

MAINE STATE LEGISLATURE

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Seventy-first Legislature.

SENATE.

No. 100

STATE OF MAINE.

IN THE YEAR OF OUR LORD ONE THOUSAND NINE
HUNDRED AND THREE.

AN ACT relating to lost goods and stray beasts.

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

Section 1. Section ten of chapter ninety-eight of the
2 Revised Statutes is hereby amended to read as follows:
3 'Sect. 10. Whoever finds lost money or goods of the value
4 of three dollars or more, shall, if the owner is unknown,
5 within seven days give notice thereof in writing to the clerk
6 of the town where they are found and post a notification
7 thereof in some public place in said town. If the value is ten
8 dollars or more, the finder in addition to the notice to the
9 town clerk and the notification to be posted as aforesaid, shall
10 within one month after finding, publish a notice thereof in
11 some newspaper published in the town, if any, otherwise in
12 some newspaper published in the county.'

Sect. 2. Whoever takes up a stray beast shall, within seven
2 days give notice thereof in writing, containing a description
3 of its color, and its natural and artificial marks, to the clerk
4 of the town where such beast is taken, and shall cause a
5 notice thereof, containing a like description of the beast to be
6 posted and, if such beast is of the value of ten dollars or more,
7 published, in the manner provided in the preceding section;
8 otherwise he shall not be entitled to compensation for any
9 expenses which he may incur relative thereto.'

Sect. 3. Section eleven of the same chapter is hereby
2 amended to read as follows: 'Sect. 11. Every finder if lost
3 goods or stray beasts of the value of ten dollars or more,
4 shall, within two months after finding, and before using them
5 to their disadvantage, procure a warrant from the town clerk
6 or a justice of the peace, directed to two persons, appointed
7 by said clerk or justice, not interested except as inhabitants
8 of the town, returnable at said clerk's office, within seven
9 days from its date, to appraise said goods under oath.'

Sect. 4. Section twelve of the same chapter is hereby
2 amended to read as follows: 'Sect. 12. If the owner of such
3 lost money or goods appears within six months, and if the
4 owner of such stray beasts appears within two months after
5 said notice to the town clerk, and gives reasonable evidence
6 of his ownership to the finder, he shall have restitution of
7 them or the value of the money or goods, paying all necessary
8 charges and reasonable compensation to the finder for keep-
9 ing, to be adjudged by a justice of the peace of the county,
10 if the owner and the finder cannot agree.'

Sect. 5. Section thirteen of the same chapter is hereby
2 amended to read as follows: 'Sect. 13. If no owner appears
3 within six months such money or lost goods shall belong to
4 the finder, by paying one-half their value to the treasurer of
5 said town, after deducting all necessary charges; but if he

6 neglects to pay it on demand, it may be recovered in an action
7 brought by said treasurer in the name of the town.'

Sect. 6. If the owner does not appear and prove his title
2 within said two months, the finder may sell them at public
3 auction, first giving notice of such sale at least four days
4 before the time of sale, in two public places in the town in
5 which the beasts were taken up; and the proceeds of the sale,
6 after deducting all lawful charges, shall be deposited in the
7 town treasury.

Sect. 7. If such owner appears within six months after
2 such notice is filed with the town clerk, and proves his title
3 to the beasts, he shall, if they have not been sold, have resti-
4 tution of the same, after paying the charges arising thereon
5 as provided in section four; and if the beasts have been sold,
6 he shall be entitled to receive the money so deposited in the
7 treasury from the proceeds of the sale. If no owner appears
8 within six months, the beasts or the value or price thereof,
9 after deducting said charges, shall as prescribed in section
10 five be equally divided between the finder and the town.

Sect. 8. Section fourteen of the same chapter is hereby
2 amended to read as follows: 'Sect. 14. If the finder of lost
3 money or goods, of the value of three dollars or more or if
4 the person taking up such stray beast, neglects to give notice
5 to the town clerk and to cause them to be advertised as herein
6 provided, he forfeits to the owner the full value thereof,
7 unless he delivers or accounts therefor to the owner, in which
8 case he shall forfeit not more than twenty dollars, half to the
9 town and half to the prosecutor.'

Sect. 9. Whoever takes away a beast taken up as a stray,
2 without paying all lawful charges incurred in relation to the
3 same, shall forfeit to the finder the value thereof.

Sect. 10. Any person injured in his land by sheep, swine,
2 horses, asses, mules, goats, or neat cattle, in a common or

3 general field, or in a close by itself, may recover his damages
4 by taking up any of the beasts doing it, and giving the notice
5 provided in section two, or in an action of trespass against
6 the person owning or having possession of the beasts at the
7 time of the damage, and there shall be a lien on said beasts,
8 and they may be attached in such action and held to respond
9 to the judgment as in other cases, whether owned by the
10 defendant or only in his possession. But if the beasts were
11 lawfully on the adjoining lands, and escaped therefrom in
12 consequence of the neglect of the person suffering the dam-
13 age to maintain his part of the partition fence, their owner
14 shall not be liable therefor.

STATE OF MAINE.

IN SENATE, February 19, 1903.

Reported by Mr. GOODWIN from Committee on Revision of Statutes,
and laid on table to be printed under joint rules,

KENDALL M. DUNBAR, *Secretary*.