

# MAINE STATE LEGISLATURE

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# DOCUMENTS

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# THE LEGISLATURE

OF THE

STATE OF MAINE,

DURING ITS SESSION

A. D. 1849.



Augusta:

WM. T. JOHNSON;.....PRINTER TO THE STATE.

1850.

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# TWENTY-NINTH LEGISLATURE.

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No. 19.]

[HOUSE.

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## STATE OF MAINE.

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IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED AND  
FORTY-NINE.

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AN ACT in relation to lumber floating in Penobscot  
river.

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*Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows :*

SECTION 1. Whenever any person shall take up any  
2 logs, masts, spars or other timber floating in Penob-  
3 scot river, south of the north line of the town of  
4 Orrington, or which shall have floated down said  
5 river below said line, he shall secure the same safely,  
6 and shall be entitled to receive of the owner or  
7 owners, the sum of fifteen cents for every such log

8 or stick of timber, not exceeding twenty-seven feet  
9 in length, and the sum of twenty-five cents for every  
10 such log or stick of timber exceeding twenty-seven  
11 feet in length, *provided* the same shall have been so  
12 taken up and secured on or before the twentieth day  
13 of October in any year, and the sum of twenty-five  
14 cents for every such log or other stick of timber not  
15 exceeding twenty-seven feet in length, and the sum  
16 of forty cents for every such log or other stick of  
17 timber exceeding twenty-seven feet in length, *pro-*  
18 *vided* the same shall have been so taken up and se-  
19 cured after said twentieth day of October in any year.

SEC. 2. The owner or owners shall not take or  
2 cause to be taken away any such logs or other timber  
3 until he shall have paid to the person taking up and  
4 securing them, the several sums aforesaid, on the  
5 penalty of forfeiting to such person double the value  
6 of the same, *provided however* that if in any action to  
7 recover said penalty the owner of such timber shall  
8 prove that the same was set afloat by his permission  
9 in order that it might float down said river, below the  
10 place where it shall have been taken up and secured,  
11 he shall not be liable to said penalty, unless the period  
12 of five days shall have elapsed since said timber was

13 set afloat as aforesaid, and before the same was taken  
14 up; *provided further*, that whoever, without the con-  
15 sent of the owner, shall stop, take up or interrupt any  
16 such lumber, knowing that the same was set afloat by  
17 permission of the owner as aforesaid, shall forfeit to  
18 the owner double the value thereof, unless the period  
19 of five days has elapsed since said timber was so set  
20 afloat, and before the same was taken up, in which  
21 case the person taking up and securing the same shall  
22 be entitled to the compensation provided in the first  
23 section.

SEC. 3. Every person who shall so take up and  
2 secure any logs or other timber after the twentieth  
3 day of October in any year, or who shall have in his  
4 possession any such logs or other timber previously  
5 taken up, shall within ten days from said twentieth  
6 day of October make a certificate under his hand  
7 specifying the kind, length and marks of said logs or  
8 other timber, and the name of the person or persons  
9 taking up the same, and the place where they lie, and  
10 shall leave the same with the clerk of the town in  
11 which they were taken up, and shall cause a notifica-  
12 tion thereof to be posted up in some public place in  
13 the same town, and shall let such logs or other timber

14 lie without disposing of the same, or in any way de-  
15 facing the marks thereon, for the term of six months  
16 after depositing such certificate, on penalty of for-  
17 feiting to the owner double the value thereof.

SEC. 4. If the owner or owners of said logs or other  
2 timber, shall not appear and claim the same within  
3 six months after the certificate aforesaid shall have  
4 been deposited, the person taking up and securing  
5 the same may dispose of them for his own use with-  
6 out being accountable to the owners.

SEC. 5. It shall and may be lawful for any person  
2 to take and secure any logs, masts, spars or other  
3 lumber floating adrift in said Penobscot bay, or river,  
4 south of Cushing's Steam-mill, in Frankfort, and shall  
5 keep the same in his possession, and any person who  
6 shall pick up and secure any logs, masts, spars or  
7 other lumber as aforesaid, shall be entitled to receive  
8 and recover from the owner or owners fifty cents for  
9 every such log, mast, spar or other stick of timber so  
10 taken up and secured.

SEC. 6. Any owner or agent of an owner, or other  
2 person who shall enter upon and take from the pos-  
3 session of any person who may have taken up and  
4 secured logs, masts, spars or other lumber, as afore-

5 said, without first tendering the compensation allowed  
6 in the fifth section of this act, he shall be deemed a  
7 trespasser and shall forfeit and pay double the whole  
8 value of any logs, masts, spars or other lumber so  
9 taken.

SEC. 7. The penalties prescribed in this act, may  
2 be sued for and recovered by the person where the  
3 same shall have been forfeited, by an action of tres-  
4 pass in any court of competent jurisdiction.

# STATE OF MAINE.

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HOUSE OF REPRESENTATIVES, July 14, 1849.

ORDERED, That 350 copies of the foregoing Bill, (reported by the committee on interior waters,) be printed for the use of the Legislature.

E. W. FLAGG, *Clerk.*