the basket shall be well heaped.

Coal baskets to be sealed; dimensions.
R. S., c. 60, § 9.

SEC. 8. Whoever measures charcoal for sale, in any basket of less dimensions, or not sealed, shall forfeit, for each offence, five dollars.

Penalty.
R. S., c. 60, § 10.

SEC. 9. The municipal officers of towns may appoint some suitable person to seize and secure all the baskets used for measuring coal, not according to the provisions hereof.

Seizure of unlawful baskets.
R. S., c. 60, § 11.

SEC. 10. If any measurer of wood, bark, or charcoal, neglects or refuses to give to the owner or purchaser a certificate of the contents of any load, he shall forfeit five dollars for each offence; and all the penalties herein before provided, may be recovered by action of debt or complaint, one-half to the town where the offence is committed, and the other to the prosecutor.

Penalty for refusing to give certificate, &c.
R. S., c. 60, § 12, 13, 14.

BOARDS, PLANK AND OTHER LUMBER.

SEC. 11. Every town, at its annual meeting, shall elect one or more surveyors of boards, plank, timber, and joist; one or more surveyors of shingles, clapboards, staves and hoops; and every town containing a port of delivery, whence staves and hoops are usually exported, shall also elect two or more viewers and cullers of staves and hoops; and the municipal officers of any town may, if they deem it necessary, appoint not exceeding seven surveyors of logs, and all of said officers shall be duly sworn.

Towns to elect surveyors of lumber.

R. S., c. 66, § 1, 5, 18, 28.

SEC. 12. All boards, plank, timber, and joist, offered for sale, shall, before delivery, be surveyed by a sworn surveyor thereof, and if he have doubts of the dimensions, he shall measure the same, and mark the contents thereon, making reasonable allowance for rots, knots, and splits, drying and shrinking; pine boards three-fourths of an inch thick when fully seasoned, and in that proportion when partly seasoned, shall be considered merchantable; and no pine boards, except sheathing boards, shall be shipped for exportation beyond the United States, but such as are square edged, not less than seven-eighths of an inch thick, nor less than ten feet long, under penalty of being forfeited to the town whence shipped.

Lumber to be surveyed before delivery.

R. S., c. 66, § 2, 3, 4.

CHAP. 41.

SHINGLES AND CLAPBOARDS.

Dimensions
and quality of
shingles Nos.
1, 2 and 3.

R. S., c. 66,
§ 6, 7.

SEC. 13. All shingles, packed for exportation beyond the state, shall be sixteen inches long, free from shakes and worm holes, and at least three-eighths of an inch thick at the butt end when green, and if of pine, free from sap. They shall be four inches wide on an average, not less than three inches wide in any part, hold their width three-fourths of the way to the thin end, well shaved or sawed, and be denominated number one; but shingles intended for sale within this state, if of inferior quality or of less dimensions, may be surveyed and classed accordingly, under the denominations of number two, and number three.

How shingles
shall be split
or sawed and
packed, &c.

R. S., c. 66,
§ 8, 9, 10.

SEC. 14. All shingles shall be split or sawed crosswise the grain; each bundle shall contain two hundred and fifty shingles, and if in square bundles, twenty-five courses, and be twenty-two inches and a half at the lay; and when packed to be surveyed as number one, or for exportation, if in any bundle there are five shingles deficient in the proper dimensions, soundness or number, to make two hundred and fifty merchantable shingles; or if any shingles are offered for sale, before they are surveyed and measured by a sworn surveyor of some town in the county, where made, and the quality branded on the hoop or band of the bundle, unless the parties otherwise agree, they shall be forfeited to the town where the offence is committed.

Dimensions
and quality of
clapboards.

R. S., c. 66,
§ 11.

SEC. 15. All clapboards, exposed to sale or packed for exportation, shall be made of good sound timber, free from shakes and worm-holes, and if of pine, clear of sap; and they shall be at least five-eighths of an inch thick on the back or thickest part, five inches wide, and four feet six inches long, and straight and well shaved or sawed.

STAVES AND HOOPS.

Dimensions
and quality of
staves, and
how enumerated.

R. S., c. 66,
§ 12, 13.

SEC. 16. Staves packed for sale or exportation shall be well and proportionably split, and of the following dimensions, viz.:

White oak butt staves, at least five feet in length, five inches wide, and one inch and a quarter thick on the heart or thinnest edge, and every part thereof;

White oak pipe staves shall be at least four feet and eight inches in length, four inches broad in the narrowest part, and not less than three-quarters of an inch thick on the heart or thinnest edge;

White or red oak hogshead staves shall be at least forty-two inches long, and not less than half an inch thick on the least or thinnest edge;

White or red oak barrel staves for a market out of the United States, shall be thirty-two inches long; if for use within the United States, thirty inches long; and in either case, half an inch thick on the heart or thinnest edge;

All white or red oak hogshead or barrel staves shall be at least, one with another, four inches in breadth, and no one less than three inches in breadth in the narrowest part; and those of

the breadth last mentioned shall be clear of sap; and two staves shall be sold as one cast; fifty casts, one hundred staves; and ten hundred, one thousand. CHAP. 41.

SEC. 17. All hogshead hoops, exposed for sale, or packed for exportation, shall be from ten to thirteen feet in length, and of oak, ash or walnut, and of good and sufficient substance, well shaved; if of oak or ash, at least one inch broad, and, if of walnut, three-quarters of an inch at the least end; the different lengths shall be made up in bundles by themselves; each bundle shall contain twenty-five hoops, four bundles make one hundred, and ten hundred, one thousand; and every bundle, packed for sale or exportation, found to be deficient in number or dimensions, shall be forfeited to the use of the town where exhibited.

Dimensions and quality of hogshead hoops; how packed, &c. R. S., c. 66, § 14, 15, 16, 1844, c. 100.

SEC. 18. No person shall deliver on sale, or ship or attempt to ship for exportation, any boards, plank, timber, joists, shingles, clapboards, staves, or hoops, before they have been surveyed, measured, viewed or culled, as the case may be, and branded by the proper officer, and a certificate thereof given by him specifying the number, quality, and quantity thereof, under a penalty of two dollars a thousand, by quantity or tale, as such article is usually sold, one-half to the town where the offence is committed, and the other to the prosecutor; and in addition thereto, the master or owner of any vessel, exporting any of the articles aforesaid beyond the limits of the United States contrary to law, shall for the first offence forfeit two hundred dollars for the use of the town whence said articles are exported; and if after conviction he commits a second offence in the same vessel, he shall forfeit the same sum, and the vessel, if found in this state, shall also be forfeited to the same use.

The articles, hereinbefore named, not to be offered for sale, &c. R. S., c. 66, § 17, 19, 20, 22, 23.

SEC. 19. The master or owner of any vessel, having any of the lumber or other articles mentioned in the preceding section on board, for exportation as aforesaid, shall, before the vessel is cleared at the custom house, produce to the collector a certificate from the proper officer, that the same have been duly surveyed, measured, viewed, or culled, as the case may require; and such master or owner shall likewise make oath before the collector, or any justice of the peace, whose certificate shall be returned to the collector, that the articles so shipped for exportation are the same articles thus surveyed, measured, viewed or culled, that he has no others on board of the like description, and that he will not take any others.

Master or owner to produce surveyor's certificate before clearance, &c. R. S., c. 66, § 21.

SEC. 20. If any person, duly elected a surveyor, measurer, viewer, or culler of any of said articles under the provisions of this chapter, neglects or refuses to take the oath of his office and to serve therein, he shall forfeit three dollars to the use of the town, and another person shall be elected to his place, who shall take the oath and serve as aforesaid under the like penalty; and the like proceedings shall be had, until the office is filled; or if any such officer duly qualified unnecessarily refuses or neglects to attend to the duties of his office when requested, he shall forfeit three dollars; and if he connives at or willingly allows any breach of the provisions hereof, or practices any other fraud or

Penalty for surveyor or culler to neglect or refuse oath of office, &c. R. S., c. 66, § 24, 25, 26.

CHAP. 41. deceit in his official duties, he shall forfeit thirty dollars to the use aforesaid.

Penalties, how recovered.
R. S., c. 66,
§ 27.

SEC. 21. All the pecuniary penalties aforesaid may be recovered by action of debt, indictment, or complaint, and all other forfeitures, by a libel filed according to law by the treasurer of the town interested therein, or by any inhabitant thereof.

LOGS.

Duty of surveyors of logs.
R. S., c. 66,
§ 29.

SEC. 22. Surveyors of logs may inspect, survey, and measure all mill logs floated or brought to market or offered for sale in their respective towns, and divide them into several classes, corresponding to the different quality of boards and other sawed lumber, which may be manufactured from them; and they shall give certificates under their hands of the quantity and quality thereof to the person, at whose request they are surveyed.

CHAPTER 42.

TIMBER UPON RIVERS, STREAMS AND ADJACENT LANDS.

- SEC. 1.** Penalty for the unlawful conversion of logs, masts or spars, and for cutting out, altering or destroying marks, how recovered and appropriated.
2. Such unlawful conversion declared to be larceny and punished accordingly.
3. What shall be presumptive evidence of guilt. Double damages recoverable by the owner.
4. Right of owner to search any mill, boom or raft for lost logs. Penalty for obstructing.
5. Logs in any boom on Saco river to be released on request, if it can safely be done. Liability for all damages for a refusal or neglect to do so.
6. When logs of different owners are intermixed, how they may be driven. Lien thereon for expenses and how ascertained, and secured.
7. When timber, lodged on banks, shall be forfeited, provided the same shall be advertised.
8. Owner may remove the same by tendering damages and expenses, or if same be removed without such tender, land owner may have action therefor.
9. Penalty for unlawful conversion of sleepers, knees or other timber on ponds or streams. Double damages.

Penalty for the unlawful conversion of timber, how recovered, &c.
2 Greenl. 130.
3 Greenl. 202.
16 Maine, 67.
R. S., c. 67, § 1.

SEC. 1. If any person takes, carries away, or otherwise converts 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, or cuts out, alters or destroys any mark made thereon, without the consent of the owner, and with intent to claim the same, he shall forfeit for 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 is committed; one half to the use of the state, and the other half to the use of the complainant.