

# MAINE STATE LEGISLATURE

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## CHAPTER 46.

### Survey and Sale of Wood, Bark, Coal, Hoops, Staves and Lumber.

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#### Wood and Bark.

**Sec. 1. Dimensions of a cord of wood.** R. S. c. 42, § 1. Towns may, by ordinance, regulate the measure and sale of wood, coal and bark therein, and the location of teams hauling the same; and may enforce it by reasonable penalties. All cord-wood exposed for 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.

See c. 4, § 98, ¶ v; 14 Me. 406; 82 Me. 318.

**Sec. 2. Penalty for selling wood or bark before survey.** R. S. c. 42, § 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 that the load contains, the name of the driver, and the town in which he resides, such wood or bark is forfeited, and may be libeled and disposed of according to law.

72 Me. 119; 82 Me. 574.

**Sec. 3. Measure of cord-wood brought by water.** R. S. c. 42, § 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.

**Sec. 4. Ticket required, and penalty for not showing it.** R. S. c. 42, § 4. Persons, carrying fire-wood from a wharf or landing for sale, shall be furnished by the owner or seller with a ticket stating the quantity, and the 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, when 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.

**Sec. 5. Penalty for fraudulent stowage.** R. S. c. 42, § 5. When any wood, bark or charcoal, sold by the cord, foot or load, is so stowed 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 forfeits ten dollars to the county.

#### Charcoal.

**Sec. 6. Measure and sale of charcoal.** R. S. c. 42, § 6. 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 agree to the same; and the measurers before named shall be measurers of charcoal also.

**Sec. 7. Coal baskets to be sealed; dimensions; penalty for using smaller baskets.** R. S. c. 42, §§ 7, 8. All baskets for measuring charcoal brought into a town for sale, shall be sealed by the sealer 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, 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. Whoever measures charcoal for sale, in any basket of less dimensions, or not sealed, forfeits, for each offense, five dollars.

**Sec. 8. Seizure of unlawful baskets.** R. S. c. 42, § 9. The municipal officers of towns may appoint some suitable person to seize and secure all baskets used for measuring coal, not according to the provisions hereof.

**Sec. 9. Penalty for refusing to give certificate.** R. S. c. 42, § 10. Any measurer of wood, bark or charcoal, who neglects or refuses to give to the owner or purchaser a certificate of the contents of a load, forfeits five dollars for each offense; and all the penalties hereinbefore provided, may be recovered by action of debt or complaint, half to the town where the offense is committed, and half to the prosecutor.

#### Coal.

**Sec. 10. Weight of ton.** R. S. c. 42, § 11. Anthracite, bituminous and other mineral coal shall be sold by weight; and two thousand pounds thereof are a ton.

**Sec. 11. Weighers of coal.** R. S. c. 42, § 12. The municipal officers of towns shall annually appoint weighers of such coal, who shall receive such fees as said officers may establish, to be paid by the buyer.

See Const. of Me. Art. ix, § 1.

**Sec. 12. Coal sold by weight, certificate required.** R. S. c. 42, § 13. Unless coal is sold by the cargo, the seller shall, on request of the purchaser, cause it to be weighed by a sworn weigher, who shall make a certificate of the weight; and he shall deliver such certificate to the buyer, before commencing a suit against him for the price of such coal.

65 Me. 138, 139; 68 Me. 268.

#### Boards, Plank and Other Lumber.

**Sec. 13. Towns to elect surveyors of lumber.** R. S. c. 42, § 14. Every town, at its annual meeting, shall elect one or more surveyors of boards,

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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 a town may, if they deem it necessary, appoint not exceeding seven surveyors of logs.

See c. 4, §§ 12, 14; see Const. of Me. Art. ix, § 1.

**Sec. 14. Lumber to be surveyed before delivery.** R. S. c. 42, § 15. All boards, plank, timber and joist, offered for sale, shall, before delivery, be surveyed by a sworn surveyor thereof, and if he has 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, and not less than seven-eighths of an inch thick, nor less than ten feet long, under penalty of forfeiture to the town whence shipped.

77 Me. 590; 82 Me. 318; 90 Me. 295.

**Sec. 15. Dimensions and quality of shingles.** R. S. c. 42, § 16. 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 the state, if of inferior quality or of less dimensions, may be surveyed and classed accordingly, under the denominations of "number two," and "number three."

**Sec. 16. Manner of sawing and packing shingles; forfeiture.** R. S. c. 42, § 17. 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 they were made, and the quality branded on the hoop or band of the bundle, unless the parties otherwise agree, they are forfeited to the town where the offense is committed.

77 Me. 592.

**Sec. 17. Dimensions and quality of clapboards.** R. S. c. 42, § 18. All clapboards, exposed for 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.

**Sec. 18. Dimensions and quality of staves, and how enumerated. R. S. c. 42, § 19.** 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, 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, 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, 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, at least, one with another, four inches in breadth, and no-one less than three inches in breadth in the narrowest part; 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 staves, one thousand.

**Sec. 19. Dimensions and quality of hogshead hoops; how packed, and forfeiture for deficiency. R. S. c. 42, § 20.** 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 smaller end; the different lengths shall be made up in bundles by themselves; each bundle shall contain twenty-five hoops, four bundles shall make one hundred, and ten hundred hoops, one thousand; and every bundle, packed for sale or exportation, found to be deficient in number or dimensions, is forfeited to the town where it is exhibited.

85 Me. 284.

**Sec. 20. Manufactured lumber, not to be offered for sale until surveyed and branded; penalty; shipmaster also liable. R. S. c. 42, § 21.** 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, half to the town where the offense is committed, and half 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 offense, forfeit two hundred dollars to the town whence said articles are exported; and if after conviction he commits a second offense in the same vessel, he forfeits the same sum, and the vessel is also forfeited to the town.

68 Me. 144; 77 Me. 591; 83 Me. 324; 85 Me. 284.

**Sec. 21. Failure to survey lumber and give certificate shall not defeat action for price. R. S. c. 42, § 22.** In any action hereafter brought for the

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price of boards, plank, timber, joists, shingles, clapboards, staves or hoops, unless sold by the cargo, any failure to survey, measure, view or cull and brand the same and to give certificate thereof as required by section twenty, shall not defeat recovery in such action, unless it appears that before delivery the purchaser requested such survey, measurement, view or culling, and branding and certificate.

90 Me. 295.

**Sec. 22. Master or owner to produce surveyor's certificate before clearance, with affidavit thereto.** R. S. c. 42, § 23. The master or owner of any vessel, having any of the lumber or other articles mentioned in section twenty 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 a 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.

**Sec. 23. Penalty, if surveyor or culler neglects duties or practices fraud in his office.** R. S. c. 42, § 24. If any person, duly elected a surveyor, measurer, viewer or culler of any of said articles under this chapter, and 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.

**Sec. 24. Recovery of penalties.** R. S. c. 42, § 25. 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.

**Sec. 25. Duty of surveyors of logs.** R. S. c. 42, § 26. 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.

8 Me. 32; 25 Me. 401; 53 Me. 491; 62 Me. 168; 92 Me. 196.

**Sec. 26. Method of scaling logs.** 1909, c. 191. Unless the parties otherwise agree, in the scaling or measurement of unmanufactured logs and timber the cubic foot shall be the unit of measure, to be determined by mathematical calculation or by such cubic rule as the parties may agree upon.

**Sec. 27. Round timber shall be scaled.** 1915, c. 278. Any person measuring round timber, the quantity of which is estimated by the thousand, shall scale the same and mark upon each log surveyed by him the contents thereof, unless otherwise agreed by the parties contracting.