

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

FOURTH REVISION.

THE
REVISED STATUTES

OF THE

STATE OF MAINE,

PASSED AUGUST 29, 1883, AND TAKING EFFECT JANUARY 1, 1884.

BY THE AUTHORITY OF THE LEGISLATURE.



PORTLAND:
PUBLISHED BY LORING, SHORT & HARMON
AND
WILLIAM M. MARKS, PRINTER.
1884.

FARMINGTON STATE TEACHERS COLLEGE
LIBRARY

CHAP. 41.

Penalty, if surveyor or culler neglects or refuses oath of office, or for fraud in his office.
R.S., c. 41, § 23.
See c. 3, § 24.

SEC. 23. If any person, duly elected a surveyor, measurer, viewer, or culler of any of said articles under this chapter, neglects or refuses to take the oath of his office and to serve therein, he forfeits three dollars to 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 forfeits three dollars; and if he connives at or willingly allows any breach of the provisions hereof, or practices any other fraud or deceit in his official duties, he forfeits thirty dollars to the use aforesaid.

Penalties, how recovered.
R.S., c. 41, § 24.

SEC. 24. All pecuniary penalties aforesaid may be recovered by action of debt, indictment, or complaint, and all other forfeitures, by a libel filed by the treasurer or any inhabitant of the town interested.

LOGS.

Duty of surveyors of logs.
R.S., c. 41, § 25.
53 Me., 491.

SEC. 25. Surveyors of logs may inspect, survey, and measure all mill logs floated or brought to market or offered for sale in their 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 unlawful conversion of logs, masts or spars, and for cutting out, altering or destroying marks; how recovered and appropriated.
2. Such unlawful conversion declared larceny, and punished accordingly.
 3. What is presumptive evidence of guilt. Double damages for owner.
 4. Owner may search any mill, boom or raft for lost logs. Penalty for obstructing search.
 5. Logs in any boom on Saco river to be released on request, if it can be safely done. Liability for all damages for refusal or neglect.
 6. When logs of different owners are intermixed, how they may be driven. Lien thereon for expenses, how ascertained, and secured.
 7. When timber, lodged on banks, shall be forfeited, if advertised.
 8. Owner may remove it by tendering damages and expenses, or if 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 unlawful conversion of timber, how recovered.
R.S., c. 42, § 1.
2 Me., 131.
3 Me., 203.
16 Me., 68.
64 Me., 442.

SEC. 1. Whoever 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 is known or unknown, lying in any river, pond, bay, stream or inlet, or on, or near the bank or shore thereof, or cuts out, alters or destroys any mark made

thereon, without the consent of the owner, and with intent to claim the same, forfeits for every such log, mast, or spar, twenty dollars, to be recovered on complaint; half for the State, and half for the complainant.

SEC. 2. Whoever fraudulently and wilfully takes and converts to his own use, either by himself or by another in his employment, any such log, mast, or spar, lying as aforesaid, for the purpose of being driven to a market or place of manufacture, is guilty of larceny and shall be punished accordingly.

SEC. 3. In prosecutions under sections one and two, if such log, mast, or spar is found in the possession of the accused partly destroyed, partly sawed, or manufactured, or with the marks cut out or altered, not being his property, it is presumptive evidence of his guilt; and the burden of proof is then on him; and whoever is guilty of the offence described in either section is also liable to the owner, in an action of debt, for double the value of the log, mast or spar so dealt with.

SEC. 4. The owner of such logs, masts or spars, may at any time, by himself or his agent, enter in a peaceable manner upon any mill, mill-brow, boom, or raft of logs or other timber, in search of such lost property; and whoever wilfully prevents or obstructs such search forfeits for each offence not less than twenty, nor more than fifty dollars, to the person by whom or on whose account such entry was claimed, to be recovered in an action of debt.

SEC. 5. If any boom on the Saco river, or any of the waters connected therewith, is so placed, or constructed, as to prevent the free and usual passage of timber down the river, the owner or occupant thereof, at his own expense, shall release and turn out the timber so detained, when requested to do so by the owner thereof, if it can be done with safety; and if for two days after request he neglects or refuses to do so, he is liable to the owner of the timber, in an action on the case, for all damages by him sustained.

SEC. 6. Any person, whose timber in any waters of the state is so intermixed with the logs, masts or spars of another, that it cannot be conveniently separated for the purpose of being floated to the market or place of manufacture, may drive all timber with which his own is so intermixed, toward such market or place, when no special and different provision is made by law for driving it; and is entitled to a reasonable compensation from the owner, to be recovered after demand therefor on said owner or agent, if known, in an action on the case; he has a prior lien thereon until thirty days after it arrives at its place of destination, to enable him to attach it; and if the owner cannot be ascertained, the property may be libelled according to law, and enough of it disposed of to defray the expenses thereof; the amount to be determined by the court hearing the libel.

SEC. 7. Logs or other timber carried by freshets, or otherwise lodged, upon lands adjoining any waters, are forfeited to the owner or occupant thereof, after they have so remained for two years, if such lands, during that time were improved; otherwise after six years; *provided*, that such owner or occupant, within one year after the same were found so lodged,

CHAP. 42.

Such unlawful conversion declared larceny.
R.S., c. 42, § 2.
64 Me., 443.

What is presumptive evidence of guilt.
R.S., c. 42, § 3.
64 Me., 442.

—double damages recoverable by owner.

Right of owner to search mill, boom or raft, for lost logs.
R.S., c. 42, § 4.

—penalty for obstructing.

Logs or timber in any boom on Saco river or tributaries, to be released on request, if safe to do so.
R.S., c. 42, § 5.
—liability for all damages for neglect.

When logs or timber of different owners are intermixed, how driven, and lien for expenses.
R.S., c. 42, § 6.
46 Me., 365.
71 Me., 39.

When logs or timber, lodged on banks, shall be forfeited, if advertised.
R.S., c. 42, § 7.

CHAP. 42. advertises, as nearly as practicable, the number of pieces of timber, the time when lodged, together with the marks thereon, and the place where found, three weeks successively in some newspaper in the county, if any, otherwise in the state paper.

Owner may remove timber, on tender of damages; otherwise, damages for owner.
R.S., c. 42, § 8.
31 Me., 24.
57 Me., 276.
62 Me., 44.

SEC. 8. The owner of said timber may enter on said land and remove it at any time before forfeiture, having previously tendered to the owner or occupant thereof, a reasonable compensation for all damages occasioned by the lodging, remaining, or removal of said timber, and the expense of advertising it; but if the timber is removed by the owner, or otherwise, without such tender, the owner of the land may recover, in an action of trespass, the damages aforesaid.

Penalty for unlawful conversion of railroad sleepers, ship knees or other lumber on ponds or streams.
R.S., c. 42, § 9.
57 Me., 9.

SEC. 9. Whoever wilfully and fraudulently takes, carries away, or otherwise converts to his own use, any railroad sleeper, knee or other ship timber, or cedar for shingles or other purposes, the property of another, whether known or not, without his consent, lying in any river, stream, pond, bay or inlet, or on or near the shore thereof; or cuts out, alters, or destroys any mark thereon, forfeits ten dollars for each offence, to be recovered and appropriated as in section one; and is liable to the owner in double the amount thereof in an action of debt; and such owner has all the rights and is subject to all the liabilities provided for the owner of logs, masts and spars, in the six preceding sections.

—double damages.

CHAPTER 43.

STANDARD WEIGHTS AND MEASURES, AND MERIDIAN LINES.

STANDARD WEIGHTS AND MEASURES.

- SEC. 1.** U. S. Standard of weights and measures. State sealer to regulate smaller denominations thereby, and to keep standard balances at the state house for regulating weights and measures.
2. Beams, weights and measures to be kept by the treasurer of state.
3. Also by county treasurers. Same to be sealed once in ten years by state standards; penalty for neglect, and how recovered.
4. Town seal and standard of beams, weights and measures to be kept by treasurers and sealed once in ten years; penalty for neglect.
5. Appointment of sealers by town officers, penalty for neglect. Cities may procure scales and appoint weighers.
6. Penalty for sealer or weigher not accepting office. Sealer is custodian of standards and seals, and accountable for their preservation and re-delivery.
7. Duty of town sealer, penalty for neglect, and how appropriated.
8. Dearborn or Hills' steelyard, or the Fairbanks' scale may be used.
9. All measures, for articles sold by heaped measure, to conform to public standard. Penalty for selling by beams, weights or measures not sealed, and how appropriated.
10. Twenty-five pounds to be a quarter; four quarters, one hundred; twenty hundreds, one ton; and articles, sold by tale, to be by decimal hundreds.
11. Fees of sealers of weights and measures, and by whom paid.

MERIDIAN LINES.

- SEC. 12.** County commissioners to establish meridian lines, and provide a record book, accessible to all.